

NEW SOUTH WALES.

VOTES

AND

PROCEEDINGS

OF

THE LEGISLATIVE ASSEMBLY

DURING THE SESSION

OF

1876-7,

WITH THE VARIOUS DOCUMENTS CONNECTED THEREWITH.

IN FIVE VOLUMES.
VOL. III.

SYDNEY :

CHARLES POTTER, ACTING GOVERNMENT PRINTER, PHILLIP-STREET.

1877.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

VOTES AND PROCEEDINGS.
SESSION 1876-7.
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LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

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1876-7.

NEW SOUTH WALES.

POLICE DEPARTMENT.

(REPORT ON, FOR 1876.)

Presented to Parliament by Command.

The Inspector General of Police to The Principal Under Secretary.

Sir,

Police Department, Inspector General's Office, Sydney, 19 January, 1877.

In obedience to the instructions contained in your circular letter of the 9th July, 1873 (No. 71), I do myself the honor to submit for the information of the Honorable the Colonial Secretary my Report of the working of this Department during the year 1876.

Appended hereto will be found the statement usually laid before Parliament, showing the distribution of the Force on the 31st ultimo.

During the year, 136 vacancies have taken place in the Department, which have been occasioned as follows:—

Resignations.....	63
Superannuations.....	24
Discharges.....	20
Dismissals.....	26
Deaths.....	3
	136

Three Police pensioners have also died during the year.

Notwithstanding the increase of the Police pay by 6d. per diem in 1875, I have still experienced considerable difficulty in securing the services of eligible men for the Foot Police Service. It will be observed that there were fifteen vacancies at the end of the year, chiefly in the Metropolitan District.

In consequence of the vacancies throughout the year, there is an unexpended balance of £4,000 nearly, on the vote for Police salaries and wages for 1876.

The total number of Police Stations is now 297, the following having been established during the past year:—

DISTRICT.	STATION.
Northern.....	Woodburn.
Eastern.....	Hunter's Hill.
Southern.....	Delegate.
".....	Buckley's Crossing.
".....	Bateman's Bay.
Western.....	Wallerawang.
".....	Quambone.
".....	Cobar.
North-eastern.....	New Lambton.
".....	Nambucca.
".....	Forster (Cape Hawke).
".....	Stockton.
North-western.....	Meroe.
".....	Tambar Springs.
".....	Mogil Mogil.
South-western.....	Mossgeil.
".....	Maude.
".....	Salt Creek, Lake Victoria.
".....	Euabalong.
Murray.....	Yarrara.
".....	Clarendon.
Metropolitan.....	Kogarah.
".....	Macdonald Town.

Other new Stations have been authorized, and will be formed as early as practicable.

The

The unusually high price of forage during the past year, and the scarcity of feed, has necessitated a heavy expenditure for the maintenance of the horses in working condition.

Serious crimes such as armed robberies have continued on the decrease, but cases of incendiarism have been numerous, and horse, cattle, and sheep stealing have certainly not diminished, the latter no doubt attributable to some extent to the increased number of fenced paddocks.

The necessity for amendment and consolidation of the Police Statutes is becoming a matter of some importance for ensuring the good management of the metropolis and other large towns. The preliminary steps were taken by me some time since, under the direction of the then Attorney General, Mr. Butler, and I trust that the Hon. the Colonial Secretary may be in a position shortly to give the subject his consideration.

There does not appear to me to be any other subject calling for special notice in reference to the Department, and which should be mentioned in a general Report.

I have, &c.,

EDMUND FOSBERY,

Inspector General of Police.

RETURN showing the Distribution of the Police Force on the 31st December, 1876.

District.	Station.	MOUNTED.						FOOT.				
		Super-intendents.	Inspec-tors.	Sub-Inspec-tors.	Senior Ser-geants.	Ser-geants.	Senior Con-stables.	Con-stables.	Senior Ser-geants.	Ser-geants.	Senior Con-stables.	Con-stables.
Metropolitan...	No. 1 Head Station	1	..	1	..	..	..	..	1	5	5	43
	Pymont .....	..	..	..	..	..	..	..	..	..	..	2
	Glebe Island .....	..	..	..	..	..	..	..	..	..	..	1
	General Post Office	..	..	..	..	..	..	..	..	..	..	3
	Mint .....	..	..	..	..	..	..	..	1	..	..	2
	No. 2 Head Station	..	..	1	..	..	..	..	2	5	2	35
	Newtown .....	..	..	..	..	..	..	..	..	..	1	4
	Redfern .....	..	..	..	..	..	..	..	..	..	1	1
	Waterloo .....	..	..	..	..	..	..	..	..	..	..	1
	Cook's River .....	..	..	..	..	..	..	..	..	..	1	..
	Concord .....	..	..	..	..	..	..	..	..	..	1	..
	Petersham .....	..	..	..	..	..	..	..	..	..	1	..
	Camperdown .....	..	..	..	..	..	..	..	..	..	..	1
	Ashfield .....	..	..	..	..	..	..	..	..	..	..	2
	Bark Huts .....	..	..	..	..	..	..	..	..	..	..	1
	Glebe .....	..	..	..	..	..	..	..	..	..	..	1
	Canterbury .....	..	..	..	..	..	..	..	..	..	1	4
	Marrickville .....	..	..	..	..	..	..	..	..	..	..	1
	Burwood .....	..	..	..	..	..	..	..	..	..	..	1
	Macdonald Town .....	..	..	..	..	..	..	..	..	..	..	1
	Kogarah .....	..	..	..	..	..	..	..	..	..	..	1
	Five Dock .....	..	..	..	..	..	..	..	..	..	..	1
	No. 3 Head Station	..	..	1	..	..	..	..	1	2	6	30
	Watson's Bay .....	..	..	..	..	..	..	..	..	..	..	1
	Waverley .....	..	..	..	..	..	..	..	..	..	..	1
	Paddington .....	..	..	..	..	..	..	..	..	..	1	2
	Botany Bay .....	..	..	..	..	..	..	..	..	..	..	1
	Coogee .....	..	..	..	..	..	..	..	..	..	..	1
	Rushcutter's Bay .....	..	..	..	..	..	..	..	..	..	..	1
	Double Bay .....	..	..	..	..	..	..	..	..	..	..	1
	Woollahra .....	..	..	..	..	..	..	..	..	..	1	2
No. 4 Head Station..	..	..	1	..	..	..	..	..	2	5	18	
Balmain .....	..	..	..	..	..	..	..	..	1	..	3	
North Shore .....	..	..	..	..	..	..	..	..	..	1	2	
Lane Cove .....	..	..	..	..	..	..	..	..	..	1	1	
Manly Beach .....	..	..	..	..	..	..	..	..	..	1	..	
Water Police .....	..	..	1	..	..	..	..	..	..	3	11	
Northern	Armidale	1	..	..	..	..	..	4	1	..	1	3
	Bendemeer .....	..	..	..	..	..	..	2	..	..	..	..
	Uralla .....	..	..	..	..	..	..	2	..	..	..	..
	Walcha .....	..	..	..	..	..	1	2	..	..	..	..
	Tenterfield .....	..	..	..	..	1	..	1	..	..	..	2
	Wilson's Downfall ..	..	..	..	..	..	1	1	..	..	..	..
	Inverell .....	..	..	1	..	..	1	1	..	..	..	1
	Tingha .....	..	..	..	..	..	..	2	..	..	..	..
	Ashford .....	..	..	..	..	..	..	1	..	..	..	..
	Bundarra .....	..	..	..	..	..	1	1	..	..	..	..
	Glen Innes .....	..	..	..	1	..	..	2	..	..	..	2
	Vegetable Creek .....	..	..	..	..	..	1	1	..	..	..	..
	Grafton .....	..	..	1	..	..	1	1	..	1	..	4
	South Grafton .....	..	..	..	..	..	..	1	..	..	..	..
	Maclean .....	..	..	..	..	..	..	..	..	..	..	1
	Solferino .....	..	..	..	..	..	..	1	..	..	..	..
	Lawrence .....	..	..	..	..	..	..	1	..	..	..	..
	Dalmorton .....	..	..	..	..	..	..	1	..	..	..	..
	Casino .....	..	..	..	..	..	..	1	..	..	..	..
	Ballina .....	..	..	..	..	..	1	1	..	..	..	..
	Lismore .....	..	..	..	..	..	..	..	..	1	..	..
	Tweed .....	..	..	..	..	..	..	1	..	..	..	..
	Drake .....	..	..	..	..	..	..	1	..	..	..	..
Ullmarra .....	..	..	..	..	..	..	1	..	..	..	..
Wardell .....	..	..	..	..	..	..	1	..	..	..	..
Chatsworth .....	..	..	..	..	..	..	1	..	..	..	1	
Woodburn .....	..	..	..	..	..	..	1	..	..	..	..

DISTRICT.	STATION.	MOUNTED.						FOOT.				
		Super-Intendants.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Southern	Goulburn	1	..	..	..	1	..	5	2	..	1	5
	Marulan	..	..	..	..	..	..	1	..	..	..	..
	Bungonia	..	..	..	..	..	1	..	..	..	..	..
	Tarago	..	..	..	..	..	1	..	..	..	..	..
	Collector	..	..	..	..	..	1	1	..	..	..	..
	Crookwell	..	..	..	..	..	1	1	..	..	..	..
	Taralga	..	..	..	..	..	1	1	..	..	..	..
	Binda	..	..	..	..	..	1	..	..	..	..	..
	Tuena	..	..	..	..	1	..	1	..	..	..	..
	Yass	..	..	1	..	..	..	2	..	..	1	1
	Gunning	..	..	..	..	..	1	1	..	..	..	..
	Binalong	..	..	..	..	..	1	1	..	..	..	..
	Burrowa	..	..	..	1	..	..	1	..	..	..	1
	Dryburgh	..	..	..	..	..	1	..	..	..	..	..
	Gundaroo	..	..	..	..	..	1	..	..	..	..	..
	Young	..	..	1	..	..	1	2	..	..	..	4
	Marengo	..	..	..	..	..	1	..	..	..	..	1
	Wombat	..	..	..	..	..	1	..	..	..	..	..
	Cootamundry	..	..	..	..	..	1	1	..	..	..	..
	Murrumburrah	..	..	..	..	..	1	1	..	..	..	..
	Morangarall	..	..	..	..	..	1	1	..	..	..	..
	Braidwood	..	1	..	..	..	2	2	..	..	..	1
	Mongarlow	..	..	..	..	..	1	..	..	..	..	..
	Campbell's Springs	..	..	..	..	..	1	1	..	..	..	..
	Major's Creek	..	..	..	..	..	1	1	..	..	..	..
	Nelligen	..	..	..	..	..	..	1	..	..	..	..
	Bateman's Bay	..	..	..	..	..	..	..	..	..	..	1
	Araluen	..	..	..	..	..	1	1	..	..	..	1
	Queanbeyan	..	..	..	1	..	..	1	..	..	..	2
	Bungendore	..	..	..	..	..	1	1	..	..	..	..
	Moruya	..	..	..	..	1	..	1	..	..	..	1
	Nerrigundah	..	..	..	..	..	1	1	..	..	..	..
	Cooma	..	1	..	..	1	..	2	..	..	..	2
Nimtybelle	..	..	..	..	..	1	..	..	..	..	1	
Bombala	..	..	..	1	..	..	1	..	..	..	1	
Delegate	..	..	..	..	..	1	1	..	..	..	..
Bega	..	..	..	..	..	1	1	..	..	..	1	
Michelago	..	..	..	..	..	1	1	..	..	..	..
Eden	..	..	..	..	..	..	1	..	..	..	1	
Merimbula	..	..	..	..	..	..	..	..	..	..	1	
Pambula	..	..	..	..	..	1	1	..	..	..	..
Seymour	..	..	..	..	..	1	..	..	..	..	..
Kiandra	..	..	..	..	..	1	1	..	..	..	..
Buckley's Crossing	..	..	..	..	..	1	..	..	..	..	..
Eastern	Depôt	..	1	..	..	..	..	..	1	..	..	..
	Parramatta	..	..	..	..	..	1	1	1	..	..	6
	Smithfield	..	..	..	..	..	..	1	..	..	..	..
	Ryde	..	..	..	..	..	1	..	..	..	..	..
	Hunter's Hill	..	..	..	..	..	..	..	..	..	..	1
	Windsor	..	..	..	1	..	1	..	..	..	1	2
	Richmond	..	..	..	..	..	1	..	..	..	..	..
	Rouse Hill	..	..	..	..	..	..	..	..	..	..	1
	Wilberforce	..	..	..	..	..	..	1	..	..	..	..
	St. Albans	..	..	..	..	..	..	1	..	..	..	..
	Ponrith	..	..	..	..	1	..	1	..	..	..	..
	St. Mary's	..	..	..	..	..	..	..	..	..	..	1
	Emu Plains	..	..	..	..	..	..	..	..	..	..	1
	Liverpool	..	..	..	..	..	..	..	..	..	1	1
	Campbelltown	..	..	..	..	..	1	..	..	..	..	1
	Appin	..	..	..	..	..	..	1	..	..	..	..
	Camden	..	..	..	..	..	..	1	1	..	..	1
	Picton	..	..	..	..	..	1	1	..	..	..	..
	Berrima	..	..	..	1	..	..	1	..	..	..	2
	Sutton Forest	..	..	..	..	..	..	1	..	..	..	..
	Mittagong	..	..	..	..	..	..	1	..	..	..	..
	Wollongong	..	..	..	..	..	..	1	1	..	1	1
	Dapto	..	..	..	..	..	..	1	..	..	..	..
	Woonona	..	..	..	..	..	..	..	..	..	..	1
	Kiama	..	..	..	1	..	..	1	..	..	..	..
	Shellharbour	..	..	..	..	..	..	1	..	..	..	..
Jamberoo	..	..	..	..	..	..	..	..	..	..	1	
Nowra	..	..	..	..	1	..	..	..	..	..	..
Terrara	..	..	..	..	..	..	1	..	..	..	..
Broughton Creek	..	..	..	..	..	..	1	..	..	..	..
Ulladulla	..	..	..	..	..	..	..	..	..	..	1	
Western	Bathurst	1	..	..	1	1	1	6	1	..	..	9
	Kelso	..	..	..	..	..	1	..	..	..	..	1
	Oberon	..	..	..	..	..	1	1	..	..	..	..
	Hartley	..	..	..	..	..	1	1	..	..	..	..
	Rockley	..	..	..	..	..	1	1	..	..	..	..
	Wyagdon	..	..	..	..	..	..	1	..	..	..	..
	O'Connell Plains	..	..	..	..	..	..	1	..	..	..	..
	Trunkey Creek	..	..	..	..	..	1	1	..	..	..	..
	Rydal	..	..	..	..	..	..	1	..	..	..	..
	Lithgow Valley	..	..	..	..	..	1	..	..	..	..	..
	Wallerawang	..	..	..	..	..	1	..	..	..	..	..
Orango	..	1	..	..	1	..	2	..	..	..	4	
Stoney Creek	..	..	..	..	..	1	1	..	..	..	..

DISTRICT.	STATION.	MOUNTED.						FOOT.				
		Super-intendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
Western— <i>continued.</i>	Molong.....	..	..	..	..	..	1	1	..	..	..	1
	Toogong.....	..	..	..	..	..	1	1	..	..	..	1
	Cowra.....	..	..	..	..	..	1	1	..	..	..	1
	Carcoar.....	..	..	..	..	1	..	1	..	..	..	1
	Blayney.....	..	..	..	..	..	1	..	..	..	..	2
	Bourke.....	..	..	1	..	..	1	1	..	..	..	..
	Gongolgon.....	..	..	..	..	..	1	1	..	..	..	..
	Breewarrina.....	..	..	..	..	..	1	1	..	..	..	..
	Mudgee.....	..	..	1	1	..	..	2	..	..	..	4
	Gulgong.....	..	..	..	..	..	1	..	..	1	..	2
	Home Rule.....	..	..	..	..	..	..	1	..	..	..	1
	Talbragar.....	..	..	..	..	..	1	1	..	..	..	..
	Colah.....	..	..	..	..	..	1	..	..	..	..	..
	Mundooran.....	..	..	..	..	..	1	1	..	..	..	..
	Coonabarabran.....	..	..	..	..	1	..	1	..	..	..	1
	Rylstone.....	..	..	..	..	..	1	1	..	..	..	1
	Ilford.....	..	..	..	..	..	1	1	..	..	..	..
	Sofala.....	..	..	..	..	..	1	1	..	..	..	..
	Hill End.....	..	..	..	1	..	..	2	..	..	..	2
	Tambaroora.....	..	..	..	..	..	..	..	..	..	..	1
	Hargraves.....	..	..	..	..	1	..	1	..	..	..	1
	Windeyer.....	..	..	..	..	..	..	..	..	..	..	..
	Wollar.....	..	..	..	..	..	1	..	..	..	..	..
	Forbes.....	..	..	1	..	..	1	2	..	1	..	3
	Condobolin.....	..	..	..	..	..	..	2	..	..	..	..
	Eugowra.....	..	..	..	..	..	..	1	..	..	..	..
	Parkes.....	..	..	..	..	..	1	1	..	..	..	2
	Tichborne.....	..	..	..	..	..	..	..	..	..	..	2
	Grenfell.....	..	..	..	..	..	..	2	1	..	..	2
	Marsden.....	..	..	..	..	..	1	1	..	..	..	..
	Dubbo.....	..	..	1	..	1	..	2	..	..	..	3
	Wellington.....	..	..	..	..	..	1	1	..	..	..	1
	Obley.....	..	..	..	..	..	1	1	..	..	..	..
	Dandaloo.....	..	..	..	..	..	1	1	..	..	..	..
	Warren.....	..	..	..	..	..	1	1	..	..	..	..
	Canonbar.....	..	..	..	..	..	1	1	..	..	..	..
	Terrible.....	..	..	..	..	..	..	1	..	..	..	..
	Coonamble.....	..	..	..	..	..	1	1	..	..	..	1
	Quambone.....	..	..	..	..	..	..	2	..	..	..	..
	Cobar.....	..	..	..	..	..	..	..	..	..	..	..
North-eastern	West Maitland.....	1	..	..	1	..	..	2	..	..	2	10
	Lochinvar.....	..	..	..	..	..	..	..	..	..	..	1
	Brauxton.....	..	..	..	..	..	..	..	..	..	..	1
	Greta.....	..	..	..	..	..	..	..	..	..	..	1
	Cessnock.....	..	..	..	..	..	..	1	..	..	..	..
	East Maitland.....	..	..	..	..	..	1	1	..	..	..	2
	Mount Vincent.....	..	..	..	..	..	..	1	..	..	..	..
	Cooranbong.....	..	..	..	..	..	..	1	..	..	..	..
	Largs.....	..	..	..	..	..	..	..	..	..	..	1
	Morpeth.....	..	..	..	..	..	..	..	..	1	..	2
	Hinton.....	..	..	..	..	..	..	..	..	..	..	1
	Paterson.....	..	..	..	..	1	..	..	..	..	..	1
	Gresford.....	..	..	..	..	..	..	1	..	..	..	..
	Raymond Terrace.....	..	..	..	..	..	..	..	..	..	1	1
	Clarence Town.....	..	..	..	..	..	..	..	..	..	1	..
	Dungog.....	..	..	..	..	..	1	..	..	..	..	1
	Stroud.....	..	..	..	..	..	..	..	..	..	1	..
	Bulah Delah.....	..	..	..	..	..	..	1	..	..	..	..
	Forster.....	..	..	..	..	..	..	1	..	..	..	..
	Newcastle.....	..	..	1	..	..	..	..	1	1	3	16
	Stockton.....	..	..	..	..	..	..	..	..	..	..	1
	Hamilton.....	..	..	..	..	..	..	..	..	..	..	1
	Waratah.....	..	..	..	..	..	..	..	..	..	..	1
	Lambton.....	..	..	..	..	..	..	..	..	..	..	1
	New Lambton.....	..	..	..	..	..	..	..	..	..	1	1
	Wallsend.....	..	..	..	..	..	..	..	..	..	1	1
	Gosford.....	..	..	..	..	..	1	..	..	..	..	1
	Wollombi.....	..	..	..	..	..	1	1	..	..	..	..
	Singleton.....	..	..	..	1	..	..	2	..	..	..	2
	Broke.....	..	..	..	..	..	..	1	..	..	..	..
	Jerry's Plains.....	..	..	..	..	..	..	..	..	..	..	1
	Muswellbrook.....	..	..	..	..	1	..	1	..	..	..	1
	Denman.....	..	..	..	..	..	..	1	..	..	..	1
	Merriwa.....	..	..	..	..	..	1	1	..	..	..	1
	Cassilis.....	..	..	..	..	1	..	1	..	..	..	1
	Scone.....	..	..	..	..	1	..	1	..	..	..	1
Port Macquarie.....	..	..	1	..	..	..	1	..	..	1	..	
Taree.....	..	..	..	..	1	1	..	..	..	..	..
Cundletown.....	..	..	..	..	..	..	..	..	..	..	1	
Tinonce.....	..	..	..	..	..	..	1	..	..	..	..
Wingham.....	..	..	..	..	..	..	..	..	..	..	1	
Kempsey.....	..	..	..	..	1	..	1	..	..	..	..
Nambuccra.....	..	..	..	..	..	..	1	..	..	..	..
Bellinger.....	..	..	..	..	..	1	..	..	..	..	..
North-western	Tamworth.....	1	..	..	..	..	1	4	1	..	..	3
	Murrumbidgee.....	..	..	..	1	..	1	1	..	..	..	1
	Black Creek.....	..	..	..	..	..	..	1	..	..	..	1
	Gunnedah.....	..	..	..	..	1	..	1	..	..	..	1

DISTRICT.	STATION.	MOUNTED.							FOOT.			
		Super-intendents.	Inspectors.	Sub-Inspectors.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.	Senior Sergeants.	Sergeants.	Senior Constables.	Constables.
North-western <i>continued.</i>	Boggabri .....	..	..	..	..	..	1	1	..	..	..	..
	Narrabri .....	..	..	1	..	..	..	3	..	..	..	..
	Wee Waa .....	..	..	..	..	..	..	1	..	..	..	..
	Pilliga .....	..	..	..	..	..	..	1	..	..	..	..
	Walgett .....	..	..	..	..	1	..	2	..	..	..	..
	Goodooga .....	..	..	..	..	..	..	2	..	..	..	..
	Yetman .....	..	..	..	..	..	1	1	..	..	..	..
	Morce .....	..	..	..	..	..	1	1	..	..	..	..
	Murce .....	..	..	..	..	..	..	1	..	..	..	1
	Warialda .....	..	..	..	..	..	..	1	..	..	..	1
	Bingera .....	..	..	..	..	..	..	1	..	..	..	..
	Barraba .....	..	..	..	..	..	..	1	..	..	..	..
	Wallabadah .....	..	..	..	..	..	..	1	..	..	..	..
	Nundle .....	..	..	..	..	..	..	1	..	..	..	..
	Barradine .....	..	..	..	..	..	..	..	2	..	..	..
Manilla .....	..	..	..	..	..	..	..	2	..	..	..
Tambar Springs .....	..	..	..	..	..	..	..	..	..	..	..
Mogil Mogil .....	..	..	..	..	..	..	..	..	..	..	..
South-western	Deniliquin	1	..	..	..	1	..	4	..	..	1	4
	Moama .....	..	..	..	..	1	..	2	..	..	..	1
	Jerilderie .....	..	..	..	..	..	1	..	..	..	..	..
	Tocumwal .....	..	..	..	..	..	1	..	..	..	..	..
	Hay .....	..	..	1	..	..	..	3	..	..	1	2
	Maude .....	..	..	..	..	..	..	1	..	..	..	..
	Mossgeil .....	..	..	..	..	..	..	2	..	..	..	..
	Booligal .....	..	..	..	..	..	..	1	..	..	..	..
	Hillston .....	..	..	..	..	..	1	..	..	..	..	..
	Euabalong .....	..	..	..	..	..	..	1	..	..	..	..
	Wentworth .....	..	..	..	1	..	..	1	..	..	..	2
	Pooncarie .....	..	..	..	..	..	..	1	..	..	..	..
	Salt Creek .....	..	..	..	..	..	..	1	..	..	..	..
	Euston .....	..	..	..	..	..	..	1	..	..	..	..
	Balranald .....	..	..	..	..	..	1	1	..	..	..	..
	Moulamein .....	..	..	..	..	..	1	1	..	..	..	..
Wilcannia .....	..	..	..	..	1	1	1	..	..	..	1	
Menindie .....	..	..	..	..	..	1	1	..	..	..	..
Mount Gipps .....	..	..	..	..	..	..	1	..	..	..	..
Murray	Albury	1	..	..	..	..	2	2	1	1	1	4
	Tan-mile Creek .....	..	..	..	..	..	1	1	..	..	..	..
	Walbundrie .....	..	..	..	..	..	..	1	..	..	..	..
	Yarrara .....	..	..	..	..	..	..	1	..	..	..	..
	Corowa .....	..	..	..	..	..	1	1	..	..	..	1
	Howlong .....	..	..	..	..	..	..	1	..	..	..	..
	Mulwala .....	..	..	..	..	..	..	1	..	..	..	1
	Tumbarumba .....	..	..	..	..	..	1	1	..	..	..	..
	Greg Greg .....	..	..	..	..	..	..	1	..	..	..	..
	Gundagai .....	..	..	..	1	..	..	2	..	..	1	3
	Tumut .....	..	..	..	..	1	..	1	..	..	..	1
	Adelong .....	..	..	..	..	1	..	1	..	..	..	1
	Shepherdstown .....	..	..	..	..	..	..	..	..	..	..	..
	Reedy Flat .....	..	..	..	..	..	..	1	..	..	..	..
	Jugiong .....	..	..	..	..	..	1	1	..	..	..	..
	Clarendon .....	..	..	..	..	..	..	1	..	..	..	..
	Wagga Wagga .....	..	..	1	..	..	1	2	..	..	..	6
	Urana .....	..	..	..	..	..	..	2	..	..	..	..
Narandera .....	..	..	..	..	..	..	2	..	..	..	1	
Kyamba .....	..	..	..	..	..	..	1	..	..	..	..
Tarcutta .....	..	..	..	..	..	..	1	..	..	..	..
Under suspension .....	..	..	..	..	..	1	..	..	..	..	..
DEPÔT.	Sergeant-major and Drill Instructor.											
In course of instruction, under orders for transfer, en route to country districts, sick, &c.	1	..	..	..	1	..	4	16	1	..	..	12
Gold Escort .....	..	..	..	..	2	..	..	..	..	..	..	..
Orderlies to His Excellency the Governor .....	..	..	..	..	1	..	..	3	..	..	..	..
TOTAL	1	8	3	19	19	27	110	260	18	21	51	389

Police Department,
Inspector General's Office,
Sydney, January, 1877.

EDMUND FOSBERY,
Inspector General of Police.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(CONSTABLE MOSS, PENRITH.)

Ordered by the Legislative Assembly to be printed, 9 May, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly, dated 9th May, 1877, That there be laid upon the Table of this House,—

“Copies of all Letters, Papers, or Minutes in respect to a charge made against
“Constable Moss, of Penrith.”

(Mr. Hurley, Hartley.)

The Inspector General of Police to The Principal Under Secretary.

Police Department, Inspector General's Office, Sydney, 9 May, 1877.

CONSTABLE MOSS, of Penrith, was discharged in 1868; I am not aware of there having been any charge against him.

There was recently a complaint made by a publican against Constable Moss, of the Sydney Police. I append copies of the papers in that case, as perhaps it may be the matter referred to.

EDMUND FOSBERY, I.G.P.

Mrs. Grace Simmonds to The Inspector General of Police.

“Cave of Dunmore Hotel,” Gipps and Macquarie Streets, Sydney, 24 April, 1877.

Sir,

I am reluctantly compelled to acquaint you with the conduct of Constable Moss. On last Friday afternoon he came to my house about 2 p.m., whilst on duty in Macquarie-street, and after partaking of refreshments made use of most insulting, abusive language, and also imputing improper conduct to myself. He has since again been annoying me with threatening language, so I think I am perfectly justified in acquainting you of the conduct of one who instead of being a protection to the public is a great source of annoyance, and trust you will *hear* the matter thoroughly inquired into and oblige.

Your's, &c.,

GRACE SIMMONDS.

Forwarded to Superintendent Read for inquiry and report.—E.F., I.G.P., 24/4/77.

Constable Moss to Mr. Sub-Inspector Rush.

No. 2 Police Station, Sydney, 24 April, 1877.

CONSTABLE Edward G. Moss (No. 2667) most respectfully begs to state, with reference to the report brought against him by Grace Simmonds, that he never in any way insulted or threatened her, but acknowledges going in to have a glass of ale on the afternoon of the 20th instant, and in a few words conversation the constable merely said that he never knew anyone of any good come from Ashford, County Kent, as he had come from very near that place himself, and the constable further begs to state that he would be the last in the world to hurt the feelings of a female of any sort.

EDWARD GEORGE MOSS,
Constable.

Mr. Sub-Inspector Rush to Mr. Superintendent Read.

Sir,

No. 2 Subdivision, Sydney, 25 April, 1877.

I have the honor to report for your information that I have seen Mrs. Simmonds with reference to the attached complaint, and she states Constable Moss was in uniform when he came to her house on the day named; she says it may have been before 2 p.m. I find by the duty-book that Moss was on No. 3 beat, where the house named is situated, from 10 a.m. till 2 p.m.; therefore was in a public-house when he should have been on duty. Mrs. Simmonds is a young married woman, living apart from her husband under a Judge's protecting order. As far as I know she is a respectable person. The language she complains of is Moss told her he never knew anyone any good who came from Ashford; that his brother married a woman from there, and had to get divorced from her in six months. No doubt Moss has very often been at this house, and on the day in question he saw a young man in the back room with Mrs. Simmonds. Later in the day when off duty Moss called again in plain clothes and said, "What have you done with your flash man?" Mrs. Simmonds said, "You must not speak to me like that." It was then Moss made use of the language she complains of. Mrs. Simmonds states Moss has been there since and said he would watch her house and do her all the harm he could. I am of opinion that Constable Moss has been encouraged to visit Mrs. Simmonds' house, that he feels he is now treated cool; hence his remark about the "flash man," which caused Mrs. Simmonds to resent his language, which drew from him the remarks complained of by her.

I have, &c.,

JAS. RUSH,
Sub-Inspector.

Forwarded to the Inspector General of Police. It appears pretty obvious that Constable Moss has been a little too friendly with this publican. He was guilty of a breach of discipline in going into a public-house and drinking when on duty.—G. READ, Superintendent, 26/4/77.

Constable Moss should be reprimanded and cautioned for the breach of discipline. I conclude Mrs. Simmonds has been seen about her complaint.—EDMUND FOSBERY, I.G.P., 26/4/77. Superintendent Read, Sydney.

Severely reprimanded and cautioned. Constable Moss promises that he will have no further communication with this woman.—GEO. READ, Superintendent, 27/4/77.

Mr. R. D. Graham to The Inspector General of Police.

Sir,

Hill View House, Penrith, 2 May, 1877.

I have been informed that Constable Moss recently went into the "Cave of Dunmore Hotel," kept by Mrs. Simmonds, at the corner of Macquarie and Gipps Streets, and after partaking of refreshments turned round and grossly insulted and abused her. Will you kindly cause some inquiry into this matter?

Awaiting your reply,—

I am, &c.,

ROBERT D. GRAHAM.

Superintendent Read.—E.F., 3/5/77.

The Inspector General of Police to Mr. R. D. Graham.

Police Department, Inspector General's Office, Sydney, 4 May, 1877.

MR. Robert D. Graham is informed, in reply to his letter, dated the 2nd instant, that the case referred to therein has already been investigated and dealt with.

EDMUND FOSBERY,
Inspector General of Police.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(CHARGES AGAINST SENIOR-CONSTABLE BREEN.)

Ordered by the Legislative Assembly to be printed, 10 January, 1877.

In re Charge preferred against Senior-constable Breen.

ON hearing of the result of the prosecution of Senior-constable Thomas Breen for unlawfully assaulting Christopher M'Enaney, I immediately called for the depositions. The information was dismissed on the 27th December, 1876. My telegram, calling for the depositions, was despatched on 2nd January following. The depositions were received on Saturday, 6th January. From the deposition of M'Enaney, the complainant, it would appear that on the 2nd of December he was arrested at Coolah, a place in the Mudgee District, by Senior-constable Breen, on a charge of forgery; that he went with the constable some portion of the way to the watch-house; that he then asked whether Breen had any warrant for his apprehension; that Breen replied to him "If you don't go on I will knock you down," at the same time raising a heavy whip which he (Breen) had in his hand. Upon which he (M'Enaney) stepped back and raised his left arm to save his head. That Breen then struck him several times, cutting through his coat and breaking his arm; that his arm was black from the wrist to the elbow; that he (M'Enaney) then fell down, upon which Breen struck him with a pair of handcuffs and then handcuffed him; then took him to the police-station and leg-ironed him and chained him to an iron bedstead, and after he was chained down struck him with either a ruler or stick on the thigh and on the cheek. If this story is true it seems to me a gross and unprovoked outrage on the part of Breen. There was no impropriety in M'Enaney asking the policeman whether he had a warrant for his apprehension or not—and in my judgment the policeman should have informed him, but this is an immaterial circumstance. M'Enaney's statement as to his accompanying Breen a portion of the way to the watch-house is confirmed by the deposition of Archibald Henderson, an innkeeper at Coolah, in whose house the arrest took place. Henderson deposes that he saw prisoner accompany the constable for about 100 yards. Dr. Wilson Ramsay, the Government Medical Officer at Gulgong, deposes that he saw M'Enaney for the first time on the 6th December. I may remark here that I think it is scandalous that M'Enaney was not visited by a medical man immediately upon his being received into the lock-up. Dr. Ramsay declares that he found his (M'Enaney's) left-arm, fore-arm, and shoulder disabled, so that he could not take off his shirt without assistance. In fact, according to Dr. Ramsay's testimony, the bruising was so excessive as to preclude further examination, owing to the suffering he would occasion the patient. The right thigh was also extensively bruised. At that time Dr. Ramsay had not discovered that the arm was broken; but nine days later, on examining M'Enaney in Mudgee Gaol, the Doctor discovered that there was a fracture of the *ulna*, the larger of the two bones of the fore-arm, and that he believed the other bone was broken. But I think the strongest evidence in corroboration of the statement of M'Enaney is the evidence given by Breen himself when he preferred a charge against M'Enaney of assaulting a constable in the execution of his duty. In his (Breen's) deposition, on the hearing of that information, he admitted in cross-examination that he struck M'Enaney with the handcuffs as well as with the whip—that he gave him a great bruising—that he knocked the head off the whip handle, and struck M'Enaney with the ruler when he was in the lock-up handcuffed and leg-ironed. Under all the circumstances of this case, I feel so dissatisfied with the result that I am constrained to bring it under the notice of my hon. colleague, the Colonial Secretary. The conduct of Breen in effecting this arrest seems to me to have been characterized by unnecessary and (I regret I am compelled to use the word concerning any member of the Police Force) brutal violence. Whatever defence he may urge in extenuation of his conduct up to the time when his prisoner was handcuffed and leg-ironed, it seems to me that his conduct is absolutely indefensible in using any violence when the prisoner was in the lock-up secured and helpless; and on this ground alone I am unable to understand the magisterial decision.

WILLIAM B. DALLEY,
Attorney General.

Crown Law Offices,
Sydney, 8th January, 1877.

Coolah, 23 December, 1876.

To the Inspector General of Police, Sydney,—

We, the undersigned, inhabitants of Coolah, respectfully petition that you will not allow the charge of ill-treating prisoners, now pending, to injure the position in the Force of Senior-constable Breen. Many of the undersigned were eye-witnesses of the arrest of the prisoner referred to. The prisoner resisted in the most violent manner, and we think the life of Senior-constable Breen would have been in danger had he not disabled the man in some way. Of the charge of ill-using M'Enaney while in custody we had no opportunity of judging, but we know the prisoner behaved like a maniac. Further, we are in a position to state that Breen has no fit place for keeping a dangerous prisoner with safety to himself and family. The undersigned also wish to state in the strongest terms our appreciation of Senior-constable Breen. As a member of this community his conduct has always been marked by consistency and uprightness, and as an officer he has been most diligent and hard-working, in fact he is the terror of horse and cattle stealers in this part of the country.

Mr. Breen is held in the highest esteem by every respectable member of this district. We will deeply regret should this charge injure him in any way.

His removal from this district would be injurious to the well-being of the place. As a much-respected inhabitant we would feel the loss of him, and we are also of opinion that the Department would make a great mistake in removing so efficient an officer from a sphere of usefulness in which he has already rendered such great service. It is therefore with feelings of the greatest sincerity and earnestness we urge your favourable consideration of this most exaggerated charge against Senior-constable Breen.

Albert T. Cox, J.P., Coolah.
W. T. Ruby, Manager Commercial Bank,
Coolah.
John R. Pownall, storekeeper, Coolah.
John Dickens, Manager Coolah Station.
Herbert W. Stephen, Coolah.
P. C. Macarthur, Manager, Queensboro.
Thomas King, Postmaster.
Archibald Henderson, publican.
John Connolly, publican.
John Scott, publican.
James Higgins, butcher.
John Shadwick, contractor.
Barrington Leeson, poundkeeper.
John Morris, carrier.
Walter Thomson, baker.
John Sutherland, Coolah.
Thomas Cassidy, Coolah.
Benjamin Rowe, storekeeper.
William Sutherland, mailman.
John Swoffer, horse-driver.
Edward Wilde, clerk.
Robert Oswald Palmer, saddler.

Henry Cassidy, stone-mason.
Edward Chamberlain, shepherd.
Henry Sutherland, Coolah.
his
George x Sinclair, fencer, Quambone.
mark
P. F. Higgins.
Edward Morris.
B. Mokin, carpenter, Coolah.
R. Roberts, farmer, Coolah.
Charles Babbage, builder.
John Willicocks, stone-mason.
William Forsyth, builder.
Patrick Bourke, farmer, Coolah.
Walter Matthews, labourer, Coolah.
James Pearce, mail contractor, Coolah.
Robert H. Gilmore.
G. Gennann, contractor.
George Henderson.
Cornelius Riley.
Alfred Dale, surgeon.
William Coombes, teacher.

The Superintendent of Police, Bathurst.

Mudgee Police Station, 29 December, 1876.

MEMO.—With respect to instructions contained in your telegrams Nos. 1 and 2 attached, instructing me to bring Senior-constable Breen (now under suspension) before the Bench, for assaulting prisoner Christopher M'Enaney, then in custody at Coolah, on the 2nd instant, I beg to report for your information, that I had prisoner remanded to Gulgong, where he laid an information, on the 21st instant, against Senior-constable Breen. Witnesses were summoned for the 27th, the next Court day, it being impossible from the distance to procure their attendance before that date. I may here state, with reference to your telegram No. 2, that the Magistrate, Mr. Donaldson, refused to take my information, on the grounds that the aggrieved party was the person to complain. I also saw Mr. Brown the Police Magistrate, who informed me, that in case I laid the information the complaint would have to be dismissed on technical grounds, as the 27th section of 9 George, cap. 31, was imperative. I summoned all the witnesses named to me by the prisoner, also Dr. Ramsay to give medical evidence as to the injuries received by the prisoner M'Enaney. I attended, on the 27th, the hearing of the case at Gulgong, and examined all the witnesses, and put in the deposition made by Breen at the Police Court, Gulgong (a copy of which is attached); the case was thoroughly investigated with great patience by the Magistrates, Mr. Browne, P.M., Mr. S. A. Blackman, and Mr. Plunkett, J.P.'s. Mr. Clark appeared for Senior-constable Breen. The Magistrates dismissed the case, with the remarks that, considering the situation in which Senior-constable Breen was placed, that he had no assistance or lock-up wherein to confine prisoners, also taking into consideration the great provocation given by the complainant M'Enaney, they did not see that more violence had been used than was necessary for the defence of Senior-constable Breen, to control the prisoner and prevent his escape.

I forward a copy of the whole proceedings for your information.

GEO. C. CARTER,
Sub-inspector.

Vide Police Album, No. 51, for M'Enaney's career.

I forward depositions in the case of Senior-constable Breen, which was heard at Gulgong, and dismissed by the Bench. I think there is little doubt Breen did use violence, but the prisoner is a most violent man. I have been obliged to send Breen back to Coolah, as there is a case pending which cannot be heard without him.

C. J. P. LYDIARD,
Superintendent,

The Inspector General of Police, Sydney.

Mudgee, 29/12/76.

(1.)

(1.)
Telegram from Superintendent Lydiard, Bathurst, to Officer in charge of Police, Mudgee.

18 December, 1876.

Lay an information against Breen charging him with assaulting the prisoner M'Enaney; have him duly served with a summons to answer the charge; subpoena M'Enaney and any one else you think necessary to support case; report result by telegram.

(2.)
Telegram from Superintendent Lydiard, Bathurst, to Sub-inspector Carter, Mudgee.

19 December, 1876.

I think as the person assaulted is a prisoner in custody of police and the other a constable you had better lay the information.

No. 26,555.

27/12/76.

Information—(General purposes).

New South Wales, }
Gulgong, to wit. }

Be it remembered, that on this 21st day of December, in the year of our Lord one thousand eight hundred and seventy-six, at Gulgong, in the Colony of New South Wales, Christopher M'Enaney, now of Gulgong, 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 Colony of New South Wales, and on oath informs me:— That on the second day of December, in the year of our Lord one thousand eight hundred and seventy-six, Thomas Breen, Senior-constable of the Police Force of New South Wales, did, at Coolah in the said Colony, unlawfully beat this complainant, contrary to the law in such case made and provided: Whereupon the said Christopher M'Enaney prays that I, the said Justice, will proceed in the premises according to law.

Sworn at Gulgong, in the said Colony, on the
day first above written, before me,—

CHRISTOPHER M'ENANEY.

LESTER S. DONALDSON, J.P.

M'Enaney v. Breen.—Assault.

George Chapman Carter, sworn, states:—I am a Sub-inspector of Police, stationed at Mudgee; I received instructions from the Superintendent of Police to have an information laid against Constable Breen, for assaulting a prisoner named Christopher M'Enaney who was then in custody; I had prisoner remanded to Gulgong, where he laid an information before L. S. Donaldson, Esquire, J.P., on the 21st instant.

Cross-examined by Mr. Clark:—I have known Breen about two years; until this matter happened, I always had the highest opinion of him; I do not know how long he has been in the Force; I know the complainant—his police history is bad; I have seen him on one occasion in December, 1862, or in January, 1863, at Wentworth; I arrested him; he drew a knife out of his pocket; there was great difficulty in getting him to the lock-up; there were two constables and two or three civilians engaged; complainant is a very powerful man; there is an album kept of notorious criminals, and copies are forwarded to the principal police stations; there is an album at Mudgee which contains the photograph of prisoner, and the record states that he had been sentenced three times, and I know of my own knowledge that he has been sentenced one since that record was made; the last was under the name of Charles M'Henry.

Sworn at Gulgong, December 27th, 1876.

GEO. C. CARTER.

Examined by complainant: I cannot swear that you served the sentences recorded against you in the album.

By Mr. Clark: After he was arrested at Wentworth one of his arms was bad for some time.

Sworn at Gulgong, December 27th, 1876,—

GEO. C. CARTER.

T. A. BROWNE, P.M.

S. A. BLACKMAN, J.P.

JAMES F. PLUNKETT, J.P.

Christopher M'Enaney sworn, states:—I am the complainant; I have heard my information read; defendant now before the Court is the person I complain of; I am a ship carpenter by trade, and at present a prisoner on remand, charged with forgery; I was at Coolah in the beginning of this month; on the second I was arrested by constable Breen on a charge of forgery; I accompanied him to the watch-house; on the way I asked him if he had a warrant for my apprehension; he replied, "If you don't go I will knock you down," at the same time raising a heavy whip which he had in his hand; I asked him to show me the warrant or read it for me; he told me to go on; when he rose the whip I made a step back and raised my left arm to save my head, the blow fell on my arm; he struck me more than once; the blow cut my coat through and broke my arm, my arm was black from my wrist to above the elbow, there is blood on my coat; I had no knife in my hand all this time; I could not tell how many times he struck me; I fell down and he struck me with the handcuffs and then handcuffed me; I did not resist him in any way; he took me to the police-station and leg-ironed me and chained me to an iron bedstead; I sat on the bedstead while he searched me, he took away what he found on me and left the room; he shortly returned and caught me by the handcuffs and dragged me off the bedstead and threw me on my shoulder on the floor and dragged me to the door and chained me by the hands outside the door; I was lying with my head outside the door and my feet chained to the bedstead; after I was chained down he struck me with either a ruler or his whip on the thigh and on the cheek; there was a large bruise on my thigh afterwards and my cheek was bleeding; I gave him no provocation to strike me; I called him a coward when he struck me the first blow, he then struck me the second time; I roared out for help, and Mr. Henderson and a young man named Sutherland came, asked me what I was calling out about, and I told him Breen was striking me while I was chained down; I do not know whether Breen was near enough then to hear what was said: Sutherland said nothing; I was remanded to Gulgong from Coolah; I have to keep my arm in a sling, and have had very little use of it since the assault.

Cross-

Cross-examined by Mr. Clark:—I was arrested at Mr. Henderson's—I believe I was; I had not been drinking heavily for three or four days; I had had a glass or two, but was sober; we were about halfway between Mr. Henderson's and the watch-house when he struck me; I think the distance between the two places is two or three hundred yards; the knife now shown to me is not my property; I will not swear to it; I had a white-handled penknife that day; I have a brown-handled knife in my swag in the gaol; I won't swear I did not have this knife now shown to me when I was at Gundare Station; defendant refused to show me the warrant when I asked him to; I did not take a knife out of my pocket and say, "I will give you this"; I did not put my hands in a fighting attitude; he struck me when my hands were raised to save his blow, but not in opposition to him; defendant did not catch hold of me by the shoulder till I fell down, then he jumped on top of me; this took about five minutes; there was only one fall; there was no such thing as a struggle in which I had two or three falls before he got the handcuffs on me; I sat up on the ground after I was handcuffed, but only while getting on to my feet; I did not remain sitting while Breen stood under a tree panting for breath; I never to my knowledge drew a knife on a constable before, but I won't swear that I never did; some years ago at Wentworth it took more than one constable to take me to the lock-up, but I was insensible from the usage I got, and I don't know how many were there; I can't say whether I was violent on that occasion or not; after I had been ten minutes in the lock-up other persons may have come to see me besides Henderson and Sutherland; when I was chained to the bedstead I had to stand up occasionally while he searched me; Breen asked me to pull off my boots while he searched me; I will not swear I did not say I could not pull them off while I was handcuffed; to my knowledge he did not take the handcuffs off my right hand to enable me to take off my boots, but I will not swear it, I was in too much pain to remember distinctly; I did take off my boots, and he examined them; I did not attempt to strike him with the handcuffs while he was examining the boots; I do not recollect any person calling out, "Look out Breen"; I don't know if any one was present when he examined my boots; I cannot say whether he handcuffed me again; I do not think he took them off at all till the next morning, when my arm was very much swollen; I did not make a rush at any man in the room, I was chained too closely to the bedstead, and I cannot swear that I was leg-ironed when I took my boots off; I did not drag the bedstead to the door to my knowledge, but I will not swear I did not; I was not kicking and struggling and trying to break the handcuffs; some time after he chained me outside the door a blacksmith came and put two staples in the floor to which I was chained; I never was treated as a refractory prisoner while in gaol; my left arm was not disabled after the affair at Wentworth, neither of my arms was disabled on that occasion; I was brought to Gulgong on the 6th instant; while in the lock-up at Gulgong, I did not ask to be allowed to clean out the cell; the constable asked me to do it, and I mopped it out with my right hand; the night I arrived at Gulgong I asked to see the doctor—I think it was Constable Stapleton I asked; the doctor did not come; defendant struck me more than once while I was handcuffed and leg-ironed; I did not make several attempts to escape before I was fastened down; I have been in and out of the Colony several times; I first arrived in 1857 or 1860, in the "Sarah Dixon"; I decline to say how many years I have been in gaol; I decline to say whether I received two years and eight months in Sydney Gaol for larceny; the "Sarah Dixon" was an emigrant ship from Liverpool; I decline to say whether my photograph has been taken; I was not dragged to the lock-up ten yards at a time—I don't think I was dragged at all, but I am not certain; I have sustained an injury to my head, and have been informed that I have a silver plate in my skull; my head is affected by change of weather or by any excitement.

Cross-examined by Mr. Carter: I was struck on the leg by a ruler or whip after my boots were taken off, and while I was chained to the floor.

CHRISTOPHER M'ENANEY.

Sworn at Gulgong, December 27th, 1876.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES F. PLUNKETT, J.P.

Archibald Henderson sworn, states:—I am an innkeeper at Coolah; I know complainant; I remember his being arrested on the 2nd of this month by Constable Breen, the defendant, on a charge of forgery; he arrested him in my house; I saw prisoner go with the constable for about 100 yards, when Breen sprang back from prisoner and tried to trip or hit him on the hands with a whip which he had, as if to knock something out of his hands; I did not see anything in prisoner's hands—I was too far away; I was called inside and saw no more; then in about ten minutes or so I came to the door again; I saw Breen with the prisoner at about the same place, he had him down and trying to handcuff him; he took him to the police station; prisoner walked, was dragged part of the way, he kept stopping and was obstreperous; he was only dragged once that I saw; my house is over 200 yards from the police station; my attention was next called to the police station by the noise, in about a quarter of an hour after the prisoner was taken in; I saw Breen beckoning and went over: I saw the complainant leg-ironed to the bed by one leg and handcuffed; prisoner made no complaint to me about any ill usage; he asked me for a drink of water; he may have made a complaint to some one else without my noticing it, but I do not think he did.

By complainant: I did not hear you calling out murder or help; a young man named Sutherland was not with me when I came to the lock-up. You were handcuffed with your head in the doorway when I gave you the drink of water; I told you to be quiet; I do not recollect your telling me that the constable struck you when you were chained down.

Examined by Mr. Clark: It may have been more than a quarter of an hour before Breen beckoned me to the lock-up; a man named Barrington Leeson went with me to the lock-up; I only saw Breen and his prisoner on the ground once when Breen was handcuffing his prisoner. The lock-up at Coolah is merely the constable's private dwelling; there is only one constable; complainant was quiet when I went with Leeson. When I went to the lock-up Breen asked me to stop while he sent for the blacksmith, as complainant was violent; Gleeson or Leeson went for the blacksmith, and the complainant was chained down; the bedstead was dragged nearly to the door; I did not see complainant chained down; complainant

plainant was at my house for two days, and was under the influence of drink when arrested; whilst I was at the lock-up I saw complainant biting the boards in front of the door.

Sworn at Gulgong, December 27th, 1876,—

A. HENDERSON.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES F. PLUNKETT, J.P.

Wilson Ramsay sworn, states:—I am Government Medical Officer at Gulgong; I saw complainant for the first time on the 6th of this month, when he was in the dock; I afterwards attended at the lock-up at Gulgong, and examined him; I found the left arm, fore-arm, and shoulder disabled, so that he could not take off his shirt without assistance; his arm and fore-arm bore evidence of severe bruising, and were so tender to the touch that I made no further examination then; his right thigh was extensively bruised, and there was a distinct mark of a whip or a ruler; I mention the ruler, because prisoner, in answer to my question, said he had not been struck with a ruler; I asked him if he had received any medical treatment; I did not at that time discover that his arm was broken, as it was very much swollen; a few days afterwards, on the 15th, I examined him in Mudgee Gaol, and discovered a fracture of the *ulna*, which was patent to view, and I believe the other bone of the arm is also broken; If a man held up his arm to protect his head, that is where he would receive the blow; a loaded whip would produce the injury I have described; the fracture which I have discovered on the 15th must have been recent, but I could not fix a nearer time than within a month; I heard last witness say that he saw complainant biting some boards—he might do so on account of the pain he was suffering.

Cross-examined by Mr. Clark: With the injury to his head that complainant has suffered at some time (a depressed fracture of the skull), he would hardly be accountable for his actions when under the influence of drink; when Dr. Barnard examined the complainant recently, I was satisfied that the fracture was recent—within four weeks at most—the bones were not quite knit.

By the Bench: When I first examined him his arm was swollen as thick as my thigh; if both bones of the arm were broken a man could use his fingers.

By Mr. Clark: If both bones of the arm were broken he could not use a mop with both hands to clean out a cell. He told me he was not struck with a ruler after being ironed. In answer to my question whether he had been asked for a doctor, he replied, "No, not to my knowledge."

By the Bench: He has no plate in his head—I never heard of any one having one; the depressed fracture would affect his memory.

Re-examined: The examination in Mudgee was made in the presence of Dr. Rowling, and we both agreed that there was a simple fracture of the *ulna*.

Sworn at Gulgong, December 27, 1876.

WILSON RAMSAY.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

John Sutherland, sworn, states:—I am a labourer; I know the complainant; I saw him at Coolah, drinking; I was not present when he was arrested, but I went to the barracks to see him about an hour after his arrest; he was tied by one leg to the bedstead, and his hands were handcuffed to a sleeper at the door; he said his arm and head were sore; he said Breen had hit him with a whip; Breen was present; complainant seemed to be drunk; when I first saw him he rolled up his eyes and groaned; he bears the nick-name of "Green Ghost"; Mr. Henderson, and Leeson or Gleeson, were both there, but I am not sure they could hear what he said.

Cross-examined by Mr. Clark: There was a Casillis trap there, but I do not know his name.

Sworn at Gulgong, December 27th, 1876,—

his
JOHN × SUTHERLAND.
mark.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

Recalled: He had blood on his cheek from a bite or a scratch.

Sworn at Gulgong, December 27th, 1876,—

his
JOHN × SUTHERLAND.
mark.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

Constable Robert Stapleton, sworn, states:—I am stationed at Gulgong, and remember complainant being brought to the lock-up from Coolah; the day after he arrived he asked for a doctor, and I told Sergeant Keenan, who gave him something; while at the lock-up he cleaned out his cell, using the mop and long-handled scrubbing-brush, using both hands just as I would.

Sworn at Gulgong, December 27, 1876,—

ROBERT STAPLETON.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

Lester Stuart Donaldson, sworn, states:—I am Clerk of Petty Sessions at Gulgong; I produce the depositions taken at this Court, in a case where the present complainant was charged with assaulting a constable in the execution of his duty; I saw the defendant sign his deposition; the oath was duly administered, and signature to the jurat and decision are those of the Magistrates who sat in the case.

Sworn at Gulgong, December 27, 1876,—

L. S. DONALDSON.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

*Cross-examined by Mr. Clark: Christopher McEnaney, sworn, states:—*When I was in the lock-up I saw a constable whose name I do not know; I do not recollect saying anything about its being all my own fault.

Sworn at Gulgong December 27, 1876,—

C. M'ENANEY.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

Court House, Gulgong, December 7, 1876.

Before T. A. Browne, Esq., P.M., and J. F. Plunkett, Esq., J.P.

Christopher M'Enaney, assaulting a constable in the execution of his duty.

*Senior-constable Thomas Breen states:—*I am stationed at Coolah; on Saturday, the 2nd instant, whilst arresting the prisoner now before the Court, by a warrant on a charge of forgery, which I now produce, and while on the way to the watch-house at Coolah, prisoner demanded to see the warrant for his arrest for forgery; he said, "I won't go with you," and drew a knife (which I now produce), and said, "I'll give you the knife"; he raised his hand in a threatening attitude, but I will not swear the knife was open; I struck him with a whip handle on the hands and he dropped the knife; I handcuffed him and locked him up; I picked up the knife and I believe it was open, but I would not swear it; I used the whip handle very freely, as I believed my life was in danger.

By Mr. Davidson: I hit him with the handcuffs as well as with the whip; I gave him a great bruising; I knocked the head off the whip handle; after he was handcuffed his behaviour was so demonstratively violent that I hit him once with a ruler, he was then in the lock-up handcuffed and leg-ironed; I don't think I hit him on any other occasion when he was handcuffed; when he drew the knife no one else was present; I think I hit him with the ruler on the calf of the leg, he was then in a room at the police-station; he said he had a silver plate in his head; I attributed his behaviour to that cause.

Sworn at Gulgong, December 7, 1876,—

THOMAS BREEN.

T. A. BROWNE, P.M.
JAMES F. PLUNKETT, J.P.

Prisoner discharged,—

T. A. BROWNE, P.M.
JAMES F. PLUNKETT, J.P.

DEFENCE.

*Louis Sciaroni sworn, states:—*I am a fencer; I worked a few weeks at Gundare Station with complainant; I believe the knife produced belonged to complainant, I saw it in his hands at Gundare; I was at Coolah on the 2nd instant, and saw Constable Breen, the defendant, arrest the complainant; they were about one hundred yards towards the lock-up, when complainant made a rush at the constable, who jumped aside, and then struck him on the hands with his whip; he knocked him down and got the handcuffs on his left hand; when the prisoner got up Breen knocked him down again, and then it took him ten or fifteen minutes to get his right hand handcuffed; I saw all this from the verandah of Henderson's public-house; when M'Enaney first got up he tried to get away; he had been drinking; this was his third day, and he had a good few nobblers that morning.

LOUIS SCIARONI.

Sworn at Gulgong, December 27th, 1876.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

*Barrington Leeson, sworn, states:—*I am poundkeeper at Coolah; I was present, on the 2nd instant, when defendant arrested the complainant; when about 100 yards towards the lock-up the prisoner seemed to object to go any further; Breen took him by the shoulder, and the prisoner put up his hand in a fighting position; before that Breen did not use his whip to strike complainant; when complainant raised his hands defendant struck him with the whip about his hands or arms; complainant tried to get away, when defendant caught hold of him and tried to throw him down; they went down together, and were struggling, and got up, and went down again, and at last defendant handcuffed him; complainant was sitting on the ground, and defendant was sitting under the shade of a little bush looking quite exhausted; he stayed there about five minutes, when they started again for the lock-up; about ten minutes or a quarter of an hour afterwards I heard a noise at the lock-up; I went there, and saw defendant searching complainant; we asked him to take off his boots; complainant said he could not take them off with the handcuffs on; Breen loosened the handcuffs off his right hand, and he then took off his boots; while defendant was looking at the boots complainant made a blow at him with the handcuffs in his left hand; Connor, who came with me, said, "Look out Breen"; Breen then handcuffed complainant, who made a rush at Connor, saying, "Oh, you wretch!" or something like that; defendant brought him back, and put a leg-iron on him; I then left, and returned a second time with Mr. Henderson; complainant was then lying down gnawing the boards; I went for the blacksmith to get a staple and chain to fasten him.

By the Bench: He used both hands to pull his boots off.

By Mr. Carter: I was about 100 yards away when the struggle commenced; I did not see anything in complainant's hands; I do not know how many times defendant struck complainant; during the five minutes Breen was resting complainant made no attempt to get away; Breen was stooping, looking at the boots, when complainant held the handcuffs as if he were going to strike him; when I went to the lock-up, and saw complainant handcuffed and leg-ironed, he told me that Breen had struck him; I am sure he had the handcuffs on his left hand.

Sworn at Gulgong, December 27th, 1876,—

BARRINGTON LEESON.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

Charles

Charles Hayeman, sworn, states :—I was at Coolah on the 2nd instant, and saw defendant arrest complainant ; they went towards the lock-up about 100 yards, when complainant took something out of his pocket and tried to hit the policeman ; defendant hit complainant over the hands with his whip ; defendant had a horse, but he let him go ; the knife produced is one complainant wanted to sell to me, at Gundore, for 1s. 6d. ; after defendant hit complainant they did not struggle ; the policeman was too smart for him, and after hitting him several times he threw him down and put the handcuffs on him and sat down under a tree ; when they started again the defendant had to drag complainant two or three times about nine or ten yards each time ; I was expecting the constable to call on me for assistance, but he did not do so.

Cross-examined by Mr. Carter : I went about twenty-five yards nearer to them than the public-house was ; I don't know what it was that complainant took out of his pocket ; the policeman gave him one good clout on his arm, and then kept tapping him on the bands ; when he threw him down he did not let him get up again till he handcuffed him ; complainant was singing out murder when the constable was sitting under the tree ; there are no marks on the knife, but I can swear to it without a mark ; there has been no row between me and complainant about my money, and I believe he took it.

By Mr. Clark : I have borrowed this knife twenty times to cut tobacco with.

Sworn at Gulgong, December 27th, 1876,—

CHARLES HAYEMAN.

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES F. PLUNKETT, J.P.

Information dismissed,—

T. A. BROWNE, P.M.
S. A. BLACKMAN, J.P.
JAMES PLUNKETT, J.P.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(CHARGES AGAINST SENIOR-CONSTABLE-BREEN.)

Ordered by the Legislative Assembly to be printed, 21 May, 1877.

RETURN to an *Address* of the Honorable the Legislative Assembly of New South Wales, dated 23 January, 1877, praying that His Excellency the Governor will be pleased to cause to be laid upon the Table of this House,—

“Copies of the Depositions in the case of Constable Breen, tried at Gulgong,
“and dismissed by the Bench there.”

(*Mr. Buchanan.*)

Department of Justice and Public Instruction, Sydney, 18 May, 1877.

THE Depositions in this case were laid upon the Table of the Legislative Assembly, and ordered to be printed on 10th January last in connection with certain charges preferred against Senior-Constable Breen.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

POLICE.

(DEPOSITIONS IN THE CASES "POLICE v. BURNS.")

Ordered by the Legislative Assembly to be printed, 15 June, 1877.

FIRST CASE.

JOHN BURNS, drunk and disorderly, in York-street, Sydney, on the 28th inst.

Remanded till next Wednesday. Medical examination and treatment suggested.

Sydney, 28 June, 1876.

JOHN T. GORUS, J.P.

Remanded till to-morrow. Bail allowed—self in £10, and one surety in £10.

Sydney, 5 July, 1876.

HUGH DIXSON, J.P.

Pleads "Not Guilty."

Constable James Azam, on oath, states: I am a member of the New South Wales Police Force; the defendant is the person I charge with being drunk and disorderly in York-street, a public street in the city, on the 28th June last; about five minutes to 4 o'clock in the morning of the 28th June last the defendant was in a cab in York-street; he was yelling and shouting; one of the cab lamps was out; I hailed the cabman to stop and light his lamp; the defendant jumped out of the cab and asked what the bloody hell I stopped the cab for when he was in the cab; he spoke in a threatening manner; I was in Police uniform; I told the cabman that I should object to the cabman taking the defendant into his cab because he was drunk and disorderly, and I was going to arrest him—he was drunk and disorderly; the defendant paid the cabman; Constable M'Donald came up and I took the defendant into custody; defendant was very drunk and violent, and it took four of us to secure the defendant.

Cross-examined by Mr. Vardy: At five minutes to 4 o'clock I was in York-street, when I saw the defendant coming along York-street in a cab; I was alone; the first thing I did was to hail the cabman and tell him that one of his lights was out; I don't remember whether the cabman said that he didn't know it; he didn't take out his lamp to light it when I was talking to him; after I hailed the cabman I didn't hear the defendant say to the cabman, "Well, cabby, what the hell are you stopping for"; I did not hear the cabman tell the defendant that he was lighting his lamp; I didn't say to the cabman, "You have a drunken man in your cab, and if you take him any further it will be at your own risk"; the defendant jumped out of the cab and said to me, "What the hell do you stop a cab for when I am in it"; I can't remember whether the cabman said that he couldn't take the defendant if a constable objected; I didn't go to the door of the cab, and say to defendant before he first got out of the cab, "Here, come out of this, you will have to go with me"; I didn't place my hands on him when he was in the cab; when I arrested him he clung to the wheel of the cab outside to resist me; I didn't tell the defendant that he would have to pay the cabman; the defendant may have said that he would pay the cabman when he drove him to the ship; I didn't say "pay him"; the defendant took out of his pocket a 2s. piece, a half-crown, and six-pence, and said "There are 5s."; I didn't hear defendant say, "That don't look like if I was drunk"; I saw one person in the cab with defendant; I won't swear that there were not two persons in the cab with defendant; I will not swear that the cabman was not paid before the second constable came up; neither of us struck the defendant with our baton when we were taking the defendant away from the wheel of the cab; there was not a baton taken from either of our pockets during the arrest; we didn't use the baton on the defendant; the defendant was dragged away from the wheel by myself and Constable M'Donald; the defendant was not struck by us with anything; after we pulled him away from the cab the defendant struggled and tried to resist us; when he was struggling he fell or threw himself down; as he was in the act of falling, neither me nor my comrade struck him over the head with a baton; Constable M'Donald blew the whistle when he received a severe kick on the head; Senior-constable Butler came after M'Donald blew his whistle; Butler ran up; he didn't say, "I'll quiet the bugger"; Butler didn't strike the defendant on the head with his baton as he was getting up; when Butler came up the defendant was not in the act of getting up, he was trying to get up; I had hold of his hands; Butler didn't strike the defendant at any time with his baton; the defendant didn't fall down immediately after Butler came up; we didn't catch hold of the defendant by the throat, hold him against the

the edge of the kerbstone, and try to choke him; when defendant was lying down the constables did not beat him with a baton; about a quarter or half a minute after Butler came up, another constable came up; I didn't hear a man say, "If you allow me to speak to him he will go quietly"; Constable Butler didn't draw back, strike a man three times in the face, and say, "You bloody bugger, what do you want"?—no constable there did that; I did not say to one of the young men who was there, "Do you want anything"; I didn't hear the cabman say, "For God's sake, don't ill-treat the man like that"; I won't swear that he didn't say so; the four of us carried him to the station; I didn't hear him say, "Don't kill me," when we were taking him to the station; I won't swear he didn't say so; he spoke after he was taken to the station; he said that he would kick one of the reserve men's guts out, and he did kick him; I didn't notice any blood on the prisoner's face when he was brought to the station; he may have had blood on his face; neither of the constables knocked any of the defendant's teeth out with a baton; I didn't see any hair torn out of the defendant's beard by police; the defendant was not kicked by a constable in my presence; last week when the defendant was brought into Court his lips were swollen, his eyes were bloodshot, his mouth was not bleeding, his beard was in the same state as it is now; I noticed a cut on his hand, and a mark which appeared to have been caused by him struggling when he had the handcuffs on; he was carried out of the Court in an unconscious state; he was suffering from *delirium tremens*, I think; I saw the defendant walk out to the van afterwards; I won't swear that there were not any of the defendant's teeth left in the cell; there were a good many prisoners in the same cell as the defendant; the marks on the hat produced were not caused by any of the constables who arrested him striking him on the head with a baton; there were not any pound notes found on the prisoner at the lock-up.

By Mr. Carroll: The blood which was on the defendant's hands was not caused by the constables who arrested him.

JAMES AXAM.

Sworn at Sydney, the 6th July, 1876, before,—

JAMES VICKERY, J.P.

Remanded till to-morrow, at 10:30 o'clock; bail allowed, self in £10. James Richards, of No. 54 Cumberland-street, acknowledges himself bound in the sum of £10 for defendant's appearance.

A. THOMPSON, J.P.

Sydney, 6th July, 1876.

JAMES VICKERY, J.P.

Constable Peter McDonald, on oath, states: I am a member of the New South Wales Police Force; I know Constable Axam and the defendant; on the morning of the 28th June last, at about 4 o'clock, I was on duty in York-street, Sydney; I heard some person shouting very loudly in the direction of the Masonic Hall, in York-street; I hastened with all possible speed to see what it was; I there saw the defendant and Constable Axam; the defendant was in the act of paying a cabman; the defendant was not in the cab; the constable was standing in the street; the cabman was in front of him; two or three other persons were there; I heard the defendant use some very strong language—he said, "I'll let no bloody bobby take me;" Constable Axam asked me to assist him to arrest the defendant for being drunk and disorderly; defendant was in a state of raving drunkenness; Constable Axam arrested him; defendant resisted very much; I assisted Axam to arrest the defendant, and he assaulted me, and caught hold of the wheel of the cab; a struggle ensued, and the defendant fell, and he tore my coat; it took three constables to take the defendant to the lock-up; a fourth constable met us as we were going into the gate of the station; we had to sound our whistles to prevent using violence; the defendant was very drunk and disorderly; there was some blood on the defendant's right hand when I seized him by the hand.

Cross-examined by Mr. Vardy: I was in York-street, between King and Market Streets, when I heard the noise; the cab was standing near the Masonic Hall; when I first saw the defendant he hadn't hold of the wheel of the cab; a few seconds after I came up, the defendant grasped the wheel of the cab; when Constable Axam arrested him he caught hold of the wheel; when I came up I saw the defendant catch hold of the wheel of the cab; before he put his hands on the wheel Constable Axam asked me to assist him to arrest him; two persons besides the driver were standing near at the time; I released the defendant's hands from the wheel; Constable Axam assisted me to take the defendant from the wheel; he resisted our attempts to take him from the wheel; Constable Axam or myself didn't strike the defendant with a baton or anything else across his hands when we were removing him from the wheel; when we got him away from the wheel he struggled and fell down; when he was falling Constable Axam or myself didn't strike him over the head with a baton; after he fell a whistle was blown, and a third constable came up; it was Senior-constable Butler who came up; he ran up; he didn't say, "I'll quiet the bugger"; I didn't hear him say so; it was impossible for him to say so without I heard him; when he came up to us I will not swear he did not say so; when Butler came up he didn't strike the defendant on the head with his baton; when Butler came up the defendant was trying to get up; he was kicking violently; the defendant was on the ground when Senior-constable Butler came up, and he didn't get up again till he was carried into the lock-up; he was handcuffed without any violence from the police; he struggled violently on the ground when he was being handcuffed; when the defendant was on the ground being handcuffed the constables didn't strike the defendant with a baton; the constables never struck the defendant with a baton; there was no baton used at all; the constables didn't catch hold of the defendant and try to choke him before they handcuffed him; I didn't hear one of the persons who were standing by say, "If you allow me to speak to him he will go quietly"; I won't swear that the words were not used; I didn't hear the cabman say, "For God's sake, don't ill-use the man like that"; he did not use those words; the fourth constable came from the beat; it was not the watch house keeper; the three constables took the defendant as far as the gate, and the fourth constable joined us there; defendant was perfectly conscious; I didn't hear defendant say "Don't kill me," as he was carried into the lock-up; I swear he didn't say so; he was not moaning; two of us carried the defendant into the cell; I was one of the two; on last Wednesday week I was in Court as a witness against the defendant on the charge on which he is now before the Court.

Sworn at Sydney, this 7th July, 1876, before,—

PETER McDONALD.

JAMES VICKERY, J.P.

Remanded till next Wednesday. Defendant acknowledges himself bound in the sum of £10 for his appearance. James Richards, of No. 54, Cumberland-street, acknowledges himself bound in the sum of £10 for defendant's appearance.

JAMES VICKERY, J.P.

Sydney, 7th July, 1876.

Constable

Constable Peter M'Donald, re-sworn, states: My former evidence is true.

Cross-examined by Mr. Vardy: I was in Court on last Wednesday week when the defendant was brought before the Court for being drunk and disorderly; he was in a state of unconsciousness, and apparently in hysterics; he was carried out of Court, and was remanded to gaol for a week for medical treatment; I was present in the afternoon when the defendant was taken out of the van; I saw the defendant in the cell and left him there; I did not see two buckets of water thrown over him; there were other persons in the cell; the prisoner walked into the cell; he was conscious when he was searched, and he made a kick at me; his face was not covered with blood when he was put into the cell; I didn't see four or five of his teeth knocked out; I didn't see any of his teeth in the cell, there possibly might have been some of them left in the cell; the tooth produced was not knocked out of the defendant's mouth by a constable's baton on that morning; I didn't take any part in the matter until I was called by Constable Axam; I didn't hear the cabman say, "Don't ill-treat the man"; I won't swear he didn't say so—I was excited, and the other constables who were with me couldn't be but excited; I had my baton in my possession; from the time I went up to the cab neither myself or the other three constables struck the defendant with a baton; they didn't draw their baton and I didn't draw my baton.

Sworn at Sydney, this 12th July, 1876, before,—

PETER M'DONALD.

JAMES VICKERY, J.P.

Remanded till to-morrow; defendant acknowledges himself bound in the sum of £10, and James Richards acknowledges himself bound in the sum of £10 for the defendant's appearance.

Sydney, 12th July, 1876.

JAMES VICKERY, J.P.

Senior-constable John Butler, on oath, states: I am a member of the New South Wales Police Force; on the morning of the 28th June last, I was on duty at the Central Police Station; I heard a constable's whistle; I went into York-street, and heard a noise there near the Markets; I ran up and saw the defendant on the footway in the custody of Constables Axam and M'Donald; the defendant was drunk and kicking violently at the two constables; I said to them, "Look out, or he will hurt some of you"; I assisted to take him to the watch-house; he kicked me on the left hand, and I said, "Let him down, and we will put the handcuffs on him"; we then took him to the station.

By Mr. Vardy: I ran up to the defendant and the two constables; I didn't say, "I'll quiet the bugger"; I didn't strike him over the head with my baton and knock him down; the defendant didn't fall suddenly just after I came up; the three of us didn't catch hold of the defendant by the throat and hold him against the edge of the kerbstone and try to choke him; I caught hold of him when we were handcuffing him; I didn't kneel on his chest; he was so violent that it took the three of us to handcuff him; when he was being handcuffed, neither of us struck the defendant with a baton; there were not any batons drawn on the occasion; I didn't have my baton; from the time I came up until the defendant was put in the cell there was not any batons used, or any batons drawn; when I came up to the defendant two men were near him; one of the men came up to us and wanted to get the defendant away from us; I pushed him away and said, "Don't interfere with us, please"; when the man came up, I didn't let the defendant go, and strike the man three blows in the face, and say "What do you want, you bugger"; I didn't hear the cabman call out and say, "For God's sake, don't ill-use the man like that"; he may have said so; the defendant was not taken into the watch house by four constables; three constables took the defendant into the station, and another constable came into the station immediately afterwards; when we took the defendant into the station I did not see any blood on his face; I saw some mud on his face, and there may have been blood under the mud; the defendant was not moaning when we took him to the station; the defendant walked between us after we handcuffed him; we didn't carry him into the station at full length; if one or two witnesses have sworn that he was carried into the station at full length, it is not a fact; five of us were present, and three assisted to put the defendant into the cell; I didn't assist to wash the blood off defendant's face; I was not present when two buckets of water were thrown over defendant; I was not present when the defendant was lifted up by the ear to be washed in the cell; I didn't see the defendant when he was brought into Court on the 28th June; I was not in the Court as a witness; I was not told to come; I didn't see several of defendant's teeth knocked out; five of his teeth were not knocked out by the police after I came up to them; I didn't follow the defendant to church last Sunday evening, and watch him in church and from church; I didn't see the defendant from 5 o'clock on the morning of the 28th June last until the following Wednesday; I didn't hear Constable Axam tell the defendant on last Wednesday week to plead guilty and it would be better for him.

By Mr. Carroll: Constables Ryan and Bell were present when the defendant was put in the cell; there was not any more force used than necessary to take the prisoner.

Sworn at Sydney, this 13th July, 1876,—

JOHN BUTLER.

JAMES VICKERY, J.P.

Constable John Bell, on oath, states: On the morning of the 28th June last, I saw the defendant in York-street, about 100 yards from the station; I heard a whistle before I saw the defendant, and when I got up to the defendant he was drunk and making a noise; I noticed that he was kicking at Senior-constable Butler, Constable Axam, and Constable M'Donald, and trying to bite them; I only remained with them for about a minute and a half; it was twenty minutes afterwards when the constables brought the defendant to the station; the defendant came into the station walking between the police, shouting, and making a great noise; I did not notice any blood on the defendant's face; I saw some mud on his face.

By Mr. Vardy: I came out of the station along York-street; I was on duty at the station as a reserve man; when I got up I saw the defendant near "Beattie's Hotel"; he was on the ground struggling with the police, and I think he was trying to get away from the police; I didn't assist to handcuff the prisoner; I hurried back to the station; I don't know any more than what I have said; four constables came into the station; the three constables I saw with defendant in York-street brought him to the station; the defendant was not handcuffed when I was there; the police were trying to handcuff him; they didn't strike him with their baton; I didn't hear a cabman say, "Don't ill-use the man like that"; I won't swear he didn't say so; I didn't hear the defendant moaning when he was brought into the station; he didn't say, "For God's sake, don't kill me"; he had no blood on his face; his mouth was not bleeding; three of the constables put him into the cell; I locked the cell door; at 5 o'clock in the morning I saw him in the cell asleep; I didn't see any of his loose teeth in the cell that morning; I helped to get him

ready

ready for Court; I raised him by the shoulders and arms; I didn't raise him by the ear; I rubbed some mud off his face; I didn't wash any blood off his face; his face was a little scratched, and it might have bled; I don't think it could have bled much; if there was any blood it was mixed up with the mud; I couldn't say whether his right hand was hurt; I didn't throw any water over the defendant; twobuckets of water were not thrown over him in my presence; Constable No. 71 was not there when I was there; I had a bucket about three-fourths full of water, and I washed defendant's face with some of it; I held the defendant up when I was washing his face, and he was shouting and not groaning; when he was brought into Court he was almost asleep in *delirium tremens*; when he was taken out of Court he didn't appear to be unconscious; three or four constables carried him out of Court at full length; he didn't feel inclined to walk; to the best of my belief he was conscious; I won't swear that he was not unconscious; I was not present when the defendant was put in the van; I don't know who No. 71 is.

Sworn at Sydney this 13th July, 1876, before,—

JOHN BELL.

JAMES VICKERY, J.P.

Remanded till to-morrow afternoon at 2 o'clock. Defendant acknowledges himself bound in the sum of £10 for his appearance.

Sydney, 13th July, 1876.

JAMES VICKERY, J.P.

DEFENCE.

James Richards, on oath, states: I live in Sydney, and have known the defendant for some days; on the morning of the 28th June last I was in a hansom cab with defendant in York-street, nearly opposite the Masonic Hall; Martin Denniffe was in the cab with me; a man named Smith was driving the cab; we were going northwards, and the cab was stopped by a constable; he called to the cabman and asked him if he knew that one of his lights was out; the cabman said "No," and he pulled up; the cabman reached over to catch hold of the lamp; I do not know whether he caught hold of the lamp; from the time the constable hailed the cabman to the time the cabman pulled up, the defendant was not drunk and disorderly; the defendant was not in any way disturbing the public peace up to that time; when the cabman stopped, the defendant asked the cabman what he stopped for; the cabman didn't make any reply; Constable Axam is the constable who hailed the cab; the constable went to the door of the cab and said to the cabman, "You have got a drunken man here, and if you drive him any further you drive him at your own risk"; the cabman said if he told him not to drive him any further, he would not; the constable then said to defendant, "You will have to get out of the cab"; defendant wanted to know what he had to get out of the cab for; the constable said that he had to go with him; defendant said that he wouldn't go; the constable caught hold of the defendant by the arm and shoulder and dragged him out of the cab; the constable then told the defendant to pay the cabman; defendant said that he would pay him when he drove him down to the wharf; I don't know whether he said wharf or ship, he said that he was not finished with him; they talked and barneyed together; the constable told the defendant that he would have to pay the cabman; the defendant put a 2s. piece, a half-crown, and sixpence, into the cabman's hands, and said, "There is a 2s. piece, a half-crown, and a sixpence—that don't look like if I was drunk"; Denniffe was standing alongside of me when the defendant paid the cabman; as soon as the defendant paid the cabman the constable said to the defendant, "You will have to go with me"; defendant said I won't go; the constable caught hold of the defendant, and he caught hold of the wheel of the cab; Constable Axam tried to get his hands off the wheel; another constable came up, and one of the constables struck defendant across the right hand with a stick, and the defendant then let his hand drop off the wheel; the two constables then dragged him to the footway, and he was in the act of falling, and one of the constables struck the defendant with a weapon; I heard one of the constables blow a whistle, and a third constable came up; he came with a rush, and said, "Leave him to me, I'll quiet the bugger"; the defendant was on the pavement trying to get up, and the third constable struck the defendant across the head with something he had in his hand, and the defendant fell down suddenly; the three constables then held defendant down, and hit him with what sticks they had, and kicked him; one of the constables said, "Don't hit him in the face, he will show his marks"; Martin Denniffe then said, "If you allow me to speak to the man, he might go quietly"; the big constable, the third one who came, then drew off with his fist and struck Denniffe in the face three times and said, "Take that you bugger, or bloody bugger, what do you want"; I took Denniffe away; the cabman called out afterwards and said, "Don't ill-use the man"; the constable came over and said to one of us, "Do you want anything?" another constable came up from towards Market-street, and he assisted the others to drag the defendant along the pavement; I don't think the defendant had been handcuffed up to this time; up to the time the third constable struck the defendant he struggled very much; he didn't struggle much afterwards; when the fourth constable came up they dragged the defendant with one of his legs on the ground for some distance; I didn't see what took place afterwards; I heard him moaning, and the last words I heard him say were "Don't murder me"; the defendant hadn't said or done anything to the police up to the time the constable caught hold of him; the defendant was being driven to his ship at the time the constable stopped his cab; all the blows I saw struck were struck by a weapon similar to a constable's baton.

Cross-examined by Mr. Carroll: It was about 4 o'clock in the morning.

Sworn at Sydney, this 14th July, 1876, before,—

JAMES RICHARDS.

JAMES VICKERY, J.P.

Postponed till to-morrow at 10 a.m. Defendant acknowledges himself bound in the sum of £10 to appear.

Sydney, 14th July, 1876.

JAMES VICKERY, J.P.

James Richards, re-sworn, states:

Cross-examined by Mr. Carroll: I left home at tea-time on the night of the 27th June last; after 12 o'clock on the morning of the 28th I was with defendant; I was with defendant at 12 o'clock on the Circular Quay; I went with the defendant to the *Herald* Office; I went into Lynch's public house and had a glass of port wine hot; I went from Lynch's to the *Herald* Office with the defendant; after we left the *Herald* Office I got into the cab with defendant, and stopped at the corner of Liverpool-street on the Brickfield Hill, on the left-hand side going down; it was a public house where we stopped; I saw

Constable

Constable Martin there ; we called for coffee, and when there were no rolls there the defendant had some words with the coffee man ; Constable Martin was there, and told defendant to stop his noise ; defendant told him if he was doing his duty he wouldn't be standing alongside of a coffee stall ; he then ran over to defendant and defendant and Martin Denniffe went into Elizabeth-street ; I saw them go around the corner, and I heard a crash as if some windows were broken ; I didn't see who broke the windows ; something took place between the constable and the defendant, and the defendant ran away ; I didn't see any blood on the defendant's hands then ; I won't swear that he hadn't any blood on his hands ; the constable ran after the defendant ; I followed the defendant down in a cab afterwards ; it was about half-past 3 o'clock then ; defendant hadn't anything to drink after he left Lynch's public house ; he was not drunk ; he could walk straight ; he was not mad drunk ; he hadn't anything to drink after 12 o'clock with the exception of some coffee ; if four constables have sworn that the defendant was mad drunk, they have not sworn the truth ; I hadn't known the defendant before the night of the 27th.

By Mr. Vardy : I didn't see Constable Martin in York-street ; I don't believe that he was there ; I am a boatman, and have a great deal to do with shipping ; defendant told me that he belonged to the "Albion" ; he asked me if I could tell him where he could get something to eat ; I told him where to get something to eat, and I went with him ; I didn't see the defendant's hand cut when he was in the cab.

Sworn at Sydney, this 15th July, 1876, before,—

JAMES RICHARDS.

JAMES VICKERY, J.P.

John Smith, on oath, states : I am a cab driver, and know the defendant ; on the morning of the 28th June last, I was engaged by the defendant between 3 and 4 o'clock to drive him ; at about 4 o'clock I was driving the defendant, the last witness, and a man named Denniffe, down York-street ; when we got near the Masonic Hall, a constable called out ; I didn't stop at first ; he said, "I know you, No. 199, you have got a lamp out" ; I then stopped, and leant over the cab to light the lamp or to see if it was out ; the constable then came over and asked me what I was doing driving the defendant ; I said that he was a fireman on board the "Albion," and that I was taking him down to the "Albion" ; the constable then said, "You had better put him out of the cab—if you drive him any further, you drive him at your own risk" ; he didn't give any reason why I shouldn't drive ; the constable told defendant that he would have to get out ; defendant said, "What are you stopping the cab for, I want the man to take me down to my ship" ; the constable ordered the defendant to get out of the cab ; I was sitting on the back of the cab and didn't see any person pull him out of the cab ; the defendant was brought out of the cab ; the constable leant in the cab ; when defendant was out of the cab, the constable said, "What are you kicking up a row for" ; he said, "I am not kicking up a row" ; Constable Axam was the constable ; defendant asked the constable for his number, and he gave it to him ; the constable demanded the defendant to pay me ; I don't think I had asked for my fare ; defendant told the constable he would pay me when he got down to the ship ; the constable said to defendant, "You must pay him and come along with me" ; defendant asked me how much it was ; I said "5s." ; defendant gave me 5s.—he gave me a half-crown, a sixpence, and something else, I can't say whether it was a two-shilling piece ; when he paid me the money he said, "That don't look like if I was drunk" ; he was going to get into the cab then— he had his arm on the wheel of the cab, and the constable was holding on to the defendant trying to pull him away ; another constable then came up and tried to get the defendant away from the cab ; it was a pitch dark night ; one of the constables struck the defendant on his hand with something, and the defendant let go the wheel and staggered, or something like that ; defendant said, "What are you taking me for?" They pulled him towards the kerbstone, and he fell down, and I heard defendant say, "Lord have mercy on us," or something of that sort ; I cannot say whether the constables were doing anything to him then ; I am not sure what the defendant said ; when the defendant was down, I heard a sound like a fall, and I heard a whistle blown ; another constable then came down, I cannot say how he did come, he came quickly ; I didn't hear the third constable say anything when he came up ; I was on the cab in the middle of the road in the front of Dixon's, and the defendant was near the Market gate ; I think the defendant was down when the third constable came up ; when the the third constable came up, the defendant said, "Oh, Mother of God, don't kill me" ; I didn't see the third constable strike the defendant ; there was a bit of a scuffle when he came up ; I can't swear that I heard one of the constables tell another constable not to do something ; Denniffe went up to the constables and said something about letting him go quietly ; I don't know the exact words he said ; they had a bit of scuffle then, and I heard the constable run and say get out of the road ; I don't know what else he said ; I said to the police, "Don't knock him about, there are enough of you to take him quietly" ; a constable ran up to me and said to me, "What did you say" ; I said that I wanted to get Mr. Denniffe in the cab ; Mr. Richards made the reply ; I don't think Mr. Richards went up to the gate ; Mr. Richards was nearer to where the defendant and the police were than I was ; he was in a better position to see and hear more than I did ; Denniffe had a better opportunity of seeing than I had ; I cannot say whether I heard the defendant moaning ; I went away ; I heard the defendant call out for not to kill him ; when the cab was stopped in York-street, he hadn't any blood on his face ; I don't know whether he hadn't any blood on his hands ; he didn't have any blood on the hand he paid me the money with ; he didn't have any cuts and mud on his face when he was in the cab ; I don't know what the constables struck the defendant with when he had hold of the wheel ; I didn't see the constables have anything in their hands ; I was not near enough ; when the defendant was down I heard a noise of a fall and something else ; when the defendant and the other persons were in the cab, they were talking pretty loudly ; I cannot say that they were drunk and disorderly ; they were not disorderly ; defendant was not helplessly drunk, he had had a few glasses ; he was not drunk, he hadn't anything to drink in my presence ; if any persons have sworn that he was helplessly and mad drunk, or drunk, it is not the case ; I didn't see the defendant commit any offence in York-street up to the time the cab was stopped ; until the constables caught hold of the defendant, the defendant hadn't done anything to the constables ; defendant was a little the worse for drink.

Sworn at Sydney, this 15th July, 1876,—

JOHN SMITH.

JAMES VICKERY, J.P.

Remanded till next Tuesday afternoon at 2 o'clock ; defendant acknowledges himself bound in the sum of £10 for his appearance.

Sydney, 15th July, 1876.

JAMES VICKERY, J.P.

John

John Smith, re-sworn, states—*Cross-examined by Mr. Carroll*: My former evidence is correct; I won't swear that Constable Axam laid his hands on the defendant in the cab; he leant in the cab; he laid hold of him in the front of the cab; I had the defendant at the "Solferino Hotel"; we had some coffee there; Denniffe and the defendant said that the constable who was there hadn't any right to be standing there, and said that he ought to be doing his duty; I then saw the defendant and Denniffe go around the corner, and I heard a window smash; I don't know who broke the window.

(Objection by Mr. Vardy, on behalf of the defendant, against attorney appearing for the Police in their character as such, unless retained by the Government or the authorities of the Police Department.)

(Mr. Vardy, who appears for defendant, objects to what took place before 4 o'clock on the morning in question.)

Sworn at Sydney, this 18th July, 1876,—

JAMES VICKERY, J.P.

JOHN SMITH.

Martin Denniffe, on oath, states: I am a bootmaker; I know the defendant by sight; on the 28th June last, at about 4 o'clock in the morning, I was with the defendant and a man named Richards in a cab in York-street; we were going northwards and was going to the "Albion" steamer; a constable stopped the cab near the Masonic Hall; he said to the cabman that one of his lights was out; the constable came over to the cab and said, "Who are you got here?" when the cab stopped, defendant said to the cabman, "What do you stop for—drive on"; I didn't hear what the cabman said; the constable said that the man was drunk, and that he would have to come out of the cab; defendant said that he wouldn't get out of the cab; the constable came around to the side of the cab where the defendant was sitting and said, "You must get out of the cab"; defendant said, "I won't get out of the cab"; the constable said, "I'll make you get out of the cab"; defendant said, "I won't get out"; the constable then caught hold of the defendant and attempted to pull him out; the defendant got out of the cab, and the constable still had hold of the defendant; the constable intended to pull him out; when the defendant got out, the constable let him go; the cabman then demanded his fare, and before the constable had said to pay the fare, the defendant said that the cabman hadn't driven him to where he wanted to go; the constable told the defendant to pay the cabman; the defendant pulled out a half-a-crown, a two-shilling piece, and a sixpence, and gave it to the cabman; he said to the cabman, "You see, I am not drunk, I know what I am doing"; Constable Axam then had hold of the defendant, and I asked the constable to let him go, as he wanted to go down to his ship; the constable said to me "Go away"; I didn't see the defendant commit any offence up to the time the cab was stopped; the defendant was not drunk and disorderly in the cab in York-street, up to the time the cab was stopped; after the defendant had paid the cabman, the constable caught hold of the defendant, and the defendant caught hold of the wheel of the cab, the constable tried to pull the defendant away from the wheel of the cab; another constable came up and tried to pull defendant away from the wheel of the cab, and the defendant received a blow from one of the constables with some weapon across the hand; the weapon was in the shape of what they call a baton; when the defendant received the blow he let the wheel go and the constables dragged him over towards the path; defendant resisted and wanted to get away; I didn't notice any change in the defendant's position; defendant was not on the ground before the third constable came up; when the two constables dragged the defendant across the road I heard a sound of the two constables beating him; defendant said, "Don't kill me"; a third constable came up; it was Senior-constable Butler; I don't know how he came; I don't remember what he said; Butler assisted the other constables to arrest the defendant, and he struck him; I didn't see what position the defendant was in; I afterwards saw defendant on the ground, and the three constables were beating him; I cannot say what they were beating him with; I said to the constables, "Will you allow me to speak to the man, he might go quietly"; Butler struck me two or three blows about the neck and breast, and told me to get away; I went away then and got into the cab; I don't recollect whether the cabman called out to the police then; as I was coming up to the cab I understood the cabman to say, "For God's sake, don't ill-use the man"; I didn't hear any more after I got into the cab; I heard the defendant moaning when he was being struck; I didn't see whether the defendant was handcuffed when I last saw him; he was lying on the ground, and the three constables were still beating him when I last saw him; defendant hadn't any blood, gashes, or scabs about his face when he got out of the cab, as far as I could see; I didn't see any blood on his hands.

Sworn at Sydney, this 18th July, 1876, before,—

MARTIN DENNIFFE.

JAMES VICKERY, J.P.

Remanded till 2 o'clock to-morrow afternoon. Defendant acknowledges himself bound in the sum of £10 for his appearance.

Sydney, 18th July, 1876.

JAMES VICKERY, J.P.

Michael Burke, on oath, states: I am chief warden of Darlinghurst Gaol; on the 28th June last I received the defendant in gaol on three warrants; to the best of my opinion it was after 4 o'clock in the afternoon when I received him; he came in the police van, and I received the warrant produced (marked "1st case") with him; the words "Medical examination suggested" were on the warrant when I received him; I had the defendant put into the observation ward for medical treatment; I kept the defendant in gaol by virtue of the warrant produced until the 5th instant; when I received the defendant into gaol he was not in a drunk and disorderly state; he was in a very weak state.

Sworn at Sydney, this 19th July, 1876, before,—

MICHAEL BURKE.

JAMES VICKERY, J.P.

Arthur William Harnett, on oath, states: I am a warden in Darlinghurst Gaol; on the 28th June last, between 3 and 5 o'clock in the afternoon, I received the defendant into my charge in the Darlinghurst Gaol, from Dr. Aaron, the Resident Medical Officer; I received him in the observation ward; he was in my charge in the ward for a week; when I received the defendant he was not in a drunk and disorderly state.

Sworn at Sydney, this 19th July, 1876,—

ARTHUR W. HARNETT.

JAMES VICKERY, J.P.

John

John C. Read, on oath, states: I am Principal Gaoler at Darlinghurst; I know the defendant by sight; I believe I saw the defendant on the 28th June last; I received him into gaol by virtue of the warrant produced, and I kept him till the 5th instant; I saw him come into the gaol, he looked very wild and distracted, and had his hat off; I received the defendant in the gaol under the warrant produced; I don't think the defendant was drunk, I consider he was suffering from the effects of drink; I won't swear that he was drunk and disorderly.

JNO. C. READ.

Sworn at Sydney, this 19th July, 1876, before,—
JAMES VICKERY, J.P.

[First Case.]

(Q 1.)

Warrant remanding a prisoner.

To the Superintendent, a constable in the Police Force for the Colony of New South Wales, and to all other constables in said Force, and to the Keeper of the Gaol at Darlinghurst, in the said Colony.

WHEREAS John Burns was this day charged before John T. Gorus, Esquire, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, with being drunk and disorderly in York-street, Sydney, on the 28th June instant; and it appears to be necessary to remand the said John Burns: These are therefore to command you, the said constable, or your assistants, in Her Majesty's name, forthwith to convey the said John Burns to the gaol at Darlinghurst, in the said Colony, and there to deliver him to the keeper thereof, together with this precept; and I hereby command you, the said keeper, to receive the said John Burns into your custody in the said gaol, and there safely keep him until the 5th day of July next, when I hereby command you to have him at the Central Police Court, Sydney, in the said Colony, at 10 o'clock in the forenoon of the same day, before me, or before such other Justice or Justices of the Peace for the said Colony as may then be there, to answer further the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand and seal, this twenty-eighth day of June, in the year of our Lord one thousand eight hundred and seventy-six, at Sydney, in the Colony aforesaid.

JOHN T. GORUS, J.P. (L.S.)

Medical examination suggested.—W.C.A.

Sub-inspector Robert Anderson, on oath, states: I am in charge of No. 1 Police Station.
Sworn at Sydney, this 19th July, 1876, before,—
ROBERT ANDERSON.

JAMES VICKERY, J.P.

Remanded till to-morrow, at 11 o'clock in the morning. Defendant acknowledges himself bound in the sum of £10 for his appearance.
Sydney, 19th July, 1876.

JAMES VICKERY, J.P.

Mr. Carroll, who appears for Constable Axam, produces a book containing the Rules for the Police Force of New South Wales, in pursuance of a notice to Constable Axam and others having been served by Mr. Vardy, defendant's attorney, for the production of the said book.
Sydney, 20th July, 1876.

JAMES VICKERY, J.P.

Mr. Vardy hands in as evidence a certificate of defendant's discharge of good character from the ship "Albion."
Sydney, 20th July, 1876.

JAMES VICKERY, J.P.

Sub-inspector Robert Anderson, re-sworn, states: I produce a list containing maxims for general guidance of members of the Police Force, and that list is kept hung up at No. 1 Police Station; they are additional to the rules mentioned in the rule-book produced; Constable Axam is a member of No. 1 division; the regulations contained in the book and list produced are still in force, and it is the duty of all the men under my command to obey those instructions, and to act in accordance with those rules; Constable Axam has been furnished with a book similar to the one produced.
Sworn at Sydney, this 20th July, 1876, before,—
ROBERT ANDERSON.

JAMES VICKERY, J.P.

Remanded till to-morrow at 2 o'clock p.m. Defendant acknowledges himself bound in the sum of £10 for his appearance.
Sydney, 20th July, 1876.

JAMES VICKERY, J.P.

Remanded till to-morrow, at 12 o'clock, noon. Defendant acknowledges himself bound in the sum of £10 for his appearance.
Sydney, 21st July, 1876.

JAMES VICKERY, J.P.

Case dismissed. Certificate of dismissal granted.
Sydney, 22nd July, 1876.

JAMES VICKERY, J.P.

SECOND CASE.

JOHN BURNS, assaulting Constable P. McDonald whilst in the execution of his duty, on the 28th instant.

Remanded till next Wednesday; medical examination and treatment suggested.

Sydney, 28th June, 1876.

ROBERT GUY, J.P.

JOHN T. GORUS, J.P.

Remanded

Remanded till to-morrow. Bail allowed—self in £10, and one surety in £10.
Sydney, 5th July, 1876. HUGH DIXSON, J.P.

Remanded till to-morrow.
Sydney, 6th July, 1876. JAMES VICKERY, J.P.

Remanded till next Wednesday.
Sydney, 7th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 12th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 13th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 14th July, 1876. JAMES VICKERY, J.P.

Remanded till next Tuesday.
Sydney, 15th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 18th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 19th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 20th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 21st July, 1876. JAMES VICKERY, J.P.

Case withdrawn.
Sydney, 22nd July, 1876. JAMES VICKERY, J.P.

THIRD CASE.

JAMES BURNS, wilfully damaging a police uniform coat of the value of , the property of the New South Wales Government, on the 28th instant.

Remanded till next Wednesday. Medical treatment and examination suggested.
Sydney, 28th June, 1876. JOHN T. GORUS, J.P.

Remanded till to-morrow. Bail allowed—self in £10, and one surety in £10.
Sydney, 5th July, 1876. HUGH DIXSON, J.P.

Affidavit of Justification.

New South Wales, }
to wit. }

The Queen v. John Burns, of the City of Sydney, in the Colony of New South Wales.

JAMES RICHARDS, of No. 54, Cumberland-street, in the said city, landholder, who offers himself as bail for the above-named John Burns, maketh oath and saith: And first this deponent, the said James Richards, for himself saith, I am a freeholder, residing at No. 54, Cumberland-street, in the said city, and am worth property to the amount of thirty pounds over and above all my just debts and liabilities, and over and above every other sum for which I am now bail or surety.

JAMES RICHARDS, JUNR.

Sworn at the Central Police Office, in the Colony aforesaid, by the said James Richards, the 5th day of July, in the year of our Lord one thousand eight hundred and seventy-six, before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony of New South Wales.

WM. CRANE, J.P.

(E. 11 & 12 Vic., cap. 43.)

Recognizance for the appearance of the defendant, where the case is adjourned, or not at once proceeded with.

New South Wales, }
to wit. }

BE it remembered, that on the fifth day of June, in the year of Our Lord one thousand eight hundred and seventy-six, John Burns, of Sydney, in the Colony of New South Wales, seaman, James Richards, of 54, Cumberland-street, in the city of Sydney and Colony, freeholder and boatman, personally came before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony, and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following (that is to say): the said John Burns the sum of thirty pounds, and the said James Richards the sum of thirty pounds, of good and lawful money of Great Britain, to be made and levied of their several goods and chattels, lands and tenements, respectively, to the use of our said Lady the Queen, Her Heirs, and Successors, if he the said John Burns shall fail in the condition endorsed:

Taken and acknowledged the day and year first above mentioned, at the Central Police Office, Sydney, in the said Colony, before me,—

WM. CRANE, J.P.

JAMES RICHARDS, JUNR.

his
JOHN + BURNS. (Read over.)
mark.

Condition.

Condition.

The condition of the within recognizance is such, that if the said John Burns shall personally appear, on Thursday, the sixth day of July instant, at ten of the clock in the forenoon, at the Central Police Office, Sydney, in the Colony of New South Wales, before such Justices of the Peace for the said Colony as may then be there, to answer further to the charges of drunkenness, assaulting a constable, wilful damage, exhibited against the said John Burns, and to be further dealt with according to law, and there attend until the charges shall be disposed of,—then the said recognizance to be void, or else to stand in full force and virtue.

WM. CRANE, J.P.

Remanded till to-morrow.
Sydney, 6th July, 1876. JAMES VICKERY, J.P.

Remanded till next Wednesday.
Sydney, 7th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 12th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 13th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 14th July, 1876. JAMES VICKERY, J.P.

Remanded till next Tuesday.
Sydney, 15th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 18th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 19th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 20th July, 1876. JAMES VICKERY, J.P.

Remanded till to-morrow.
Sydney, 21st July, 1876. JAMES VICKERY, J.P.

Case withdrawn.
Sydney, 22nd July, 1876. JAMES VICKERY, J.P.

FOURTH CASE.

Regina v. Burns.—Monday, 14th August, 1876.

New South Wales Police.—Application for Summons.

(C. P. Court—30 Vic. No. 5, s. 1—Wednesday, 26 July.—G. READ, Supt.)

CONSTABLE William Martin is directed to apply to the Magistrates at the Central Police Court, at Sydney, for a summons against John Burns, of Sydney, for being drunk in George-street, Sydney, on the 28th June, 1876.

No. 1 Station, 24th day of July, 1876.

ROBERT ANDERSON.

Summons.

To John Burns, of Sydney, in the Colony of New South Wales.

WHEREAS information hath this day been laid before the undersigned, one of Her Majesty's Justices of the Peace in and for the said Colony of New South Wales, for that on the twenty-eighth day of June last past you were found drunk, in George-street, a public street in the city of Sydney, in the said Colony: These are, therefore, to command you, in Her Majesty's name, to be and appear, on Wednesday, the 26th day of July instant, at 10 of the clock in the forenoon, at the Central Police Office, Sydney, in the said Colony, before such Justice or Justices of the Peace for the said Colony as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this 24th day of July, in the year of Our Lord one thousand eight hundred and seventy-six, at Sydney, in the said Colony.

WM. CRANE, J.P. (I.S.)

John Burns served personally, July 24th, 1876.—A. POTTER, Senior-constable. Wednesday, 26th July.

John Burns appears on summons on a charge of being drunk, in George-street, a public street in the city of Sydney, on the 28th June last past.

Mr. Roberts appeared for complainant, and Mr. Vardy for defendant.
Central Police Court, Sydney, 26th July, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Mr. Crane, at the suggestion of Mr. Vardy who appears for defendant, and by the consent of the members of the legal profession who are connected with this case now before the Court, consents to take part with his brother Justice of the Peace, Mr. Guy, in hearing and adjudicating in this case.

Mr. Vardy pleads that his client has already been tried and acquitted for the same offence.

Mr. Vardy also pleads that the Bench has no jurisdiction.

Mr. Vardy also pleads not guilty.

Sydney, 26th July, 1876. WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till to-morrow afternoon at 2 o'clock.

Sydney, 26th July, 1876. WM. CRANE, J.P.
ROBERT GUY, J.P.

William Martin, on oath, states : I am a constable in the Metropolitan Police Force for the Colony of New South Wales, and was so on the 28th June last.

Sworn at Sydney this 27th July, 1876, before,—

WILLIAM MARTIN.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till to-morrow afternoon at 2 o'clock.

Sydney, 27th July, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Mr. Crane asked the defendant who he had retained. Mr. Vardy told the defendant not to answer. The defendant said that he had retained Mr. Forster, believing Mr. Vardy wouldn't get a hearing.

Mr. Crane asks him again who he wants to appear for him. The defendant says that he would rather have Mr. Vardy to appear for him if he could get a hearing, as he has taken a great interest in the case.

Mr. Forster states that he was retained by the defendant to appear for him, and that he told the defendant at the time he retained him that he would not act with Mr. Vardy in the case, and he therefore withdraws from the case after the statement of the defendant in the Court.
Sydney, 28th July, 1876.

William Martin, re-sworn, states : On the morning of the 28th June last I was on duty in George-street, at the corner of Liverpool-street, public streets in the city of Sydney ; at about a quarter to 4 o'clock on that morning I saw defendant ; I was dressed in uniform as I now appear ; the defendant was drunk in George-street ; the defendant was kicking up a disturbance, and was talking about knocking the old man's coffee stall over, and asked me what I was doing there, and told me to go about my bloody beat ; he said, " I have been a bloody Melbourne bobby, and there is not a bloody bobby in Sydney can take me " ; he uttered that language in a loud tone of voice ; I told him that language wouldn't do ; I was standing near the defendant when he used the language ; I told the defendant that I would have to arrest him for being drunk ; James Richards and a man named Denniffe were with him, and they said if I let him go they would take him away ; when I first saw the defendant he was staggering about ; he was seated once on a form on the footpath near the coffee stand for a minute or two ; I spoke to the defendant about making a disturbance and threatening to knock over the old man's coffee stand, and he said all I have already stated ; Martin Denniffe and Richards had hold of the defendant, and he staggered against a window pane of the " Solferino Hotel " and broke it ; I arrested him for being drunk, and told him he would have to pay for the windows ; he said, " You bugger, you won't take me " ; he then struck me several times, and Denniffe and Richards got hold of him and dragged him along George-street ; two civilians then came to my assistance ; I was near the " Honest Lawyer " then, and was about 50 yards away from the place where I arrested him at first ; Denniffe and Richards had taken him away from me ; the defendant knocked me against the wall, and Richards and Denniffe took him away from me ; I next saw the defendant at the corner of Goulburn-street and George-street ; he was lying in the gutter on his belly ; I was getting him up, and he caught hold of me by the heels, throw me on to my back, and kicked me ; two civilians came to my assistance ; we had several scuffles together ; he threw me down again and stood over me ; a civilian then put defendant down ; defendant had capsized the two civilians before then several times ; Denniffe and Richards got hold of the defendant and put him into a cab ; the two men assisted the defendant to get out of the cab, and when he got out he was staggering drunk ; that was nearly the end of the matter ; the last I saw of the defendant was when he was going away in the cab along George-street towards the Town Hall shouting ; I didn't see any more of the defendant until the 5th July ; Martin Denniffe and Richards dragged the defendant from the corner of Goulburn-street to the place where the cab was between Liverpool and George Streets ; I saw the defendant drive up in the cab to the coffee stall, he got out of the cab to have some coffee ; Richards and Denniffe helped him out of the cab, he was so drunk ; Richards and Denniffe said in the presence of the defendant that they had been at another coffee stall ; defendant was a stranger to me up to the morning in question ; Denniffe and Richards said that the defendant belonged to the " Albion " steamship ; Denniffe and Richards said in the presence of defendant that they had had a good deal of bother with defendant at another coffee stall in Pitt-street ; I cannot recollect anything else these men said then ; the men Denniffe and Richards said to me several times in the presence of the defendant, " Take no notice of him, he is drunk " ; defendant didn't say anything ; when I first saw the defendant get out of the cab, he was staggering drunk.

Sworn at Sydney, this 28th July, 1876,—

WILLIAM MARTIN.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Remanded till to-morrow.

Sydney, 28th July, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Constable William Martin, re-sworn, states—*Cross-examined by Mr. Vardy* : I was on duty at the corner of George and Liverpool Streets, Sydney, on the morning of the 28th June last ; I was called as a witness in a case against the defendant, but the Court did not allow me to give evidence ; I was not present when the defendant was arrested by three constables in York-street ; I saw the defendant at a quarter to 4 o'clock in the morning at a coffee stall at the corner of George and Liverpool Streets, Sydney ; I saw Denniffe and Richards with the defendant ; I also noticed a cab there ; the driver of the cab was there, he was not on the cab ; I didn't here the defendant speak to the coffee man about some rolls ; I didn't hear him say, if he kept a coffee stand he would have rolls ; defendant didn't say that ; when the defendant was talking to the man who kept the coffee stall, I said to the defendant to not make a noise ; defendant didn't say, " What business is it of yours " ; he said to me, " If you were minding your beat, you wouldn't be here "—defendant said to me, " your bloody beat," when he used the word beat ; after he said if I was minding my bloody beat I wouldn't be there, I didn't run up to the defendant and say, " Don't give me any of your cheek, if you do I will take you into custody " ; defendant didn't say that he had done nothing for me to take him into custody ; I heard Denniffe say to defendant, " Come out of this,

or

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or you will be getting into bother with this fellow"; Denniffe caught hold of defendant's arm and took him around the corner of the street; it was after he turned the corner of Liverpool-street I heard the glass break; I was in Liverpool-street and saw the defendant break the window; Denniffe didn't break the window; I said to defendant after he broke the window, "You broke the window, you will have to come with me"; I didn't hear the defendant say that he didn't know he broke it; I swear he didn't say so; I arrested the defendant when he broke the window; I arrested the defendant for being drunk, for breaking the window, and for using bad language; I was going to arrest him for being drunk when he fell through the window; I told the defendant that I would arrest him for being drunk; I said to defendant, "You have broken a window, and you will have to come along with me"; I arrested him twice; when I arrested him the first time, I told him I would have to arrest him for being drunk; the second time I arrested him, I didn't tell him I would arrest him for breaking the window; after I arrested the defendant the first time, he went away with a friend of his; I ran after defendant and caught him; when I caught him, I struck the defendant with my baton two or three times, but not till after he had struck me; when I caught the defendant, he was lying on his belly at the corner of Goulburn-street; I caught the defendant before Denniffe came up; I didn't strike the defendant when he was lying in the gutter; defendant didn't at that time give his name and address, nor at any other time; after I struck the defendant, he didn't tell me that he was a fireman on board the "S. S. Albion"; he said if he had broken a window he would pay for it; I said after that, that I would have to take him; he didn't then say that he would pay for the window in the morning if he broke it; he didn't say anything about not wanting to have his name in the papers; I didn't take a one pound Melbourne note from him to let him go; the cab didn't drive up to near where defendant was just before defendant left me; Denniffe and Richards were near me at the time; the cab didn't come up within 30 or 40 yards from defendant; the cab was driven up towards the defendant; I didn't about that time shake hands with the defendant; I saw the defendant pulled into the cab out of my road; he was driven away in the cab with his two friends; I didn't send any person with 15s. to the landlord of the hotel; I didn't send word to the defendant by Richards to tell the defendant that I would be glad to see him at the station at any time, and, for God's sake, not to mention my name; I didn't tell Smith or Richards that they were fools to be coming here attending this case, and that they had better mind what they said or I would have them up for perjury; the two persons who were with me were not naval or military men; I am not a soldier, a sailor, or private citizen—I am a policeman; the two civilians who were with me are named Smith and Downs, they told me their names that morning after I asked them their names; I didn't pay them anything; they are tradesmen; Smith and Downs were there from the first time I saw defendant, they were having coffee, but not at the same time as defendant; defendant didn't have any coffee at the stall at the corner of Liverpool-street; I didn't call on Downs and Smith to assist me, they volunteered when I first arrested the defendant; I have not passed any money to the coffee man since the 28th June last; I have not been present when any of the police have passed any money to the coffee man; I have had coffee from the man, and I only paid him for the coffee and for nothing else; I saw Denniffe and Richards get the defendant out of the cab before he went to the coffee stall; I still persist in that statement; I did not see the defendant drink anything; Smith and Downs were tradesmen on the 28th June, to the best of my knowledge.

Sworn at Sydney, this 29th July, 1876, before,—

WILLIAM MARTIN.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed until to-morrow afternoon, at 2 o'clock.

Sydney, 29th July, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Constable William Martin, re-sworn, states: I will not swear that the defendant had drunk anything on the 28th June last up to the time I saw him, but I swear that he was drunk; when I first saw the defendant at the coffee stall he was drunk; I saw the cab stop at the coffee stall, and I do still swear that the defendant was helped out of the cab by Richards and Denniffe; defendant was assisted out of the cab; the other passengers were not assisted out; defendant didn't drink any coffee at that stall; Richards and Denniffe were not helped out of the cab to my knowledge; defendant didn't give me his name and address, and say that he didn't like it to appear in the papers because he would lose his situation in a ship that had just come in; defendant did not offer me a £1, and tell me that he wouldn't like his name to appear in the papers as it would lose him his situation in the ship that had just come in; defendant did not make that offer to me shortly before the cab came up; I didn't see the defendant before the cab came up; I did swear that I saw the defendant get into the cab, but that is a different matter altogether; defendant got into the cab after the arrest was over with his two friends and went away; a few minutes before he got into the cab and went away he didn't give me the pound and refer to the paper and his ship; I didn't see the defendant until he came up in the cab at the corner of Liverpool-street and George-street; I have sworn twice that I arrested defendant for being drunk; I didn't say to Martin Denniffe, "I don't want to take him if he pays for the window"; I didn't tell any man that I didn't want to take him if he paid for the window; Richards and Denniffe didn't speak to me and bid me good-night just before the cab went away the last time; I didn't wish them good-night; I didn't say to Smith, the cabman, "You can drive away"; I swore on last Saturday that I arrested defendant twice, and he got away; he got away after I arrested him for being drunk; I did not lay any charge against any civilians for rescuing a prisoner from my custody; Denniffe and Richards rescued defendant from me; I have not stated before that they rescued him from me; I didn't think it was necessary; about 5 o'clock on the same morning I reported to the police authorities about defendant being drunk; I didn't report it at that time to Sub-inspector Anderson; I reported it to the sergeant in charge of the beat; that sergeant didn't give evidence in the other case, because he knew nothing about it; between a quarter to 4 o'clock and 5 o'clock on the same morning I was not in No. 1 Police Station, or in York-street; when I reported the matter to the sergeant he didn't tell me that defendant was locked up.

By the Bench: I made the report about defendant being drunk at about 5 o'clock in the morning to Sergeant Lawless in Castlereagh-street.

By Mr. Vardy: I belong to No. 2 Division; Inspector Rush is in command of No. 2 Division; the reason I reported the matter to Sub-inspector Anderson was, because I was brought into the last case and I wasn't allowed to give evidence; I reported it to him because I saw the defendant in the dock on the 5th July;

July ; I identified him ; I didn't report it to Sub-inspector Rush before I reported it to Mr. Anderson ; Sergeant Lawless is under Mr. Rush's command ; I don't know whether he reported it to Mr. Rush ; I don't know whether Mr. Rush has taken any proceedings ; I didn't report it to Mr. Rush on the 5th July ; it was reported before the 10th July ; it was mentioned to me and I mentioned it back again ; I don't know the name of the man who mentioned it to me ; he was a policeman ; I don't know his name and number ; I don't think I could find him out ; I may have only seen him once ; I mentioned it over the defendant's last case ; I said, "That is the man who got away from me" ; his name is not Senior-constable Butler ; it was not Constables Axam or M'Donald ; no person took proceedings against the defendant until the 24th July.

Sworn at Sydney this 31st July, 1876, before,—

WM. CRANE, J.P.
ROBERT GUY, J.P.

WILLIAM MARTIN.

Postponed till to-morrow afternoon at 2 o'clock.

Sydney, 31st July, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Constable William Martin, re-sworn, states :

By Mr. Vardy : On the 22nd July last I was not in the Court when the Magistrates dismissed the case against the defendant for drunkenness ; I asked Mr. Anderson to issue a summons against defendant for being drunk on the 28th June last ; I didn't ask him by any persons instructions to me ; I didn't ask Smith and Downs to come here and give evidence on behalf of the police ; I know their names by you mentioning it ; I misunderstood you, I thought you mentioned Denniffe and Richards, and not Smith and Downs ; I have subpoenaed Smith and Downs to give evidence ; I didn't give them any money ; some of the policemen told me where they lived ; I have not been to the landlord of the "Solferino Hotel" about this case ; I have been in the Police Force for this Colony about five months ; I was never in a Police Force before ; I never saw the defendant before the 28th June last ; I did not pay 15s. to the landlord of the "Solferino Hotel" out of the £1 I received from defendant.

By Bench : I did not receive £1 from defendant, or from any other person, in reference to these proceedings.

By Mr. Vardy : I let the defendant go the second time I arrested him, because Denniffe and Richards rescued him ; they dragged him away from me at the corner of Goulburn-street.

By Bench : Denniffe and Richards rescued the defendant from me the first and the second time I arrested him.

By Mr. Vardy : My name appears in the written application produced for a summons ; I don't identify the signature to that application as being the signature of Robert Anderson.

By Mr. Roberts : I didn't receive any money from defendant, or from any person on his behalf, in connection with this case ; I didn't pay or see 15s. paid in respect to a broken window ; I don't know anything of my own knowledge of the payment of 15s. ; all I know is from hearsay ; Denniffe and Richards rescued the defendant from me, and I couldn't fulfil my duty by reapprehending him.

Sworn at Sydney, this 1st August, 1876, before,—

WM. CRANE, J.P.
ROBERT GUY, J.P.

WILLIAM MARTIN.

Thomas Keenan, on oath, stated : I am a watchman at the Commercial Bank, George-street, Sydney ; on the morning of the 28th June last, at a quarter to 4 o'clock, I was making my way to Liverpool-street to call a man at 4 o'clock ; I was going along George-street, and I heard a noise at Goulburn-street and George-street ; I went there, and the first person I met was a policeman ; he was Constable Martin ; there was a man in a cab there, and he was using very "indifferent" language ; and he was speaking in a loud tone, and using great violence to the policeman ; the man who was using the language was quite tipsy ; he was "outrageous" drunk ; I judged of him being "outrageous" drunk when he was in the cab and out of the cab ; he was drunk, because he was going on in such an outrageous manner ; he couldn't walk correctly, he was staggering and knocking about in the street ; he was not many minutes out of the cab before he was in it again ; he was standing alongside of the constable alongside of the cab ; I have no doubt but what he was drunk ; the constable was very quiet, and was doing nothing to him ; the constable was quiet and timid, and one constable was not enough for him.

Sworn at Sydney, this 1st August, 1876, before,—

WM. CRANE, J.P.
ROBERT GUY, J.P.

THOMAS KEENAN.

Postponed until to-morrow at 2 o'clock p.m.

Sydney, 1st August, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Thomas Keenan, re-sworn, states :

By Mr. Roberts : I was about five or six rods away when I first heard the man making the noise ; I am deaf, and suffering from a cold ; I wasn't quite so bad that morning as I am now ; they were making such a noise I couldn't avoid hearing it ; when I came up the gentleman in the cab was making a noise ; the constable was very quiet ; another man was in the cab with the man who was making the noise ; the man who was drunk went away in the cab, and I didn't see any more of him ; the constable stood there when the cab was driven away ; he was not doing anything ; he didn't say anything to the man in the cab while I was there ; the constable did not use any threats of violence to the man in the cab when I was there ; I might have been there fifteen or twenty minutes before the cab drove away ; there was not anything said about money when I was there ; I didn't see the drunken man or any other man give the constable any money ; I didn't see any money, or hear any talk about money ; the constable could not have received any money unknown to me ; if the drunken man, or any other man, had offered a one pound note to the constable, I should have seen it, and I swear it was not offered ; I would know the man who was "outrageous" drunk ; the defendant is the man ; I have no interest in this prosecution.

By

By Mr. Vardy: I am subpoenaed in this case; a constable gave me that subpoena; Constable Martin gave it to me on Tuesday or Wednesday, last week; they didn't give me any money with the subpoena; they have not given me any money since last Wednesday; I am watchman from the Commercial Bank to Liverpool-street; I was not there when the cab drove up; the cab was there when I came up; it was about a quarter to 4 o'clock when I first came to the coffee stall; I knew the time by my watch.

By Bench: I saw the defendant at the corner of George and Goulburn Streets; I didn't see him at the corner of George and Liverpool Streets.

By Mr. Vardy: I gave evidence yesterday in this case, and my evidence is true; about $\frac{1}{4}$ to 4 o'clock I was not at the coffee stall; I didn't see the constable speaking to defendant there; I didn't go to any coffee stall between $\frac{1}{2}$ past 3 and 5 o'clock; I didn't see the defendant at the coffee stall between $\frac{1}{2}$ past 3 and 4 o'clock; I didn't see the defendant before I saw him in the cab; I didn't see him at a coffee stall after he got out of the cab; I first saw the defendant when he was at the corner of Goulburn-street, in George-street; I didn't see defendant at the corner of George and Liverpool Streets; the cab was at the corner of George and Goulburn Streets when I first saw it; I saw a young man in the cab with defendant when I first saw him; I didn't see the man who kept the coffee stall near the cab; I don't know the man you speak about; I saw the constable there when I first saw defendant; I didn't see the constable run down George-street after defendant; I didn't see the constable beat the defendant with his baton; I had only just started from the Bank when I saw the defendant at the corner of Goulburn-street; I didn't see the man who was in the cab help the defendant out; defendant got out of the cab, got in again, and drove away; there were people standing on the footway then; the man who was with defendant got out of the cab and endeavoured to put defendant into the cab; the man got out of the cab with the intention of putting the defendant into the cab; I didn't see the man who got out of the cab to help the defendant into the cab stop and talk to the constable.

Sworn at Sydney, this 2nd August, 1876, before,—

THOMAS KEENAN.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till next Friday, at 10 o'clock, a.m.

Sydney, 12th August, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Thomas Keenan, re-sworn, states:

Cross-examined by Mr. Vardy: I didn't take any particular notice as to how the defendant was dressed; the man behind you is the man who was in the cab; the constable brought me up to the police station about the case before I got the subpoena; I don't know what day it was when I came up with the constable; it was a few days before I got the subpoena; I stopped looking on at Goulburn-street for over ten minutes; I might have been a few minutes late when I got to the house of the person I wanted to call; I didn't stop after the cab went away, I went about my business; when I went away I left the constable on the road; I think I was the last person he was talking to; I didn't go into the "Solferino Hotel" with the constable afterwards and have a drink; on last Tuesday or Wednesday a sergeant or a constable didn't go into the "Post Office Hotel," on the opposite side of the street, with me and treat me; a constable or sergeant didn't wait outside for me when I went in there.

Sworn at Sydney, this 4th August, 1876,—

THOMAS KEENAN.

WM. CRANE, J.P.
ROBERT GUY, J.P.

William Martin, on oath, states: I reside in Swan-street; I recognize Constable Martin and the defendant; on the 26th or 28th of June last—I think it was on a Wednesday—I saw the cab drive up and two young men assisted the defendant out of the cab; the defendant was very drunk; defendant was very noisy when he got out of the cab; I keep a coffee stall at the corner of Liverpool and George Streets, public streets in the city of Sydney; I recognize the defendant as being the person who was making a noise, he was very drunk; I was sober; defendant came up in a cab; he was assisted out of the cab; the cab came from the direction of the Town Hall to my stall; as soon as the cab stopped, the two men jumped out and assisted defendant out of the cab; Constable Martin was not there then; he was coming up from Goulburn-street, and when he came up he stood near me; when the constable was there, the defendant was noisy and abusing the constable; I don't know what he said; the constable didn't say anything to defendant then, or until just before the windows were broken; I cannot say who broke the window; I was standing at the corner of George and Liverpool Streets; when I heard the window break, the constable said that the defendant would have to stop till the publican got up or go with him; when defendant got out of the cab, he went over to the form against the wall and sat down—he sat down for three minutes, and it was at that time when he abused the constable, he was making a noise; the constable told him not to make a noise, and go home; there were two men with the defendant besides the cabman; defendant was around the corner in Liverpool-street when I heard the windows break; one of the men pulled him around and was trying to get him away; the constable went around the corner to look at the window; I did not go around the corner; defendant couldn't walk without staggering—I don't think he could, he didn't stagger much, he staggered as a drunken man would; the constable rapped at the door of the house for the publican; defendant was standing a few yards from the constable then, and he aimed a blow at the constable with his fist; the constable had only told him that he would have to wait till the publican got up; I think the constable had hold of his arm then; the blow didn't reach the constable; after the defendant made a blow at the constable, the two men caught hold of defendant and took defendant down towards Goulburn-street, they walked as fast as they could and pushed him along; I couldn't see whether the defendant attempted to strike a second blow at the constable before the men caught hold of defendant and took him away; I cannot say where the cabman was at this time, his cab and horse were near my stall; the cabman followed the defendant and the other persons down, when they had got down near the "Honest Lawyer" public house; I didn't go down to Goulburn-street; I went away to the baker's, between Liverpool and Bathurst Streets, for some rolls; I was away about five or ten minutes,
and

and when I was coming out of the baker's I saw the cab drive by the shop, and some person in the cab was making a noise, I cannot say who that person was; the voice was like the voice of the person who had struck the constable; when defendant and the other persons went down towards Goulburn-street, the constable followed them; the blow that was made at the constable passed by his head.

By Mr. Vardy: It was about a quarter to 4 o'clock when the cab stopped at the coffee stall with defendant; I cannot say on what day of the month that was; I couldn't swear whether it was the 26th or 28th; I don't think there was any moon that night; a constable was not standing at my stall when the cab came up; he was near the stall, about the length of this room away; when defendant got to the stall some person ordered three cups of coffee and rolls; I won't swear that defendant didn't order them—I don't know who ordered them; I supplied the coffee; I cannot say whether I supplied the rolls; I can't swear that I didn't tell the defendant I hadn't any rolls; I can't swear whether defendant said if he kept a coffee stall he would keep rolls, saveloys, and tongues; he might have said so; defendant sat down on the stool for a few minutes; when the other men were having their coffee the constable came up and said "Don't be making any noise here about your coffee"; defendant said, "What business is that of yours, and if you were minding your beat you wouldn't be at a coffee stall"; the constable didn't say to him, "Don't give me any of your cheek—if you do, I'll take you into custody"; I didn't hear defendant say, "I have done nothing for you to take me into custody"; I heard some person who was with defendant say to defendant, "Come out of this, or you will be getting into bother with this fellow," and I saw a man take hold of defendant by the arm and go into Liverpool-street; shortly after that I heard a sound of broken glass; I didn't go around to see what caused that sound; when I heard the sound of the glass breaking, the constable was in George-street, and he went around into Liverpool-street after the breaking of the glass; he met the defendant near the corner; I heard the constable say to defendant, "You have broken a window, you will have to stop till the publican gets up or else come along with me"; I didn't hear the defendant say, "I didn't break it, as I know of"; I can't swear that he didn't say so; I saw the constable knock at the door of the "Solferino Hotel"; while the constable was knocking at the door the defendant didn't go away; he rapped at the door once, and that was with his baton; when the coffee was ordered I didn't see the defendant take a cup of coffee away from the stall; I won't swear he didn't do so; he couldn't have done so very well without I saw him; the cab was standing near the coffee stall when the men were having the coffee; after the constable knocked at the door the defendant went down the street with two men; I don't remember whether I heard one of the men say to defendant as they were going, "Come along out of this, I want to go home; I will be obliged to leave you"; I won't swear he didn't say so; I didn't hear defendant say to his friend, "If you say I broke a window, I'll pay for it"; I didn't hear the man say, "You have broken a window"; when defendant passed around the corner I didn't hear a man say to the constable, "He has broken a window around there, and he says he will pay for it"; I won't swear he didn't say so; I didn't hear one of the men tell defendant to go away or the constable would arrest him for breaking the window, and that he would stop and arrange for the payment for it; I won't swear he didn't say so; the constable followed the defendant when he went away with his two friends; when defendant went away he went towards Goulburn-street; when the constable started after the defendant he still had the baton in his hand; I didn't see any more after then; I didn't see the constable and the defendant again that morning before defendant went away in the cab; I saw the constable half an hour afterwards; it was half an hour after defendant went away I spoke to him; I didn't then go into the "Solferino Hotel," and have a drink with the constable; before defendant and the others went away other customers came to my stall; two customers came up to the stall just before the defendant and the others were going away from the stall; I would not know the two customers again; I could not swear that these two persons had not ordered the coffee before the defendant left the stall; the men who were with defendant ordered three cups of coffee, and they only drank two cups of coffee; I only served the two men with one cup each; I poured out three cups of coffee, and I cannot say whether the cups were returned empty to me; one of the two men who were with defendant paid for the coffee; defendant did not pay for it; when defendant was sitting on the seat constable Martin was as far away from him as I am from you; it was when defendant was standing up that the constable told him not to make a noise about the coffee; it is not usual for a constable to stand by my coffee stall; the constable on that beat often stops and talks to me at my coffee stall; it is not customary for the constable on the beat and me to go into the "Solferino Hotel" and have a drink; we never have yet; I did not tell some man at the stall that I didn't know the defendant from a crow; I didn't say that to a man who sailed in the same vessel as I did; I swear that the defendant is the man who was helped out of the cab at my coffee stall; after defendant went away from the stall the constable and the two other persons didn't go into the "Solferino Hotel" with me and have a drink; the defendant and his two friends were at the coffee stall between five and ten minutes before they went away; my sight is not bad; I am not related to Constable Martin; I know an old watchman named Keenan; he is a customer of mine sometimes; he didn't come up to the coffee stall that morning before or after defendant went away; I have been subpoenaed by Mr. Anderson in this case; some constable served me with the subpoena on last Tuesday week; it was not Constable Martin who gave me the subpoena; the constable didn't give me or promise me any money; no member of the police or any other person has guaranteed my expenses for coming here; before I got my subpoena Mr. Anderson found me out in Swan-street, and I came up after him to the police station; another person was in the police station with Mr. Anderson, and I told him what has been written down; I didn't see Mr. Roberts in the police station; Mr. Anderson got me to sign something which was written down by him, and I signed it; Mr. Anderson didn't promise me anything; I was not taken to an office in Phillip-street; I don't know Mr. Fosbery by sight; Mr. Anderson asked me to state what I knew about it, and I told him; I couldn't understand what Mr. Anderson was writing; Mr. Anderson and myself were the only two persons who were present when Mr. Anderson was writing it down; another person came into the room before I signed it; the gentleman who came in was in police uniform, and he was present when I signed the paper; I won't swear that the paper was read over in that gentleman's presence; after I signed the paper Inspector Read came into the room; Mr. Read asked me a few questions like, the same as Mr. Anderson; it was before I signed the paper when Mr. Read asked me the questions; that was the first night I was at the police station; I was up there twice; Mr. Anderson didn't take my statement down in writing the first night I was there, I merely told him something; the second time I went up Mr. Anderson wrote it down; the first time I went there Mr. Anderson and myself were alone; on the second night I went up, Mr. Read put some questions to me; I cannot say whether that was before or after I signed the paper; Mr. Read did not tell me that I would be paid for

my

my trouble; he didn't tell me what to say when I came into Court; I am usually out all night, and devote the day to sleep and rest; I have had my coffee stall for two and a half years; I have known the watchman for about two months; I have not told any person that I didn't know him; I have not received more than the price of the coffee for what I have sold to the police; I am not aware that I am going to receive anything for attending here; it was on the Monday before I got my subpoena when I was at the police station.

By Mr. Roberts: The circumstances to which I have referred only happened once.

WILLIAM MARTIN.

Sworn at Sydney, this 4th August, 1876,—

WM. CRANE, J.P.
ROBERT GUY, J.P.

Edward Smith, on oath, states: I am a blacksmith, residing at Paddington; on the morning of the 28th June last, between 3 and 4 o'clock in the morning, I was at the corner of Liverpool and George streets at the coffee stall; it was between half-past 3 and 4 o'clock; I saw a cab standing there, and some persons having some coffee; Constable Martin was there; I thought one of the men at the coffee stall was very much under the influence of liquor; he was having some coffee; Constable Martin said, "You had better not interfere with me, I am here on duty"; the man who was under the influence of liquor called the constable, among other things, a whore's son; Constable Martin made some reply; two men caught hold of the man who was under the influence of liquor and took him into Liverpool-street, alongside of the "Solferino Hotel"; I then heard a window break; I saw the window not two minutes afterwards and it was broken; it was not a minute afterwards when I saw the window broken; as far as I could see, the man was drunk; after the window was broken, the constable went up to the drunken man, and said, "You will have to pay for the windows," and he either said "and come with me," or "come with me"; the constable knocked at the door with his staff or baton, and he then put his staff or baton in his pocket; when the constable was knocking at the door, the drunken man jerked and struck the constable on the breast; I believe the defendant is the person who was under the influence of liquor, he was drunk; at the time the constable was struck, a man named Downie who was with me said to the constable, in the defendant's presence, "Constable, if I were you I would draw my baton, he is too big for you"; defendant then made a rush at the constable as if to strike him, and when he got close to Martin he struck him on the shoulder; the defendant had struck the constable once before then, and rushed at him twice; after the constable struck defendant, the defendant made a rush at the constable and struck him; the constable then struck defendant again; defendant rushed at the constable, struck him and knocked him against the wall; two men who were with the defendant caught hold of him and ran him down George-street as far as the "Honest Lawyer," and then one of the men went up Swan-street; the defendant kept on running down George-street until he got to the corner of Goulburn-street, he went at a staggering gait across the corner of George-street and he fell into the gutter; I went over to pick him up; I thought from the violence of the fall that he was killed, and I went to assist him; I caught hold of him, and attempted to raise his head; Constable Martin was behind me coming down; as soon as I rose the defendant's head he appeared to revive, and made a blow at me with one hand, and with the other hand he threw me into the gutter; when I got up I saw the constable on the ground near me; I don't know how the constable got on the ground; defendant was standing up then; the constable got up, and the defendant kept backing away from him; I didn't give the defendant any provocation to assault me; the cab came down immediately; it was the same cab that was previously at the corner of Liverpool and George Streets; defendant didn't attempt to go near the cab; the men who were with the defendant at the corner of Liverpool and George Streets came up to the defendant and seemed to put him into the cab by force; defendant got out of the cab again, and was making towards the constable in a hurry like; he said to the constable, "You bloody dog, you struck me with your staff; I was in the Force before you were, you and all the bloody dogs like you won't take me"; the constable's manner was peaceable and quiet; the two men again caught hold of defendant and pushed him before them into the cab; the constable came up to the cab, and the two men had hold of the defendant, who was standing up using bad language; one of the men said to the constable, "You can summon him"; when the cab was going away the defendant was making a noise and calling the constable a whore's son; I was about 2 yards away from the constable when the cab drove away; if any money had been given to the constable I must have seen it; no money was offered to or received by the constable at the corner of George and Liverpool Streets, or at the corner of George and Goulburn Streets; Downie was with me at the corner of George and Liverpool Streets, and at the corner of George and Goulburn Streets; I saw a man named Keenan at the corner of George and Goulburn Streets; I have no interest in this case; the police came to me for information; I am working at Mr. Partridge's; George, Goulburn, and Liverpool Streets are public streets in this city; I observed six persons besides at the corner of George and Goulburn Streets; I didn't observe any other persons there.

Sworn at Sydney, this 4th August, 1876,—

EDWARD SMITH.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till next Saturday.
Sydney, 4th August, 1876.

WM. CRANE, J.P.
ROBERT GUY, J.P.

Edward Smith, re-sworn, states:

By Mr. Roberts: I produce a watch glass and another article, which I found on the morning in question under where defendant was lying; I believe they belong to the defendant.

By Mr. Vardy: On the morning in question I was not at the coffee stall when the cab drove up; when I came up I saw the defendant and two other men having coffee; I was not present when the men got out of the cab; when I first saw defendant he was standing, and the other two men were sitting down; defendant did not go to the opposite side of the road with some coffee; the defendant is the man who was under the influence of liquor; I did not see him taste any liquor; I won't swear that he had tasted any liquor that day; I believe the two men who were with the defendant were sober; I didn't hear

hear the defendant say anything to the coffee stall man about rolls; the coffee stall man was away when I first came up; he came back two or three minutes after I had been there; I hadn't got my coffee then; when the coffee man came back, he brought something in a bag; he didn't serve the defendant with any rolls then; I didn't hear defendant say, "If I kept a coffee stall I would keep savaloyes, rolls, and tongues"; I won't swear he didn't say so; the constable was there when I came up; I did not hear him say to defendant, "Don't be making any noise here about your coffee"; I did not hear defendant say, "What business is it of yours—if you were minding your beat, you would not be at a coffee stall"; I heard the constable say afterwards, "Don't give me any of your cheek, if you do I'll take you into custody"; Constable Martin was the constable; defendant said in reply, "I done nothing for you to take me into custody"; I didn't hear one of the men who was with defendant say to defendant, "Come on out of this, or you will be getting into a bother with this fellow"; I won't swear he didn't say so; I saw the man who was with the defendant catch hold of the defendant by the arm; I didn't hear him say, "Come this way"; I didn't hear defendant say, "I don't want to go that way, let us go into the cab"; I won't swear that he didn't say so; I saw two men take the defendant around the corner; before they went around the corner I didn't see the constable catch hold of defendant and arrest him; I didn't hear the constable say that he had arrested him before then for being drunk; shortly after the defendant and the two men went around the corner, I heard a noise of broken glass; I did not see what was the cause of the noise; Constable Martin was in George-street then, and when he heard the sound he went around the corner; before the constable went around, the defendant didn't pass him at the corner; when the constable went around the corner, I heard him say to defendant, "You have broken a window now, you will have to come along with me"; I did not hear the defendant say, "I did not break it as I know of"; I didn't hear one of the men who was with defendant say to the constable, "He has broken a window accidentally around there, and he says he will pay for it"; I swear he didn't say so; one of the men said, "He will pay for the window"; I saw the constable knock at the door of the "Solferino Hotel" with his baton; no person answered the knock; the constable knocked at the door more than once with his baton, he knocked fully five or six times; the constable had hold of the defendant's arm then; the constable didn't let go the defendant's arm; I didn't hear any person ask the constable to let him go; defendant struck the constable and got away from him that way; the defendant struck the constable two or three times before he used his baton; I saw the constable strike the defendant over the shoulders with his baton two or three times, and that was near the "Solferino Hotel"; the defendant didn't have his hands up to protect himself; I didn't hear defendant reason with the constable, and tell him not to strike him, and offer to give him his name and address; I didn't hear defendant say, if he had broken a window he would pay for it; the constable had not hold of the defendant when he struck the defendant with his baton; defendant and the constable were facing each other then, and defendant was coming towards the constable who was standing still; I didn't see the constable lay hold of the defendant after he struck him with his baton; the two men ran the defendant down the road; the cab was still at the coffee stall; I cannot say where the driver was; I won't swear that the driver was on the cab, or whether any person was not in the cab; the cab didn't move from its position when the two men ran the defendant down the street; when they went down the street I followed down, and the constable came down behind me; the two men took the defendant away from the constable by force; they didn't attack the constable; the constable didn't have hold of the defendant then; defendant fell down at the corner of Goulburn and George Streets on the western side of George-street; I came up to him before he got up; he tripped and had a tremendous fall; he didn't get up the moment he fell; I had hold of him trying to raise his head when he got up; the two men didn't come to the defendant together; I won't swear that one of the two men didn't come up in the cab; the constable came up to defendant before the other man came up; not two minutes elapsed before the constable came up; it was about a minute before the constable came up to where the defendant and I were; I did not see the constable when he came up; I didn't see the defendant when the constable came up; I was knocked down; when I got up I saw the constable rising from the ground; I didn't see the constable knocked down; I didn't hear what the constable said when he got up; the defendant didn't say anything then; the constable didn't lay hold of defendant again; three minutes might have elapsed before I saw the first man (the defendant's friend) come up; I have no recollection of saying, "I shall see the constable get fair play, I will take his part"; I didn't say so; the constable had struck defendant once when the defendant's friend came up; the constable had not struck him four or five times; the constable spoke to the man who came up; he didn't ask who the defendant was; it might have been one or two minutes after the defendant's friend came up when the cab came up; the defendant's friend did not tell the constable before the cab came up that the defendant belonged to the steam-ship "Albion," and was going there; the cab stopped in the middle of George-street, and I won't swear that there was or was not any person in the cab; when the cab came up it stopped about 10 yards from the constable and the defendant; I did not hear the constable ask any person who the defendant was and where he was going; when they all got into the cab I heard some person in the cab say that defendant belonged to the "Albion"; I didn't hear any one say that he didn't belong to the ship but had a shop at the Circular Quay; three men got into the cab; I saw the defendant get into the cab, and I saw the man (who came up three minutes after the constable) get into the cab; I saw a third person get into the cab; I won't swear that man didn't come up in the cab; defendant was first in the cab; I did not hear the constable say that he did not want to take the defendant if he paid for the window; he did not say so; I did not see the defendant go apart with the constable and speak to him before he got into the cab; I swear that the constable did not do so; I did not see the constable shake hands with defendant and wish him good night; I swear he did not do so; the constable did not wish all the men in the cab good-night, and they did not wish him good-night; the constable did not object when the defendant got into the cab with his friends; when the cab drove away, it came up in the direction of this Court; I didn't see any blood when the constable struck the defendant; I didn't see the defendant's face damaged or knocked about; I did not see the defendant's hand injured from one of the blows; it was a little before 4 o'clock when the cab drove away; it was between 3 and 4 o'clock when I first saw the defendant at the coffee stall; when the cab drove away I did not go into a public house with the constable; I was not in any public house at all; the constable did not ask me for my name and address; he did not say that he might want to see me again; I was subpoenaed here; I got my subpoena on last Monday week; Constable Martin gave me the subpoena, he didn't give me or promise me any money; Constable Martin saw me at my work about an hour before he gave me the subpoena; I work at Mr. Partridges, and Mr. Downey works there;

Constable

Constable Axam was with Constable Martin when he spoke to me at the shop; Mr. Downey was there; I didn't see the constables until they came into the shop; I did not run away and hide myself in a tank out of the sight of the police; my master called me; I saw Downey when the police were there, he didn't go away and hide himself in a tank; the police didn't drag me out of a tank; I did not see them pull Downey out of a tank; that night between $\frac{1}{2}$ past 7 and 8 o'clock, I went to the police station with Downey; I now recollect that it was on last Tuesday week when the subpoena was served on me, and it was on that day when I came to the police station, Constable Martin asked me would I call at the police station as early as convenient that evening; Mr. Downey met me at the police station, and I went into the station with him; Downey was asked by Martin to go to the police station; I noticed several constables at the station; Sub-inspector Anderson was there; I didn't see any person named Fosbery there; I went into a private room with Mr. Anderson; Constable Martin came into the room with us, and we closed the door; Mr. Anderson asked me would I give him a statement of the occurrence; I gave him a statement, he wrote it down, and I signed it; I know that he was writing down what I said; Constable Martin did not say anything; Mr. Anderson read the document over to me before I signed it; I spoke, and Downey and I signed the same paper; Mr. Anderson read the paper over to Mr. Downey; Mr. Anderson also questioned Downey; I did not get a copy of the paper; I did not ask for it; I cannot tell you whether Mr. Anderson put his name on the paper; Martin did not sign it in my presence; there were not more than three sheets of paper; when I was leaving the room another gentleman came in; no person came into the room and represented himself as a Magistrate; or who spoke as a Magistrate; Constable Martin came out of the room with Downey and myself, and we didn't come to this building then; I didn't go to the station again or into this Court until yesterday; after I made my statement, I didn't say I couldn't give any more time unless I was paid for it; I didn't hear Downey say that he could not give any more time unless he was paid; I swear that he did not say so in the room or on that night; I did not tell any of my mates that it was through Downey getting into the tank that the police found me out; I swear that the defendant was drunk, to the best of my belief; I will only swear to the best of my belief that he was drunk; I didn't run down after defendant when he went down George-street; the defendant went down the street quickly in front of us, and in going across the street he fell; on the night I gave my statement, I went into M'Master's public-house with Downey and Martin, that was after I gave my statement; Martin paid for the drinks; I didn't pick up anything else but the articles produced; I didn't see the defendant give the constable a one-pound note; he didn't give him a one-pound note; I was sober.

By Mr. Roberts: The two men who ran the defendant down George-street appeared to take him against his will and by force; there did not appear to be any reason for defendant to go from the corner of Liverpool-street to the corner of Goulburn-street; I have no doubt that the defendant was drunk from his manner, conduct, actions, and expressions; defendant could not have taken a cup of coffee across the street unless I saw him; and I swear that he did not do so when I was there.

Sworn at Sydney, this 5th August, 1876,—

EDWARD SMITH.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Postponed till next Monday.

Sydney, 5th August, 1876.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Thomas Downey, on oath, states: I reside at No. 46, Yurong-street, Woolloomooloo, and am in Mr. Partridge's employ; I have been in the yard of this Court at different times during the time this case was going on; I was not in the Court; I have been in Mr. Partridge's employ about nine months; I know Edward Smith who is in the employ of Mr. Partridge; on the morning of the 28th June last, I was in Smith's company at the corner of George and Liverpool Streets, at a $\frac{1}{4}$ to 4 o'clock; Smith and I were perfectly sober; I saw three or four persons at the corner, two were barneying, and one was sitting on a stool having coffee; a cab was not there when we came up, it drove up two or three minutes after we got there; defendant was one of the men, and a stout man was trying to hold him back; I saw Constable Martin there; defendant was using very bad language to Constable Martin when the man was holding the defendant; Constable Martin was about 2 yards from me, he was standing at one end of the coffee stall; Martin was not provoking defendant, he didn't say anything to him; to the best of my belief the defendant was drunk; I have no doubt about it; I didn't see him drink anything or have any liquor in his possession; the constable only said that he was doing his duty; the man tried to drag the defendant from George-street to Liverpool-street, and he dragged defendant into Liverpool-street, and all of a sudden afterwards there was a crash; the constable went around the corner, and he saw that the window of the "Solferino Hotel" was smashed; the constable touched the defendant on the shoulder, and said, "You will have to pay for this window, or come along with me"; the constable then knocked at the door with his baton; defendant went around the corner of Liverpool-street to the coffee stall, when the constable was knocking at the door; he called the constable names, and didn't go away from the door until after he assaulted the constable; after the constable knocked at the door, he put his baton inside of his coat, and that was before defendant assaulted him; the baton was inside the constable's coat when defendant assaulted him; when the constable went up to the defendant, the defendant assaulted him; I said to Constable Martin, "Take out your baton, he is too much for you"; at this time the defendant was violent, shouting out, calling the constable names, and striking the constable before the constable struck him; the defendant struck the constable three times with his fist; the constable didn't give defendant any provocation to strike him; the constable struck the defendant on the shoulder; the last blow the defendant gave the constable knocked him against a shop front; there were two men who ran with the defendant down George-street, the two men had hold of defendant and ran him down as far as the "Honest Lawyer" public house; the two men who ran the defendant down the street, took defendant away because the constable was going to arrest him; one of the men ran up a street alongside of the "Honest Lawyer," and the other ran away from the defendant; the defendant ran across the other side of the street and ran against a boot shop and fell down; the defendant ran sideways and staggered across the street; when he fell he fell into a gutter; no person was with him then; no person pushed him down; he appeared to have a good fall, and when he was down he moaned; I went over to defendant with Smith; just at that moment Constable Martin came running around the corner of Liverpool-street, and after him

came one of the two men who was with defendant; Constable Martin asked the man if he was one of Burns's mates; the man said, "I am not one of his mates, I am not going to assault you," and he shifted back; Smith and I assisted the defendant on to the pathway as an act of kindness; I was under the impression that his face was cut; defendant kicked me into the gutter, and rolled Smith off him; as the defendant got up he caught hold of the constable by the two legs and threw him down; when Martin stood up the defendant rushed at him; defendant didn't say anything; the same two men who were with defendant ran him into the cab, and the cab then drove from the corner of Goulburn and George Streets into George-street; when they got into George-street opposite Collier's shop, the defendant jumped out of the cab and called the constable names; the two men then jumped out of the cab, and pushed the defendant into the cab, and he fell down; he got up again and stood in the cab shouting, and the cab drove away; Constable Martin was not offered any money; if he had been offered a pound-note or any money I should have seen it; the cabman, defendant, the constable, the two men who were with defendant, Smith, and myself were the only persons who were present at the corner of George and Goulburn streets; a man named Keenan came up afterwards; he had been standing on the opposite side of the street; Smith, Bennett, a man who was against the "Solferino Hotel" having a cup of coffee, the coffee stall keeper, defendant and the man who was with him, and myself, were at the corner of George and Liverpool Streets before the cab came up; the cab came up about five minutes after we got up there; if the constable had taken any money I should have seen it, and I swear that he did not.

By Mr. Vardy: I went up to the stall with Smith; I was not going to work; I was not very drunk; Smith was sober; I had been with him all that morning; about five minutes after we got to the coffee stall the cab drove up; to the best of my belief there was not any person in the cab when it pulled up; it appeared to be waiting for some person at the coffee stall; I didn't hear the defendant say anything about rolls; one of the men was eating rolls; I did not hear the defendant say to the coffee stall man, "If I kept a stall I would have rolls, saveloys, and tongues;" I won't swear he didn't say so before I came down, he did not say it in my hearing; the defendant was not sitting down drinking coffee; defendant didn't take a cup of coffee across the road when I was there; there was not any person on the opposite side of the street; the defendant was standing up; the two men were barneying; one of the men was trying to get the defendant away from the policeman, and he didn't want to go; I was there for about five minutes before the defendant first struck the constable; the constable was at the stall when I came up; he was standing a good three feet away from the defendant; I did not hear the constable say to defendant "Don't be making a noise about your coffee"; he did not say so when I was there; I did not hear the defendant say "What business is that of yours, if you were minding your beat you wouldn't be at the coffee stall"; I did not see defendant replace his cup on the stall; I didn't see any cups put on the stall; I only saw one cup, and that was left on the window sill of the "Solferino Hotel"; I didn't hear the constable say to defendant "Don't give me any of your cheek, or I'll take you into custody"; I did not hear defendant say, "I have done nothing for you to do so"; I did not hear one of the men say to defendant, "Come away out of this, or you will be getting into a bother with this fellow"; I won't swear he didn't say so; I didn't hear the same man say to defendant, "I shall be obliged to leave you"; and I didn't see him catch hold of his right arm; I won't swear that did not take place; I won't swear that the defendant did not say, "I am not going up that way, let us get into the cab"; I did not hear him say so; defendant was in George-street before he went into Liverpool-street; one man took him around the corner; I did not go around the corner with them; after they went around the corner I heard a noise of broken glass; before defendant came back into George-street I did not hear any person speak in Liverpool-street; the constable remained in George-street when the defendant went around the corner into Liverpool-street with his friend; when I heard the sound of the glass the constable went around into Liverpool-street; the defendant had not passed the constable at the corner and come into George-street before the constable went around into Liverpool-street; I was standing at the corner of George and Liverpool Streets, and was looking up Liverpool-street; I couldn't see what was going on in George-street; I didn't hear defendant's friend say, "Look here, you have broken a window"; I didn't hear defendant say, "If you say I have broken a window I shall pay for it"; I didn't hear the defendant's friend say to defendant, "Look here, constable, he has broken a window around there, and he says he will pay for it"; I swear he didn't say so; I saw the constable knock at the door several times with his baton, and no person answered the knock; the defendant came around the corner from the window with his friend before the constable came back from the window; the defendant stood there till the constable came around; the constable didn't say that he arrested the defendant for breaking the window; I didn't hear anything said in Liverpool-street about the defendant saying that he would pay for the window if he broke it; I didn't see defendant have any coffee; the defendant and his friends may have been served with coffee before I came; the coffee man might have served them with three cups of coffee immediately before I came up; I won't swear that they had not each drunk a cup of coffee immediately before I came up; I will positively swear that the defendant was drunk; I didn't see him drink anything; the two persons who were with defendant didn't appear to be drunk; they were not drunk; I only saw one stool, and that was against the wall; I won't swear that there was not a stool alongside the coffee stall; the man dragged the defendant away from the coffee stall, and they left the coffee stall together; the constable didn't take part in the conversation at the coffee stall; he stood by the stall; I didn't hear Constable Martin charge the defendant with being drunk, or arrest him for being drunk when at the coffee stall; after the window was broken the defendant did not go down George-street by himself, followed by his friends; when the defendant left the coffee stall one person left with him, and he had hold of him by the arm; another person was just behind him, and they went towards Goulburn-street; the constable did not tell him not to go; Constable Martin didn't strike the defendant while I was there before the window was broken; I saw the constable strike the defendant after the defendant struck him; the constable struck the defendant with his baton after the window was broken, and before his friend took him away; he struck him four or five times about the shoulders and back of the neck; when he was striking the defendant the defendant didn't have his hands up trying to ward off the blows; the defendant used to rush at him, and the constable used to strike the defendant when they were each face to face; after the constable struck defendant one man caught hold of the defendant and took him down towards George-street; up to that time the constable had not arrested the defendant for being drunk; he had laid his hands on him previously for breaking the window.

By Bench: When I say that no arrest was made up to that time, I mean no arrest was made as far as I know; I don't know what took place before I came up. *By*

By Mr. Vardy: From the time I came up to the coffee stand to the time the defendant was taken down George-street, I didn't see the constable arrest defendant, or say "I take you in charge for breaking the window"; when the defendant went down George-street with his friends, the constable followed the defendant down, as soon as the constable picked himself up; defendant left the constable on the ground after having knocked him down; I told the constable to pull his baton out—that defendant was too much for him; I went down the street before the constable; I didn't say I would be off and see the constable get fair play, and would take his part; Smith went down the street with me, and he didn't say to me that he would be off and see the constable get fair play; I won't swear that he didn't say so; as we went down the street we didn't overtake and pass a man; the constable didn't pass me before I got to Goulburn-street; just before I got up to the defendant, I didn't say I shall see fair play, and take the constable's part; I didn't see the defendant trip and fall across the gutter, as he was crossing the street; Smith was with me when I came up to the defendant, we ran side by side; the constable came up immediately after me; when he came up he did not strike the defendant three or four times with his baton; the defendant didn't hold his hands up to protect his head; immediately after the constable came up; defendant's friend had got up by this time; defendant's friend did not say to the constable, "Well, that will do, I think you have given him quite enough, if he attempts to interfere with you, I will assist you"; when the constable came up to defendant at the corner of Goulburn-street, defendant was getting out of the gutter; defendant was lying in the gutter for three or five minutes, he was not able to get up; when defendant's friend came up, defendant was not out of the gutter, and the constable was not beating him; when defendant got out of the gutter he tripped again and fell on the path; the constable was standing over him trying to keep him down, and the defendant threw him down; it was after then when the constable used his baton; when defendant got up he rushed at the constable, and the constable struck him three or four times on the left shoulder with his baton; defendant's friend was there then, and he didn't say to defendant, "That will do, you have given him enough"; after the constable left off striking the defendant, he asked the defendant's friend who the defendant was, and where he was going; the cabman said that he was going to the "Albion" steam-ship; I didn't hear the constable ask the defendant's friend or the cabman if he belonged to the "Albion" steam-ship; I can't swear he did not say so; I didn't hear the defendant's friend tell the constable that he had a shop on the Circular Quay; I didn't hear the constable say, "I don't want to take the man if he pays for the window"; I won't swear that he didn't say so; I heard some person say, "Will you let him go, if he pays for the window"; the constable said, "I will not let him go"; and some person said, "He won't go with you"; after that was said the constable did not go away and speak to the defendant; the constable was standing at the side of defendant at this time; the cab had been there about 10 minutes then; the cab came down there about 10 minutes after I got down; when it came down I didn't look to see who was in it; I couldn't swear that one of the two men who were with the defendant at the coffee stall was not in it; the cab drove up close to where the defendant and the constable were standing in Goulburn-street; I didn't hear the cabman or any person in the cab join in the conversation; I won't swear they did not; I did not see the constable shake hands with the defendant before he got in the cab; I saw the defendant get into the cab; he got in first; before the defendant got into the cab, I didn't hear the constable wish the defendant good-night, or the defendant and his friends wish the constable good-night; I swear they did not do so; I will swear that the defendant did not give or hand something to the constable before he got into the cab; defendant could not have done so unless I noticed it; the constable wanted Smith, Bennett, and myself to keep the defendant from getting into the cab; I got one kick and I thought that was enough; the constable didn't kick me; Smith tried to keep the defendant out of the cab; the constable allowed the cab to go; he couldn't stop them; he didn't catch hold of the horse's head, or demand the cabman to stop; when the cab started away the constable was in the road; the constable didn't say to the defendant as he was going away, "You must not go;" Smith was standing by me when the cab left, and had the same opportunity of seeing and hearing what took place as I had; when the cab left, four of us and the constable were left in the street, and the cab drove up George-street; from the time I saw the defendant at the coffee stall till the time I saw the cab drive away about half an hour elapsed, and that is as good a guess as I can give; after the cab drove away Smith or I didn't go into a public-house with the constable; we did not go to the coffee stall with him; we left him near where the cab left us; he didn't say that he wanted to see us again, or ask us our name and address; I have been subpoenaed here; I got my subpoena on last Tuesday week; before I got my subpoena—it was on the same day as I got my subpoena—Constables Martin and Axam found me out at Mr. Partridge's shop; when I saw the constables coming I didn't run away and hide myself in a tank, crate, or box; I didn't have time; a constable didn't pull me out of a tank, box, or crate; I didn't run up-stairs and hide myself; I said to Smith, "There are two policemen, and there is one of them from that fight—they want you"; Smith walked out to them; on last Wednesday afternoon I was near this Court, at about half-past 4 o'clock; I told some men that Axam and Martin came looking for me at my shop, and that I was pulled out of a tank by them; everything they asked me I said "Yes" to; the men were pumping me.

By Bench: The men asked me if I was not hiding behind a tank, and whether I was pulled out of a tank, and I said "Yes."

By Mr. Vardy: On last Wednesday afternoon at $\frac{1}{2}$ past 4 o'clock I didn't tell any one that I wanted to see Constable Martin, to see if he was going to pay me for the time I lost; I may have asked if Burns's case was over; a man said to me, "It is remanded again, and you are a witness"; I said they came down looking for me; I wouldn't be sure whether I told the man that I came to the watch-house; on last Tuesday week Constable Martin left word for me to come up to the police station; I came up and got my subpoena; I went up again to the station at $\frac{1}{2}$ past 7 o'clock at night with Smith; Constable Martin asked me to come up; when we came up to the station we met Mr. Anderson and Constable Martin there; we all went into the room; Mr. Anderson questioned us, and we told him what we had seen, and he wrote down what we said; I think he wrote on two sheets of paper; I won't swear he didn't write on four sheets; the paper was read over; Smith signed it first, and I then signed it; I made no statement; I corrected Smith as he spoke; another gentleman (a police officer) came into the room when I was signing the paper; I didn't get a copy of the paper I signed; I didn't ask for it; they didn't send for any one who was a Magistrate; I didn't ask any one who was going to pay me; I didn't say that I couldn't lose any more time; Mr. Anderson did not tell me that I would be paid for any loss of time; no person said to me, "If they don't pay you, I will"; when I came out of the station I went into a public-house with Constable Martin and had a drink; I think Constable Martin paid for the drinks; he picked

picked up the change; on last Wednesday afternoon I told a man and some others who were standing outside what I seen; then I told them that they brought Mr. Creig or Crane to witness me sign what I stated, and I said I can't lose no time unless I am paid for it; Anderson told me I would get paid for any loss of time; I spoke again about the payment; Mr. Creig or Crane said you will get paid for your lost time, for if they don't I'll pay you out of my own pocket; I didn't point out to them the person as being Mr. Creig or Crane as he came into the yard; I made the statement because every time I came to this Court, I was met by the cabman in this case, a blacksmith, and a few others who were always in this Court yard; they used to stop me and say, "Oh! you will be in for perjury; they have got the bobby and old Keenan"; they said it wouldn't be the first time for old Keenan, he would hang his father; they then said to me, "Do you expect to be paid"; I said, "I have not asked for payment yet," and I am glad I didn't, because they would make it out a bribe; the cabman, Smith, and another man asked me what I had seen; I told them, and they said, "He has five or six witnesses to contradict that; he said Richards was going to take an action in the Supreme Court for £5,000 damages; I said that he would lose it; he said Richards would lose a fortune over it; there was a further conversation, and I answered the questions they put to me in the way they wanted me to answer; I told them that I didn't mean to tell all I had seen; I told a man this morning that I would contradict the statement I made outside when I got into Court; I didn't get any money with my subpoena; I didn't get any money since.

By Bench: I have not received any money or have not been promised any money for giving evidence in this case; I have not been in negotiation with any one with a view of receiving any money for my attendance here.

By Mr. Vardy: I didn't notice any blood about the defendant's head or face when he got into the cab; when the defendant went down George-street to Goulburn-street, he went down in front of us, he kept ahead of us till he tripped; I didn't go into the "Solferino Hotel"; I didn't notice the defendant's hands; when the cab drove away the constable didn't ask me my name and address.

By Mr. Roberts: I was not drunk; I had had nothing to drink, I was perfectly sober; before the defendant ran down George-street the constable laid his hands on the defendant, and said that he would have to pay for the window or go along with him; the constable had hold of the defendant by the collar, and the defendant struck him and got away from him; I didn't know what the constable's intentions were when he arrested the defendant; defendant struck the constable twice after he got away from him, and before he went down to Goulburn-street; one man took the defendant down the street by the arm, and the other man was behind pushing him down, and in that way he was taken down as far as the "Honest Lawyer" public house

Sworn at Sydney, this 7th August, 1876, before,—

T. DOWNEY.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Postponed till to-morrow.

Sydney, 7th August, 1876.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Senior-constable John Butler, on oath, states: On the 28th June last I was a Senior-constable in the Police Force; I know the defendant; on the morning of the 28th June last at 4 or a few minutes after 4 o'clock, I saw the defendant; he was drunk, I have no doubt about it, he was very drunk and violent.

By Mr. Vardy: I am still a Senior-constable in the Police Force; I won't swear that I saw the defendant drunk at the corner of George and Liverpool Streets at about a quarter to 4 o'clock on the morning of the 28th June last; I won't swear that I saw the defendant drunk at the corner of George and Goulburn Streets on that morning; on the morning of the 28th June last before 4 o'clock I didn't see defendant in any street except in York-street.

By Bench: I didn't see the defendant anywhere before 4 o'clock on the morning of the 28th June last.

By Mr. Vardy: At a quarter to 4 o'clock on the morning of the 28th June last, I was at the Central Police Station; I remained there till two or three minutes after 4 o'clock; it was not ten minutes past 4 o'clock; it was not five minutes past 4 o'clock; I might have left the station at three or four minutes past 4 o'clock; when I left the station I went into York-street; when I first saw the defendant he was in York-street, at the top gate of the Markets, near the Police Court; defendant was not by himself, some constables were with him; two constables were with him; some persons were standing near a cab; Smith was the driver of the cab, which was No. 199; there were at least two persons besides the police standing by the cab; one of the persons who was there is named Richards, and the other man is named Denniffe; that was the first place I saw the defendant that morning; defendant was then drunk; I have not been subpoenaed here; I am on duty now; I was told by Sub-inspector Anderson to be at this Court.

Sworn at Sydney, this 8th August, 1876, before,—

JOHN BUTLER.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Peter M'Donald, on oath, states: On the 28th June last I was a constable of the Police Force, and am still a constable of that Force; after 4 o'clock, on the morning of the 28th June last, I saw defendant in York-street, in the City of Sydney, he was drunk.

By Mr. Vardy: I didn't see the defendant in any other street but York-street up till 4 o'clock that morning; when I saw him in York-street Constable Axam was with him; three other persons named Denniffe, Richards, and the cabman Smith were there; when I came up to defendant a constable was with him; I didn't see the defendant drunk at the corner of George and Liverpool Streets, or at the corner of George and Goulburn Streets that morning; I didn't see the defendant previously to 4 o'clock in the morning; when I saw the defendant in York-street he was drunk; I didn't see him in York-street after half-past 4 o'clock; since the 28th June last I have not been disrated in the Police Force; I have been promoted since then from a probationary to an ordinary constable.

Sworn at Sydney, this 8th August, 1876, before,—

PETER M'DONALD.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Constable

Constable John Bell, on oath, states: On the morning of the 28th June last I was a constable in the Police Force, and saw defendant in York-street, Sydney, at about 4 o'clock, and he was drunk.

By Mr. Vardy: Since the 28th June last I have not been reduced in rank or disgraced; I was reserve man on the 28th June last; I won't swear that I saw the defendant drunk at the corner of George and Liverpool Streets at a quarter to 4 o'clock; I won't swear that I saw him drunk at the corner of George and Goulburn Streets; I will not swear that I saw the defendant in any street but York street on the 28th June last; I saw defendant in York-street before a quarter past 4 o'clock; I saw him a little before ten minutes past 4 o'clock; it might have been five minutes past 4 o'clock when I first saw the defendant; I will swear that he was drunk.

By Mr. Roberts: The first place I saw defendant was in York-street.
Sworn at Sydney, this 8th August, 1876, before,—

JOHN BELL.

WM. CRANE, P.M.
ROBERT GUY, J.P.

James Axam, on oath, states: On the 28th June last I was a member of the Police Force, and am still a constable; on the morning of the 28th June last, at about five minutes to 4 o'clock, I saw the defendant in York-street, and that was the first place I saw him; he was drunk.

By Mr. Vardy: Since the 28th June last I have not been disgraced; I will not swear that I saw the defendant drunk at the corner of George and Liverpool Streets, or at the corner of George and Goulburn Streets, at about quarter to 4 o'clock on the morning of the 28th June last; I have not been subpoenaed here; Mr. Sub-inspector Anderson told me to come here.

Sworn at Sydney, this 8th August, 1876, before,—

JAMES AXAM.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Postponed till to-morrow at 2 o'clock p.m.

Sydney, 8th August, 1876.

WM. CRANE, P.M.
ROBERT GUY, J.P.

DEFENCE.

Martin Denniffe, on oath, states: I am a bootmaker, residing in Argyle-street, Sydney; I have a shop on the Circular Quay; I remember the 28th June last; I know the complainant and defendant; about 12 o'clock on the morning of the 28th June last I saw the defendant; when I met defendant he was alone on the Circular Quay in a public house known as the "Ship Inn"; this was a few minutes after 12 o'clock in the morning; the defendant came into the public house alone; a man named Richards came into the house a couple of minutes afterwards; when I first saw the defendant in the earliest part of the morning he was not drunk, and he had no appearance of being drunk; I was sober; Richards was sober; I remained in the hotel with defendant and Richards for a quarter of an hour or ten minutes; Richards left the hotel with the defendant and I; defendant was not drunk then; I was not drunk then; Richards was not drunk; when I left the hotel I left the defendant and Richards standing in the street, and I went to my shop; I joined the defendant and Richards again about a half-an-hour after I had left them; defendant and Richards were then walking on the Circular Quay; I remained with them walking about the Circular Quay; after then, the defendant, Richards, and myself proceeded to the corner of Pitt and Hunter Streets; we walked there; defendant asked the woman at a coffee stall there for a cup of coffee; we didn't have any coffee there; the defendant, Richards, and myself, then took a cab, and the cabman engaged to drive us to where we could get some coffee, and we got into the cab; defendant was not drunk then; we proceeded in the cab to the corner of George and Liverpool Streets; there was a coffee stall at that corner, and the cab stopped close to the stall; defendant got out of the cab, he got out by himself; I got out after him; I think Richards got out first; the cab was number No. 199, and was driven by John Smith; from the time the defendant came out of the "Ship Inn" to the time we got to the corner of Liverpool and George Streets we hadn't driven to any other hotel; from the time we left the Circular Quay till the time we got to the corner of George and Liverpool Streets I didn't see defendant drink anything; I sat next to him in the cab, and didn't see him drink anything; neither of us took any liquor into the cab; when the defendant got out at the coffee stall at the corner of George and Liverpool Streets he was not drunk; when we got out of the cab the defendant went to the coffee stall, he asked for something to eat, he asked for some coffee; I walked by the stall up Liverpool-street; I saw the defendant with coffee; I didn't see any rolls served before I went up Liverpool-street; I saw a constable near the stall; I think Constable Martin is the man; I heard the constable's name mentioned as Martin; the constable was close to the stall when defendant ordered the coffee; he was not doing anything; I went three, four, or five yards up Liverpool-street; defendant brought me over a cup of coffee; I did not drink it; defendant drank part of the coffee, and threw the remainder away, and said "It was no good"; he took the cup back and put it on the table; shortly before the defendant brought me the coffee, I saw the constable and the defendant speaking; I didn't hear the defendant and the coffee stall man speaking before then, I could not hear them where I was; the first thing I heard the defendant say to the constable was, that he ought not to be standing there, but be on his beat; I do not remember hearing the defendant say three or four more words before he said what I have already stated.

By Bench: I don't know what the constable said to the defendant before the defendant said if he was minding his beat he would not be standing there; I thought the constable did say something to him.

By Mr. Vardy: The cab was in George-street when defendant brought the coffee cup back from me and put it on the stall; when the defendant told the constable if he was minding his beat, the constable made some reply, but I don't know what it was; I brought the defendant away from the coffee table; I caught hold of the defendant and told him he had better come away or he would get into trouble with this man; when I took hold of defendant I walked up Liverpool-street with him; I told him to come away, that I couldn't stop any longer and wanted to go home; I told him if he didn't come home I would have to leave him; he said, "I am not going up that way, I want to go in the cab"; I was in Liverpool-street then, standing alongside of the "Solferino Hotel," and when I had hold of the defendant he knocked my arm against the window and broke it; I felt my arm hit the window; it was through the defendant

defendant the window was broken; I heard the glass break as soon as my arm knocked the window; it was the action of the defendant pulling or jerking my arm that broke the window; I have no doubt but what I broke the window; I only saw or heard of one breakage to that window; when the window was broken defendant and myself were the only persons standing there; if it has been sworn that the defendant broke the window it is false; after the window was broken I said to defendant, "There is the window broken"; he asked me who broke it; I told him it was on his account that it was broken; he asked me if he broke it, and I said, "Yes, you did"; he said, "If I broke it, I'll pay for it"; we walked around into George-street then; defendant was a little in front of me; I came up to the constable in George-street, and told him the window was broken; I said that the defendant had broken a window around the corner there, and that it was accidentally done, and that defendant said he would pay for it; the constable went around to the window, and then knocked at the door of the hotel with a stick—I think a baton; up to this time I didn't see the constable take defendant into custody, or hear him say that he arrested him for anything; I didn't hear him say that he charged defendant with being drunk; up to this time I did not see the defendant do anything to the constable; when the constable knocked at the door with his baton he knocked two or three times, I think; I didn't see any person answer the knock; when the constable was knocking at the door I had hold of defendant and told him to run away, and I ran down the street with him; I thought the constable was going to take him; when I told the defendant to run away, and I would speak to the constable about the window, and the defendant did run, I didn't tell him if he didn't go the constable might do something; when I told the defendant to run away he ran down George-street; the constable passed me by and spoke to me—"He has broken the window, now I'll have to take him"; defendant ran down George-street towards the Haymarket; the constable passed me at a quick walk, and he then ran down after the defendant; I followed after them; the cab was still at the stall; I did not see Richards; I think he was with the cabman; the cabman stopped behind when I followed the constable; I didn't keep the constable and the defendant in sight; I first saw the defendant again at the corner of Goulburn and George Streets; on my way down some person passed me; he said that he would see the constable wouldn't be interfered with, and he went on before me; when I saw the defendant at Goulburn-street he was getting up over the kerbstone; he seemed as if he had a fall; the constable was there then; I saw the constable strike the defendant with his baton, two or three times I think, it might have been four or five times; the defendant had his hands around his head to save himself from getting struck with the baton; I told the constable not to hit him, that I thought he had given him enough and that he wouldn't interfere with him; I told the constable that I wouldn't see the defendant interfere with him, and if he did interfere with the constable I would assist him; I hadn't seen the defendant do anything to the constable then; the interference and beating was all on the constable's side as far as I could see; when I spoke to the constable he left off beating defendant, and he asked me if I knew who the defendant was or if I knew where he was going; I said that he was a stranger to me and belonged to the "Albion" steamer; he asked me if I belonged to the ship; I told him that I did not, but kept a boot shop in the Circular Quay; the constable said he didn't want to take him, but he will have to pay for the window; I noticed some persons standing about there; about this time Richards and the cabman came down; there might have been three other persons standing by then besides those I have mentioned; after the constable said he didn't want to take defendant, I didn't notice the constable and the defendant speaking together; Richards, the defendant, the cabman, and constable were speaking together; I didn't hear what they were talking about; I didn't hear any high words; I heard them all wish the constable good-night, the defendant included, and the constable wished them good-night; defendant and Richards then went up to the cab; I cannot say who got in first; I think I got in last; the constable was not near the cab when we got into the cab; when I wished him good-night the constable was at the corner of Goulburn-street and the cab was in George-street about 15 or 20 yards from Goulburn-street; we all walked up to the cab and we left the constable standing there; I didn't hear Constable Martin call upon any person who was there to assist him to prevent the defendant from getting into the cab; I didn't hear any person volunteer to assist him; the constable did not make the slightest objection to the defendant going away in the cab; the constable for all I know might have made the matter up with defendant.

By Bench: Nothing came under my notice to lead me to such a belief.

By Mr. Vardy: The constable told the cabman to drive away; we were near the cab at the time; he said, "You can drive him" (meaning Burns, I think) "away"; defendant had hired the cab; the constable was told that the cab was going down to the "Albion" steam-ship; the cab drove up George-street into York-street by way of Druitt-street; when the cab got into York-street the defendant, Richards, and myself were in the cab then; I cannot say what time it was then; we did not go down York-street very far; the cab was then going down to the "Albion" steamer with defendant; constable Axam stopped the cab; I was sitting next to the defendant in the cab, and he was not drunk.

Sworn at Sydney, this 9th August, 1876, before,—

MARTIN DENNIFFE.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Postponed till to-morrow.

Sydney, 9th August, 1876.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Martin Denniffe, re-sworn, states: I heard the defendant ask for something to eat at the corner of Pitt and Hunter Streets, and the cabman said that he would take him to a place to get something to eat; the defendant spoke of being hungry several times, and wanted something to eat; he said that the ship had just come in; before I told the defendant to go away at the corner of Liverpool and George Streets I hadn't seen the constable strike the defendant; all the blows I saw the constable give the defendant were at the corner of Goulburn and George Streets; defendant ran down George-street ahead of us all; he didn't run like a drunken man would; it was dark when I saw the defendant getting up from out of the gutter; a lamp was near him; any person would be likely to trip in crossing the gutter there going in a hurry; when I got up to the defendant at Goulburn-street he was not drunk; defendant was a stranger to me up to that morning; I am not in the habit of making acquaintance with strangers who are drunk if I can possibly help it; the defendant did not force himself on me in any way.

By

By Bench : I was anxious to get the defendant away from the corner of Liverpool and George Streets, because there was loud talking going on, and I was afraid he might commit himself, and I was anxious to get him away.

By Mr. Roberts : Richards came into the public-house just after I met defendant ; I had known Richards before ; the public house I met the defendant in was the "Ship Inn" ; it was about ten minutes or a quarter past 12 o'clock ; defendant did not say that he had just been discharged from the vessel ; I didn't hear him say so ; he may have said so ; I am in the habit of stopping out working late at night ; I live about 200 or 300 yards from the Circular Quay ; the defendant came into the public house to change a pound ; he treated me, and I treated him in return, and that was how we became acquainted with him ; when I say I work sometimes all night, I work in a little shop next to the "Paragon Hotel" on the Circular Quay ; I was sober, and am not in the habit of getting drunk ; about eight or twelve months ago I was the worse of liquor, and I was drunk on that occasion ; it was at the time of Lane and Chester's fire, and I fought some person, and got a black-eye, and lost my watch ; I have been in custody—it might be five, six, or seven years ago ; that was at the instance of my wife ; I went into the public house before 12 o'clock ; I might have gone there about fifteen or twenty minutes before 12 o'clock ; I had a glass of whiskey hot when I went into the public house ; I might have had something to drink during the day ; I may have gone in the public house at about half-past 11 o'clock on the night of the 27th, or twenty minutes to 12 o'clock ; I had a glass of whiskey hot at about twenty minutes to 12 o'clock, just after I went into the house ; the defendant came in at about 12 o'clock ; when he came in he treated me, and I had whiskey hot with him ; I don't remember whether I had been drinking during the 27th ; I left my workshop to have a drink, and after I left the hotel I went back to my work and left the defendant on the Circular Quay ; I was away for half-an-hour, and I cannot say whether the defendant went into the public house when I was away ; when I returned, the defendant was on the Circular Quay, and he said that he was hungry ; it is my business why I didn't go home ; the defendant asked me to accompany him, and that is the reason I did ; I knew the defendant had money—I saw him change a pound note ; Richards and I are not often out together early in the morning ; Richards comes over to my shop sometimes when it is his night on at the wharf ; Richards knows the city as well as I do ; he is better acquainted with the shipping than I am ; I don't know whether Richards could have taken the defendant to where he wanted to go ; there was no necessity for me to go ; defendant asked me to go ; it was nearly 2 o'clock when we got to the *Herald* office ; it was ten minutes or quarter past 12 o'clock when I came out of the hotel ; it was close on 1 o'clock I think when I left the Circular Quay ; it might have been half-past 12 o'clock, before, or after 1 o'clock ; the whiskey had not confused me ; I did not take notice of the time ; it was going on for 1 o'clock when I left the Circular Quay ; after I came out of my shop, we walked about the Circular Quay ; the defendant spoke to me about boots, and was going to introduce me to the men on board the steamer ; at about 1 o'clock the defendant first spoke to me about something to eat ; it might have been after 1 o'clock ; I came out of my shop at about half-past 12 or a little after, and that was after I had done my work ; I may have come out of the shop at a quarter to 1 o'clock ; when I came out of my shop, the defendant spoke about something to eat, and we conversed together on the Circular Quay for half an hour afterwards ; the public house was then closed, and we walked slowly up to the coffee stand at the corner of Pitt and Hunter Streets ; we didn't go into any public house on our way up ; the coffee was not ready at that stall, the woman said it was not ready ; the defendant said something, I don't know what he said ; I didn't hear the woman say "I won't serve you."

By Bench : I didn't hear the defendant say anything to bring forth such a reply.

By Mr. Roberts : I don't know what the defendant said ; I have no idea what he said ; I was 4 or 5 yards away ; I was not paying attention to what defendant said ; Smith, the cabman, said to the defendant that he would take him to a place where he would get coffee ; defendant hired the cab there and then ; there was no necessity for me to go with the defendant ; I went with him as I had chosen so ; I think we went down Pitt-street in the cab ; I believe it was Pitt-street—I won't swear that we went along Pitt-street ; to the best of my belief, we went along Pitt-street ; the cabman may have driven up Hunter-street into George-street ; the drink I had been taking had not confused me, or operated on me at this time ; I don't know what street we drove up, because I was in conversation with defendant and Richards ; we were all conversing in the cab, we had to speak loudly to be heard, the cab and windows were rattling, foot passengers could hear us, they might have heard our voices about 10, 15, or 20 yards away ; we had to speak out loudly but not at the top of our voice, each of us in our turn spoke loudly ; we left the Circular Quay at about 1 o'clock ; it must have been after 1 o'clock ; it must have been 2 o'clock when we got to the *Herald* Office ; it may have been after 2 o'clock ; we were walking up Pitt-street from the time we left the Circular Quay till we got to the *Herald* Office ; I had a watch, but I cannot say that I looked at it ; when we were coming up Pitt-street I showed the defendant the buildings ; I left the Circular Quay with defendant to get something to eat ; when we left the *Herald* Office, we got into a cab at the *Herald* Office, and we drove up to the corner of Liverpool and George Streets ; it might have been $\frac{1}{2}$ past 2 or 3 o'clock when we left the *Herald* Office ; I think it was $\frac{1}{2}$ past 2 o'clock ; I don't remember the time we got to the corner of George and Liverpool Streets ; I think we went direct from the *Herald* Office to the corner of Liverpool and George Streets ; we crossed King-street going down ; I don't know whether we went down Market-street ; I was not paying much attention ; it was dark that morning ; I know the streets of the city well ; when the window was broken I told some person the window was broken ; I don't remember whether I said to any person, "Take no notice of him" ; I didn't say so ; I don't recollect speaking to any one but the constable ; we all parted on friendly terms, as far as I could say, at the corner of George and Goulburn Streets ; I have no doubt about it ; defendant parted with the constable in a friendly manner, although I say that the constable beat the defendant ; I didn't see defendant catch hold of the constable and throw him down ; I didn't see the defendant fall ; I don't know whether he hurt himself, I saw defendant getting up ; the constable assisted to get him up ; no other person assisted to get the defendant up ; the defendant didn't throw the constable or any one else down ; directly the defendant got up the constable struck the defendant with his baton ; the constable did not lift the defendant up or appear to lift him up ; if I swore that he lifted him up it was wrong ; when the defendant got up the constable struck him ; about 5 or 10 minutes (or more or less) after the constable struck the defendant, Richards and the cabman came down ; just after the constable struck the defendant, the cabman and Richards came up ; it was about 5 minutes afterwards ; they were not in my sight when the constable struck

struck the defendant; just as we were leaving the constable we all bid him good-night in friendship; we did not say it in derision; the constable told us to drive away; he told the cabman to drive away before we got into the cab; he told the cabman to drive the defendant away; he said, "Drive him (meaning Burns) away"; we were going up to the cab then; he didn't call out to the cabman to drive away before we went up to the cab; I don't remember any of us bidding the constable good-bye when we were going away in the cab; I don't remember anything been said; defendant sat down in the cab and we drove up to York-street; I was holding the defendant when he pushed my arm against the window; I caught hold of the defendant to take him away from the scuffle; I wanted to get him away from the coffee stall; there was no scuffle; I didn't see any scuffle there; I didn't care about having any coffee there; defendant and Richards asked me to have some, and I wouldn't have any.

By Bench: I saw the defendant have two drinks at the "Ship Inn"; he may have had three drinks; he had port wine hot; I didn't hear the defendant use any obscene language to the constable at the corner of Liverpool-street; the defendant did not assault the constable there; I did not hear any one tell the constable to draw his baton—the defendant was too much for him; Richards sat on the floor of the cab when it went away; when I treated the defendant after he had treated me, I had whiskey or porter; Richards sat on the floor of the cab on the opposite side to where I was sitting.

Sworn at Sydney, this 10th August, 1876, before,—

MARTIN DENNIFFE.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Martin Denniffe, re-sworn, states:

Re-examined by Mr. Vardy: There was not anything particular occurred to cause me to take out my watch and look at the time; I did not take any particular notice of the time; I am certain that the defendant only had two port wines hot that morning; he may have had three; I didn't see him drink anything else in the public house that morning; as we were coming up Pitt-street we stopped talking on our way up and looking at the buildings; all I have said is the truth; from the time I left the Circular Quay to the time I left the corner of George and Goulburn Streets I was not at any time under the influence of liquor; I was not under the influence of liquor at all on the 28th June last; I don't remember seeing any persons on the footpaths of the streets we passed in the cab; I didn't notice any cuts or bruises about the defendant's hands, face, or head, when we left the corner of Goulburn-street; if there had been I must have seen them, of course; I don't remember anything being said when we got into the cab; I went up the street with defendant because he was a stranger, and I was anxious to see him on board his ship; I expected to do business with the ship.

By Bench: I was anxious to see the defendant on board his ship, because I thought I might get orders for some boots.

Sworn at Sydney, this 10th August, 1876, before,—

MARTIN DENNIFFE.

WM. CRANE, P.M.

ROBERT GUY, J.P.

James Richards, on oath, states: I reside at No. 54, Cumberland-street, Sydney, and am a boatman; I remember the 28th June last; I know the defendant; shortly after 12 o'clock on the morning of the 28th June last I met the defendant in the "Ship Inn" at the Circular Quay; Martin Denniffe was with defendant; Denniffe, the defendant, and myself spoke to each other in the bar; we were talking there for about a quarter of an hour; when I first saw defendant he was not drunk; when the defendant was there he had a glass or two glasses of port wine hot; when I went into the public house I had a glass of port wine hot; I was sober, and Denniffe was sober; I only saw the defendant drink one or two glasses of port wine hot in the public house; defendant, Denniffe, and myself came out of the public house together, and Denniffe went away to his shop to put his light out; he was away for about twenty minutes; I wouldn't swear that it was any longer; I am not sure as to the time; when Denniffe came back, we were still on the Circular Quay; defendant was talking about Melbourne; he said that he was a fireman on board the steamer "Albion," and that the steamer had come in that morning; when Denniffe came back we all walked down the Circular Quay; we didn't go to any other public house; from the time we came out of the public house till the time we left the Circular Quay about an hour or an hour and a half elapsed; when we left the Circular Quay we went up Pitt-street; we stopped at the corner of Queen's Place talking, while Denniffe went away to make water; we were stopping every now and then before we got to Hunter-street; we were looking at the buildings; we got up to the *Herald* Office; we stopped there; when defendant was on the Circular Quay he said that he would like to get something to eat; I told him that there was a coffee stall at the *Herald* Office; when we were at the *Herald* Office the defendant asked the woman at the stall for some coffee; she said that she hadn't any ready; defendant asked if he couldn't get something to eat somewhere else; Smith, the cabman, said that he would take him to a place to get something to eat; defendant asked us would we go; we said "No" at first, and defendant said "Come on"; defendant hired the cab, we drove up Pitt-street, then down King-street into George-street, and stopped at the corner of Liverpool-street; when we got into the cab at the *Herald* Office defendant was not drunk; I was not drunk; Denniffe was not drunk; Smith was not drunk; a coffee stall was at the corner of Liverpool-street, we all got out of the cab there; I cannot say who got out first; defendant got out by himself, there was no reason as I saw why he should not get out by himself; I called for four cups of coffee, the four cups were supplied; defendant wanted to know if they hadn't something to eat; the coffee man said that he had nothing for them to eat; I didn't hear the defendant say if he kept a coffee stall he would keep saveloys, rolls, and tongues, he said that you could get anything in Melbourne at a coffee stall; I drank my coffee; defendant drank his coffee; Denniffe stood at the stall, he was not exactly at the stall, he was alongside of the public house; the cabman and Denniffe had the coffee in their hands; the defendant and myself took our coffee over to where Denniffe was sitting; Constable Martin was standing alongside of the table, leaning against a post I think; I didn't see the coffee stall man go away for rolls; the constable spoke to the defendant and told the defendant not to be barneying or rowing with the coffee man, or kicking up a row with the coffee man; defendant told him if he was doing his duty he wouldn't be standing alongside of a coffee stall; I didn't hear the defendant say, "What business

business is it of yours"; the constable told the defendant if he didn't hold his tongue he would lock him up; defendant asked him what he was going to lock him up for, he said that he had not done anything; Denniffe and I were standing alongside defendant; Denniffe took hold of defendant and told him to come away, and he took him around the corner of Liverpool-street; in telling him to come away I don't know the exact words he used to the defendant; I didn't hear him give the defendant any reason for him to come away, he may have said something; shortly after they went into Liverpool-street I heard a noise as if a window was broken, I didn't see any one break the window; the constable didn't follow them into Liverpool-street, he was at the coffee stall in George-street when the window was broken; as soon as the constable heard the sounds of the glass, he went to the corner; defendant and Denniffe met the constable at the door; Denniffe didn't say anything to the constable, the constable said that he would have to take him, that he had broken a window; the constable knocked at the door two or three times with his staff, and said that the defendant would have to wait till some person came down-stairs; no person answered the knock; defendant and Denniffe ran a short distance down the street together; I didn't hear Denniffe tell the defendant to go on, and he would stop and see about the window; before they ran down the street I didn't see the constable arrest defendant, or hear him charge defendant with being drunk; if he had said that he was drunk and he would arrest him I must have heard it, and I didn't hear him say so; when the constable was knocking at the door, he said to defendant, "I'll have to take you for breaking the window," and he said he would have to wait till some one came; I did not hear defendant make any reply; up to the time defendant left the stall I had not seen defendant do anything to the constable; the constable didn't strike the defendant at the corner of Liverpool-street; I didn't see any person at the coffee stall when we came up; two young fellows came up afterwards in their shirt sleeves, they came up just about the time the window was broken; I didn't hear them say anything to the constable, they ran down after defendant; I didn't hear them say anything to defendant; when defendant and Denniffe ran down the street one of them stopped and I lost sight of them; the constable went after the defendant and Denniffe; he ran down George-street after them; I think the two men ran down the street before the constable; I didn't hear them say anything; when they all went down the street I got into the cab sometime afterwards; I didn't see any one at the stall but the coffee stall man then; I didn't see the constable overtake defendant; we only had coffee to drink when we were at the corner of Liverpool and George Streets; we hadn't anything to drink except coffee after we left the "Ship Inn"; we didn't take any liquor in the cab; when the defendant started from the coffee stall with Denniffe he was not drunk; it was about half-past 3 or a little later when we got to the coffee stall; we had been there between 5 and 10 minutes when defendant left with Denniffe; a few minutes after defendant and Denniffe went away; I left from the coffee stall in the cab, and the cab went down slowly towards Goulburn-street; I next saw defendant at the corner of Goulburn and George Streets; Denniffe, defendant, the constable, and two or three other persons were all standing at the corner; when I parted from the defendant at the coffee stall I did not see any blood or bruises on his head, face, or hands; when defendant ran down George-street he ran straight; when I saw them at Goulburn-street they were talking about something; I didn't see the defendant beat or assault the constable or any one else; I didn't see the constable use his baton on defendant; when I saw them they were talking quietly; Denniffe was speaking to the constable; defendant was there; I didn't see any marks of blood or any wounds on his hands or face; when we drove down they all walked towards us; when I got out of the cab the constable told defendant he could get into the cab; the constable asked me who the defendant was, and I told him that he had told me he belonged to the "Albion" steamer; he told defendant he could get into the cab, and Denniffe went over towards the cab with him; I bid the constable good-night; he bid me good-night; Denniffe went back to the constable; I sat down in the front part of the cab, and the defendant sat in the cab; Denniffe didn't stop long with the constable; when he came back he got into the cab; I didn't hear the defendant wish the constable good-night; when we got into the cab we came up George-street; before we got into the cab I didn't hear the constable tell the defendant not to get into the cab; he told the cabman to take him; I didn't hear the constable call upon any person to assist him to prevent the defendant from getting into the cab; I didn't hear any person volunteer to assist him; when the constable told the defendant not to be barneying, he spoke in the same tone of voice as I am now; the defendant spoke in the same tone of voice when he answered the constable; when the constable spoke to defendant at the corner of Goulburn-street he spoke in an ordinary manner; when the cab drove away I didn't hear the constable call out for the cab to stop; we drove up George-street into York-street; defendant and Denniffe were in the cab with me; up to the time the cab was stopped in York-street I was not drunk; Denniffe was not drunk; defendant was not drunk; the cabman was not drunk; up to the time the cab was stopped I didn't see any blood on the defendant's face or hands; so far as I could see he did not get injured in the cab; the cab was stopped in York-street at about 4 o'clock; it was going northwards.

Sworn at Sydney, this 10th August, 1876, before,—

JAMES RICHARDS.

WM. CRANE, P.M.
ROBERT GUY, J.P.

Postponed till to-morrow.

Sydney, 10th August, 1876.

WM. CRANE, P.M.
ROBERT GUY, J.P.

James Richards, re-sworn, states: The cab was stopped in York-street; I know Constable Martin by sight; the cab was being driven along York-street to the Grafton Wharf to the "Albion" steamer; we were all going there; Constable Axam stopped the cab; at that time I was sitting on the foot-board close to the defendant; since the 22nd July last I have not seen Constable Martin in reference to this case; I had no interest in particular for being with the defendant that night; my duties as a licensed waterman take me out of a night frequently.

By Mr. Roberts: I am 21 years of age; I went into the "Ship Inn" at about ten minutes to 12 o'clock, and I saw defendant and Denniffe there; I was not the night waterman for that night; I took a captain off to a ship, and I came back about a quarter to 12 o'clock; I don't know how long the defendant and Denniffe had been in the public house before I went into the house; I went in for a glass of port wine; I only had one glass of port wine; I didn't pay for it, I put the money down, and defendant wouldn't let

me pay for it; when I went in defendant and Denniffe had something to drink; what they were drinking looked like port wine; I called for fresh drinks; I had a cigar, defendant had a cigar, and Denniffe asked for port wine, and something like port wine was supplied to him; Denniffe called for some more drinks, and Denniffe called for a cigar; I was not there when Denniffe had any whiskey; I didn't see him drink any whiskey hot; I saw him take two glasses of what he called port wine; I know whiskey from port wine; we came out of the public house not later than ten minutes past 12 o'clock; Denniffe spoke to us outside for about ten minutes, and Denniffe went away to put his light out; Denniffe stopped away for about twenty minutes, and rejoined us at about twenty minutes to 1 o'clock or a little later; I didn't see defendant take a glass of porter in the public house; when Denniffe rejoined us we spoke together on the Circular Quay for a little over an hour; we left there at about a quarter to 2 o'clock; defendant said that he wanted something to eat; we went up Pitt-street, and it took us about half an hour or three-quarters of an hour to go to the *Herald* Office; it was half-past 2 or a quarter to 3 o'clock when we got there; defendant asked the woman at the coffee stall for something to eat, and she said that she hadn't anything ready; I didn't hear him ask for saveloys at all; we stopped yarning coming up Pitt-street to the *Herald* Office, and we waited a quarter of an hour for Denniffe; I don't know what Denniffe was doing, whether he was making water, vomiting, or what he was doing; we stopped and looked at the Insurance Office; we didn't have any coffee at the corner of Hunter-street; we stopped at the corner for about ten minutes, and Smith said that he would take us to a place to get some coffee; we didn't want to go in the cab with defendant, he asked us two or three times to go; we drove up Pitt-street, down King-street, into George-street to the corner of Liverpool-street; I don't suppose it took us more than ten minutes to go from the *Herald* Office to Liverpool-street; we came less than a mile; we got to the corner of Liverpool-street about ten minutes past 3 o'clock; I didn't look at my watch; we were there before twenty minutes to 4 o'clock; when we got to Liverpool-street the constable was standing alongside of the table; on our way to Liverpool-street we had to speak to each other loudly, because the cab was making a noise; the constable did not find any fault with Denniffe or myself, or didn't make any complaint of me to me; it didn't take much time to walk from Queen's Place to Bridge-street; we stopped at the corner of Bridge-street talking; it took us half an hour to walk from Bridge-street to the corner of Hunter-street; we were not walking arm in arm; when I saw Denniffe and defendant go into Liverpool-street I was standing in George-street; the constable didn't go around the corner of Liverpool-street when the defendant and Denniffe were there; the constable met the defendant and Denniffe at the corner; the constable did not strike defendant in Liverpool-street; the defendant didn't strike the constable in Liverpool-street; I didn't see the constable strike the defendant in Liverpool-street with his baton; I saw the constable strike the door with his baton; defendant started to run away immediately after the window was broken; the constable said to defendant, "I'll have to take you now, and wait till some person comes"; the window was three or four feet away from the door; I didn't notice whether there were any shutters to the window; when defendant ran away Denniffe ran away with him, and when they got under the colonnade one of them stopped; I remained behind; up to that time I didn't see the constable strike defendant or the defendant strike the constable, and I was there all the time, and had the constable in sight up till the time defendant ran away, and if defendant had struck the constable or the constable had struck defendant I must have seen it; there is a colonnade just near the coffee stall; one of them stopped under the colonnade before they got to Swan-street; I don't know who it was that stopped, or whether he ran into Swan-street; I finished my coffee, and about five minutes after they ran away I went down the street and saw defendant, Denniffe, and some other persons at the corner of Goulburn-street; I don't know what happened there; I didn't notice any gas lamps; I won't swear that there were not any gas lamps there; I didn't hear any blows, or see the constable strike the defendant; shortly after the constable knocked at the door the defendant ran away; Denniffe was closer to the constable than defendant; drink has never affected me at any time; I have been merry; I was never taken home drunk by two men; I was never taken home drunk; I am in the habit of stopping out late sometimes at night when I have not been on night duty; I have not been interfered with by the police for being out late at night; I was at Commodore Goodenough's funeral, and the police interfered with me; I was assaulted by a constable; the police did not put me out of the graveyard; when we all parted at the corner of Goulburn-street we all parted on friendly terms; defendant did not complain about the constable striking him; the constable told the cabman he could go; he told the cabman he could drive the defendant away; I think the defendant was in the cab with me then; I won't swear that we were in the cab; I won't swear that the defendant, Denniffe, and myself were not walking up to the cab when the constable told the cabman that he could go away; there might have been one of us walking up to the cab; I was near the cab; the cabman asked the constable could he drive him, and the constable said "Yes"; the constable did not say that he could go away; he said, "You can drive him" or "take him"—he didn't mention defendant's name; he may have referred to me when he said "You can drive him."

By Bench: The cab was standing in George-street about 30 feet away from Goulburn-street; it remained there till we all got into it; the constable was at the back of the cab about 15 or 20 feet away from it; I didn't see the defendant cross the road after he left Liverpool-street; defendant was not drunk; I think he had had a glass or two; I wouldn't swear that he was perfectly sober.

By Mr. Vardy: It was not later than twenty minutes to 4 o'clock when I got to the corner of Liverpool street; I didn't look at my watch; I wouldn't swear that it was not eighteen or nineteen minutes to 4 o'clock; I didn't expect that there would be all this bother about it; I only had one glass of port wine hot; defendant only had one or two drinks, and that didn't appear to have any effect on him; I didn't notice the time particularly; I couldn't see what took place in Liverpool-street; I didn't see the constable strike the defendant at all; I don't know whether the constable started after the defendant with his baton in his hand; Denniffe told me he had broken a window; it was a very dark morning; I did not see the defendant misbehave himself until the constable told him to hold his row, and when defendant told him if he was minding his beat he wouldn't be there; I do not call that misbehaviour; I was taken home in a fit by two persons on one occasion; the policemen (some of them) have been watching me since this case came on; I was not doing anything at Commodore Goodenough's funeral when the constable assaulted me; I didn't see the constable follow us up to the cab.

By Bench: Since this case has been going on I have not been intimidated by any person about this case.

Sworn at Sydney, this 11th August, 1876, before,—

WM. CRANE, P.M.
ROBERT GUY, J.P.

JAMES RICHARDS.

John

John Smith, on oath, states: I am a cabman and reside in Sheppard's Paddocks; early on the morning of the 28th June last I met the defendant, Denniffe, and Richards at the *Herald* Office, at the coffee stall; they asked for coffee and could not be supplied; the woman said she had coffee but no rolls; defendant said that he wanted something to eat; I had my cab there; to the best of my belief I said that I would drive them to where they would get something to eat; defendant engaged my cab from me to drive him where he would get something to eat; I started from the *Herald* Office with defendant, Denniffe, and Richards in the cab; when defendant got into the cab he was not to say drunk, he was a bit jolly like; when defendant got into the cab I could not say that he was drunk; I couldn't swear that he was drunk, he might have had a few glasses; he was not drunk when he got into the cab; James Richards was not drunk; I don't know when a man is drunk; Denniffe was not drunk; I was sober; I drove them along Pitt-street, down King-street, up George-street down to Liverpool-street; I pulled up at the corner of George and Liverpool Streets at a coffee stall; I cannot say who got out of the cab first; to the best of my belief defendant got out by himself; I didn't see any one assist him out; I didn't see them take any liquor into the cab at the *Herald* Office; to the best of my belief they didn't drink in the cab; I didn't see them drinking in the cab; when the defendant got out of the cab at the corner of Liverpool-street he was not drunk; Richards was not drunk; Denniffe was not drunk; I was not drunk; I noticed Constable Martin at the stall when we got there; he was standing up or sitting down; I think he was standing up; one of the three ordered some coffee, and three or four cups were served; I had a cup, Richards had a cup, and defendant had a cup; I got down from my cab; I don't think any person brought my coffee to me; I am not certain whether Denniffe had any coffee; defendant asked for something to eat; I think the coffee man said that he had no rolls; to the best of my belief he said so; we did not have any rolls; I think the defendant said that the coffee was no good and wanted something to eat; I didn't hear the defendant say what he would do if he kept a coffee stall; he may have said something to the coffee man about tongues; when defendant was having the coffee, to the best of my belief, the defendant took some coffee over to Denniffe; coffee was only served once; the constable made some remarks to defendant, it was between the two of them; the constable was about 6 feet away from defendant then; they said something between them, and the constable said, "You know a lot about it"; I can't say that I heard defendant say anything; defendant at one time said, "I was a constable myself at Liverpool, and I know you are not doing your duty to be standing there"; Denniffe got hold of defendant, and said, "Let us get into the cab"; defendant said, to the best of my belief, "I am not going that way"; I don't know whether Denniffe said, "Let us get into the cab," or "Come up the street"; defendant and Denniffe went around the corner of Liverpool-street; at the corner of George and Liverpool Streets there is an hotel, the "Solferino Hotel"; when defendant and Denniffe went around the corner of Liverpool-street the cab was standing in George-street; I didn't see what defendant and Denniffe were doing in Liverpool-street; shortly after they went around the corner I heard some glass break, I didn't see who broke it; the constable was in George-street at the time the glass was broken; I saw defendant and Denniffe come to the corner of George and Liverpool Streets again, and they met the constable at the corner; I didn't hear Denniffe say anything to the constable when they met; I heard Denniffe tell the defendant to run away; before the constable spoke to defendant, I didn't hear Denniffe say anything to the constable; after they met, the constable said to defendant, "You won't go away now, you will have to pay for the window"; I can't say whether the defendant made any reply; it was after that when Denniffe said to the defendant, "You had better run away"; I didn't hear Denniffe say anything about him stopping behind to pay for the window; defendant left the coffee stall; to the best of my belief defendant went by himself; the constable followed him, and Denniffe went after them; I am certain defendant went first, I was not paying much attention, I was watching my horse; the constable rapped at the door of the public house two or three times with his baton; no person came from the house; it was after then when the constable said to defendant, "You will have to stop, you have broken a window"; the constable followed down the street after defendant; I can't say whether he had the baton in his hand then; I can't say whether Denniffe stopped after he had gone a short distance down the street; I didn't see defendant after he ran away from Liverpool-street; after they left, I stopped at the stall with Richards; we didn't have any liquor to drink; about five minutes after defendant ran down the street I drove Richards down the street, I didn't drive very quickly; two men ran down the street after the defendant ran down, and they left the coffee stall before I did; I believe the persons were named Downey and Smith; when the defendant went down the street, he started off running; I cannot say whether the constable walked or ran; the defendant ran straight down George-street; I didn't take notice whether he staggered; it was a dark morning; when defendant was at the stall he was not rolling or staggering about; defendant ran out of sight very quickly in front of the constable; I drove Richards in the cab down George-street towards Goulburn-street; I think I stopped near Goulburn-street; Richards jumped out of the cab; I saw the defendant when I pulled up, and Richards went up and joined the others; I was in the middle of the street, and they were on the pathway about 10 or 15 yards from me; I did not see defendant lying in the gutter; I did not see the constable beating defendant; I did not see the defendant beating the constable or any one else; they all appeared to be talking; I saw the defendant, Denniffe, and Richards afterwards come towards the cab; I can't swear that they wished the constable good-night, they all came over to the cab like; some person called out for me to stop, and I turned the cab up towards the Cathedral; it was then when I saw the defendant, Denniffe, and Richards coming to the cab; they said something to the constable, and he went to the back of the cab; the constable said, "You can go away," or "Take him away," or something like that; after they got into the cab the constable told me that I could drive him away; I didn't see the constable try to prevent any person from getting into the cab; I didn't hear him call any person to help to prevent any person getting into the cab; when the cab drove away the constable was standing right behind the cab; he walked over with them to the cab; before the cab drove away I didn't see the constable do anything to the horse's head; I think the constable asked them something when they were coming over to the cab; I can't swear whether I heard anything said about the "Albion"; I think Richards made a remark about the "Albion"; I believe the defendant sat down in the cab; after we started from Goulburn-street I didn't hear the constable call us back; when defendant got into the cab then, he was no more drunk than when we started; Denniffe and Richards were not drunk, they were no more drunk than when they got into the cab; I was not drunk; I drove up George-street around Druitt-street into York-street; it was after 3 o'clock, and not past 4 o'clock, when we got to Liverpool-street; when we got into York-street it was close on 4 o'clock; I was driving down to the steamship "Albion" to take defendant there; just before we came to the Masonic Hall

Hall I stopped my cab; defendant was not drunk then; or more drunk than when he started at first; when I pulled up my horse in York-street defendant was not drunk; Constable Axam stopped the cab; Richards, Denniffe, or myself were not drunk then; the persons in the cab were talking on our way from the *Herald* Office to Liverpool-street; the windows and the rattling of the cab made a noise; I can't say whether I noticed any persons in the street; at that time in the morning if any person had been about they could have heard the persons in the cab talking, because there was so little traffic; I could not hear what they were talking about.

By Mr. Roberts: I know Smith and Downcy by seeing them in the Court yard; I have no had any conversation with them; I made a remark to Downey—I asked him a question; I didn't make a remark to him; I didn't tell him that if he didn't be careful in the evidence he gave he would be prosecuted for perjury, and that Mr. Vardy was a terror; I think I have stated outside the Court that the defendant was not helplessly drunk, but the worse for liquor; on this day fortnight I did not speak to Martin, the coffee stall man; I saw him three weeks ago, and I don't believe I told Martin, the coffee man, that defendant was not helplessly drunk, but under the influence of liquor; I did not tell him so; since the 28th June last I have seen Constable Martin in Myrtle and Goulburn Streets; I didn't tell him on either of these occasions that the defendant was drunk; I had a conversation with him and he said, "I see that man has been taken and remanded for a week for medical treatment, and whatever you do don't mention my name"; if I said that I told the constable defendant was drunk, I misunderstood your question; I can't say what the defendant had to drink; I couldn't form any opinion as to what he had to drink; it took me about quarter of an hour to drive from the *Herald* Office; I must have left the *Herald* Office at a quarter or twenty minutes past 3 o'clock; I think I heard some person use some bad language at the corner of Liverpool-street; defendant might have used bad language; I think I have said that defendant used bad language; I don't think defendant said that he didn't care for any bloody constable, to the best of my belief he didn't say so; defendant used all sorts of bad language at the corner of George and Liverpool Streets, I suppose he used it to the constable, he didn't mention the word bloody; I don't know what bad language he used; when defendant was talking, Denniffe pulled defendant away and said "Let us get into the cab"; there were not any angry words passing between the constable and defendant then; I can't say that I heard the constable say if defendant didn't knock off kicking up a row he would lock him up; I won't swear he didn't say so; Denniffe caught hold of defendant, and said, "Come away out of this, or you will be getting into a row"; Denniffe ran down the street; when the window was broken the constable said to defendant, "You won't go now, the window is broken"; Denniffe went after defendant, I cannot say if he went close after defendant; about two minutes after they had gone away the constable followed them; I didn't see whether defendant or Denniffe stopped near the "Honest Lawyer" public house, I don't believe any of them went into Swan-street; they all ran away as near as I can say; between five and ten minutes after defendant left Liverpool-street, I saw defendant at the corner of Goulburn-street; I didn't see him fall down; I didn't see any one strike him; I think I have sworn that defendant went away first, the constable followed, and Denniffe followed him; defendant went first, Denniffe went next, and the constable followed them, the three of them went together like; I am certain defendant went first; unless I see a man drinking I cannot tell whether he is drunk; it would be hard for me to say whether a man was drunk unless I saw him drinking; I thought the defendant had had a few glasses; defendant was not to say drunk, he was more sober than he was drunk, he appeared to be like if he had had a few glasses, he appeared jolly like, and excited like; he didn't appear to be excited from drink; I believe he was excited because a cabman had driven him to the wrong place, and he was hungry; I don't know what he was excited from; when I have said that the defendant was not helplessly drunk, he knew what he was doing, and didn't give him any provocation; when I said that he was not helplessly drunk, I meant he was under the influence of liquor.

By Mr. Vardy: I can't say that Constable Martin said to me when he met me, "For God's sake, don't mention my name."

By Bench: I think I have stated all the conversation I had with Martin; I don't remember any more of the conversation.

By Mr. Vardy: The constable didn't say anything to me about a letter; I did not tell the constable that defendant was drunk; defendant said some sort of bad expressions; I cannot remember one bad word he used; the conversation I had with Martin was three or four days after the defendant was remanded to Darlinghurst; defendant didn't have anything to drink the whole time he was in my company; when defendant went down George-street I couldn't see him after he had gone 2 or 3 yards; I didn't see defendant fall down at the corner of George and Liverpool Streets, or at the corner of George and Goulburn Streets; I don't know what defendant had had to drink; defendant didn't give the constable any provocation; I cannot swear that the constable said he would lock defendant up; defendant ran away first, and I am not certain whether Denniffe or the constable ran after him first; to the best of my knowledge I have told all the truth I know about this matter.

By Bench: I have been intimidated by Constable Martin in reference to this case; the first day this case came on, last Wednesday fortnight, Martin said, "Hollo, are you in this case?" he said, "You had better be careful what you swear, or I'll have you up for perjury"; I have not been intimidated by any other person; Martin said that he had seven or several witnesses to call; we were passing each other hurriedly when Martin spoke to me; I think we were standing face to face when Martin spoke to me; Martin was going towards gate rather hurriedly, and he stopped and spoke to me; he may have stopped a minute or two; I don't think I made any reply; the constable asked me if I had been subpoenaed, and I said, "Yes"; I cannot say whether he used the word "subpoenaed," or whether, "I was a witness."

Sworn at Sydney, this 11th August, 1876, before,—

JOHN SMITH.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Postponed till to-morrow.

Sydney, 11th August, 1876.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Joseph Davis, on oath, states: I am manager of the Pymont Bone Works; on the morning of the 28th June last I was near the *Herald* Office, at about 3 o'clock; I saw the defendant and two other men there, standing near the coffee stall; I know the persons by sight; one of them was Richards; defendant

or

or any of the three of the persons had not any appearance of drink when I saw them ; defendant was a stranger to me ; I did not see them take any coffee at the stall ; there was a cab there ; I went away as the defendant and the others were getting into the cab ; I was going towards the Circular Quay ; I live in that neighbourhood ; I did not hear defendant hire the cab ; I think I heard the cabman say he would take them to get coffee ; I was sober.

By Mr. Roberts : It was about 3 o'clock ; I didn't hear them ask for coffee ; I didn't hear the woman say she wouldn't serve the man ; I am not interested in these proceedings ; I have collected a little money on behalf of the defendant in reference to these proceedings ; I have in the interest of defendant collected sums of money ; I made a collection one night at the "Nil Desperandum" public-house ; I asked the persons if they felt inclined to give anything ; Richards's father was there ; I asked young Richards what he was doing at the coffee stall that hour of the morning ; he said he came for coffee and could not get any ; defendant asked Richards if I was a friend of his ; Richards said I was, and defendant asked me would I go with him to get coffee ; I told him it was too late, and wanted to go home ; I didn't see any coffee ; I won't swear there was not any there ; when I was at Tighe's public-house I first heard them ; I was with them for about three minutes, and didn't hear any one of them ask for something to eat ; I was not in Lynch's public house on that morning, or on the previous night.

By Bench : I didn't discern any sign of liquor on the defendant ; he appeared to be as sober as I am now ; I had no conversation with him.

Re-examined by Mr. Vardy : I have stated I have no interest in these proceedings.
Sworn at Sydney, this 12th August, 1876, before,—

WM. CRANE, P.M.
ROBERT GUY, J.P.

J. DAVIS.

Thomas Gough, on oath, states : I live at the "Solferino Hotel" at the corner of Liverpool and George Streets ; I know the defendant by sight ; I also know Constable Martin ; I have been subpoenaed here on behalf of defendant ; I have received the sum of 15s. for payment for a broken window in my house ; I received the money a few days after it was broken ; I don't know who paid me the 15s. ; I don't think I could identify the man again ; five or six persons were present when the money was paid ; on the morning of the 28th June last I heard some person knock at my door ; I heard some glass break ; I didn't come down-stairs ; I didn't see any one at my door, I only heard them ; I heard a noise.

By Mr. Roberts : I slept up-stairs in my house in Liverpool-street ; I heard a good many persons talking in a loud tone, and making a noise.
Sworn at Sydney, this 12th August, 1876, before,—

WM. CRANE, P.M.
ROBERT GUY, J.P.

THOMAS GOUGH.

John Higgins, on oath, states : I am a publican, living in Sydney ; I have known defendant since last January ; I first saw him in Victoria ; I saw the defendant the night before he was taken, he was at my hotel ; he came there between 7 and 8 o'clock ; he was not drunk when he came in ; I cannot say whether he left my house at ten minutes to 10 o'clock, or ten minutes to 11 o'clock ; when he left my house he was not drunk ; I did not serve him with any liquor, my misses did ; he had three nobblers of port wine hot when he was in my house ; that was all I saw him take ; before he left my house he borrowed an umbrella from me ; when he left my house he was not under the influence of liquor as far as I could see.

By Mr. Roberts : Defendant came to my house alone ; I don't know where he went to afterwards.

By Bench : My house is at the corner of Market and Castlereagh Streets.

Sworn at Sydney, this 12th August, 1876, before,—

WM. CRANE, P.M.
ROBERT GUY, J.P.

JOHN HIGGINS.

Edmund Fosbery, on oath, states : I am Inspector General of Police of New South Wales ; I know Sub-inspector Anderson and Superintendent Read ; I know Constable Martin by sight ; I am the head of the Police Force of New South Wales, and am subordinate to the Colonial Secretary, who is the head of the Police Department.

Sworn at Sydney, this 12th August, 1876, before,—

WM. CRANE, P.M.
ROBERT GUY, J.P.

EDMUND FOSBERY.

John Morris, on oath, states : I reside at Mr. Higgins's house in Sydney ; I can't remember seeing defendant at Mr. Higgins's on the night of the 27th June last ; I saw him at Mr. Higgins's on the night before he was taken up ; he came to Mr. Higgins's at about 8 o'clock to the best of my belief ; he was not drunk when he came into the house ; I think it was close on to 11 o'clock when he left the house ; when he left the house he was not drunk ; I saw him drink something there ; I am almost positive it was the misses who served him ; he had two port wines hot ; I did not see him drink anything more ; when he left the house he didn't appear to me to be under the influence of drink

By Mr. Roberts : I am certain he didn't leave the house at ten minutes to 10 o'clock ; defendant only had two drinks in my presence ; he may have had more without me seeing him ; he is residing at Mr. Higgins's.

Sworn at Sydney, this 12th August, 1876, before,—

WM. CRANE, P.M.
ROBERT GUY, J.P.

JOHN MORRISSON.

Sub-inspector

Sub-inspector Robert Anderson, on oath, states :

By Bench : I have not in my custody any books, documents, or papers relating to the present charge.

By Mr. Vardy : I don't produce the papers mentioned in the notice to produce; I have some documents in my possession, but they don't relate to this charge.

By Bench : The documents mentioned in the notice to produce don't relate to the present case.

By Mr. Vardy : The signature to the written application produced is mine; I believe Mr. Read signed his name in the corner of that document; he put his name to that document in my presence; I applied for the summons produced against defendant by Mr. Superintendent Read's authority; I don't think Constable Martin also applied for a summons; I presume the summons was issued; I know it was issued; Constable Martin is not under my command in my division; he is under Sub-inspector Rush's command; I am in command of No. 1. Division; at the time I applied for the summons I had seen defendant before.

By Mr. Roberts : The defendant is the person against whom I complain.

Sworn at Sydney, this 12th August, 1876, before,—

ROBERT ANDERSON.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Postponed till next Monday.

Sydney, 12th August, 1876.

WM. CRANE, P.M.

ROBERT GUY, J.P.

David Lynch, on oath, states : I am a publican, keeping the "Ship Inn," at the Circular Quay; I know defendant by sight; I don't remember the 28th June last; I remember the day defendant was taken up by the police in June last; on the evening previous to that day defendant came into my house; I think he came down in a cab; I have a very faint recollection of the circumstance; he asked for change to pay a cabman; it was a few minutes before 12 o'clock; when he came into the house he was not drunk; he appeared sober; when he was in the house Richards and Denniffe were with him; they had drink in my house; I don't remember what drink I served the defendant with; I believe I served him with port wine; my belief is founded on hearing it said that I served him with port wine; I think I served defendant three times; I won't swear I didn't serve defendant with a cigar on one of the times I served him; Denniffe was there before defendant came; when defendant was in the house I didn't serve any one of the three more frequently than the other; defendant was about fifteen or twenty minutes in my house; he left at 12 o'clock, or very shortly afterwards; when defendant left my house he was not drunk, he appeared to be sober; Denniffe and Richards were not drunk when they left my house.

By Mr. Roberts : I served each of the three men the same number of times when defendant was there; Denniffe was in the house about a quarter of an hour before defendant came in; Denniffe had one drink before defendant came in; I cannot say what he had to drink; I think Denniffe had four drinks, and defendant three drinks; I think each of the three men stood a round; I cannot say whether they had drinks on the three rounds; it is quite common to serve cigars; I couldn't form any opinion as to whether defendant had been drinking before he came into my house; he appeared to be sober.

By Bench : I was the only person who served the defendant in my house.

By Mr. Roberts : There are plenty of public houses all around my place.

By Bench : I never saw defendant before that night; defendant asked me to change him a pound note.

Sworn at Sydney, this 14th August, before,—

DAVID LYNCH.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Michael Burke, on oath, states : I am Chief Warder of Darlinghurst Gaol; on the 28th June last I saw defendant.

By Bench : It was about 4 o'clock in the afternoon when I saw him, I saw him coming from the police van into the gaol; he was a prisoner; I don't know what took place before then.

Sworn at Sydney, this 14th August, 1876, before,—

MICHL. BURKE.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Arthur William Harnett, on oath, states : I am a warder in Darlinghurst Gaol; I know defendant by sight; on the 28th June last, between 3 and 5 o'clock in the afternoon, I saw defendant.

By Bench : I didn't see defendant before then on that day.

Sworn at Sydney, this 14th August, 1876, before,—

ARTHUR W. HARNETT,

Warder.

WM. CRANE, P.M.

ROBERT GUY, J.P.

John C. Read, on oath, states : I am principal gaoler at Darlinghurst Gaol; I know defendant by sight; about the 28th June last I saw defendant; I think it was between 3 and 4 o'clock in the afternoon; I didn't see him before then; I received him as a prisoner; I saw defendant twice that day.

Sworn at Sydney, this 14th August, 1876, before,—

JNO. C. READ.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Defendant is fined 5s.; costs of Court, 2s. 6d.; or two days in Darlinghurst Gaol.

Sydney, 14th August, 1876.

WM. CRANE, P.M.

ROBERT GUY, J.P.

Deposition

Deposition that person material witness.

New South Wales, }
to wit.

THE deposition of John Burns, of Sydney, in the Colony of New South Wales, taken on oath before me, the undersigned, one of Her Majesty's Justices of the Peace in and for the Colony of New South Wales, at Sydney, in the said Colony, this 12th day of August, in the year of our Lord one thousand eight hundred and seventy-six, who saith: David Lynch, of Sydney, in the said Colony, is likely to give material evidence on behalf of the defendant in this behalf, touching the matter of the complaint of Robert Anderson against John Burns for drunkenness; and I verily believe that the said David Lynch will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the hearing of such complaint, namely, on Monday, the 14th day of August, at the Central Police Court, Sydney, and I therefore pray that process may issue according to law.

Taken and sworn at Sydney aforesaid, on the }
day first above written, before me,— } (Read.) JOHN x BURNS.
WM. CRANE, J.P. mark.

New South Wales Police.—Application for Summons.

(4 W. IV. No. 7, s. 8—Wednesday, 26 July.—G. READ, Supt.)

CONSTABLE William Martin is directed to apply to the Magistrates at the Central Police Court at Sydney, for a summons against John Burns, of Sydney, for assaulting Constable William Martin while in the execution of his duty, on the 28th June, 1876. ROBERT ANDERSON.
No. 1 Station, 24th day of July, 1876.

Summons.

To John Burns, of the city of Sydney, in the Colony of New South Wales.
WHEREAS information hath this day been laid 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 did on the 28th day of June last, at Sydney aforesaid, assault one William Martin, a constable of the police of the Colony aforesaid whilst in the execution of his duty as such constable: These are therefore to command you, in Her Majesty's name, to be and appear on Wednesday, the 26th day of July instant, at 10 of the clock in the forenoon, at the Central Police Office, Sydney, in the said Colony, before such Justice or Justices of the Peace for the said Colony as may then be there, to answer to the said information, and to be further dealt with according to law.

Given under my hand and seal, this 24th day of July, in the year of Our Lord one thousand eight hundred and seventy-six, at Sydney, in the said Colony. WM. CRANE, J.P. (l.s.)

John Burns served personally, July 24th, 1876.—A. POTTER, Senr.-constable. Wednesday, 26th July.

Postponed till to-morrow afternoon, at 2 o'clock.
Sydney, 26th July, 1876. WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till to-morrow afternoon, at 2 o'clock.
Sydney, 27th July, 1876. WM. CRANE, J.P.
ROBERT GUY, J.P.

Remanded till to-morrow.
Sydney, 28th July, 1876. WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till next Monday afternoon, at 2 o'clock.
Sydney, 29th July, 1876. WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till to-morrow.
Sydney, 31st July, 1876. WM. CRANE, J.P.
ROBERT GUY, J.P.

Postponed till to-morrow, at 2 o'clock p.m.
Sydney, 1st August, 1876. WM. CRANE, J.P.

Postponed till next Friday, at 10 o'clock a.m.
Sydney, 2nd August, 1876. WM. CRANE, J.P.

Postponed till to-morrow.
Sydney, 4th August, 1876. WM. CRANE, J.P.

Postponed till next Monday, at 10 o'clock a.m.
Sydney, 5th August, 1876. WM. CRANE, P.M.

Postponed till to-morrow.
Sydney, 7th August, 1876. WM. CRANE, P.M.

Postponed till to-morrow, at 2 o'clock p.m.
Sydney, 8th August, 1876.

Postponed till to-morrow.
Sydney, 9th August, 1876.
Postponed till to-morrow.
Sydney, 10th August, 1876.
Postponed till to-morrow.
Sydney, 11th August, 1876.
Postponed till next Monday.
Sydney, 12th August, 1876.
Withdrawn.
Sydney, 14th August, 1876. WM. CRANE, P.M.
ROBERT GUY.

1876-7.

NEW SOUTH WALES.

PRISONS.

(REPORT ON, FOR 1875.)

Presented to Parliament, by Command.

The Comptroller General of Prisons to The Colonial Secretary.

Sir,

Department of Prisons, Sydney, 20 November, 1876.

I do myself the honor to submit my Report upon the Prisons of the Colony, for the year 1875.

This Report has been delayed partly for the completion of certain necessary statistics, and partly because the Report for the previous year was so recently written, and entered so fully into the condition and prospects of the department, in which but little change has since taken place, that there is, on this occasion, room for little more than renewed statements of statistical information, with such comments thereupon as suggest themselves.

Following the order of information laid down in my last Report, I attach tables similar to those that were therein furnished.

It will be seen from Table A that the number of entries and discharges for 1875 amount to 11,382 and 10,841, as against 10,206 and 9,549 for 1874. The total number of prisoners at the end of 1875 was 1,453, as against 1,294 at the end of 1874.

The condensed information of labour return shows an increase for the past year, being £34,768 Os. 11d., of which £10,243 14s. 5d. represents the value of work done for the internal purposes of the prisons.

The Hospital and Educational returns require no special comment.

The return of re-convictions shows, it is to be regretted, an increase as regards the graver offences over those of 1874. Still the number is small in comparison with the population.

For the present year there has been made by Parliament provision for material and very needful extensions and improvements to the gaols at Armidale, Albury, Bourke, Dubbo, Hay, Orange, Wentworth, and Yass, and for a new gaol of the third class at Tamworth. A new gaol at Young is also in course of construction.

The Engineer-in-Chief of Harbours and Rivers and myself have laid out the site for the new prison in connection with the proposed Breakwater at Trial Bay, and I conclude that this work will shortly be undertaken.

I can speak generally in favourable terms of the conduct of the officers during the year, and of their efficiency, excepting as regards those who by age and infirmity have lost their qualification for duty, and in respect of whom I have addressed a special communication to yourself.

I have, &c.,

HAROLD MACLEAN,
Comptroller General.

3

B.

LABOUR RETURN for the year 1875.

Particulars.	Amount.
Gross value of labor (including £10,243 14s. 5d. for work done for internal purposes of prisons)	£ s. d. 34,768 0 11
Cost of material for employment of prisoners	9,289 9 1

C.

HOSPITAL RETURNS for the year 1875.

Gaol.	Treated in Hospital.	Treated out of Hospital.	Deaths.
Sydney.....	299	5,090	14
Parramatta	62	186	4
Berrima.....	61	149	1
Maitland	52	416	.....
Bathurst	268	1,522	4
Goulburn	67	450	5
Port Macquarie	495	1,214	1
Cooma .....	.....	295	.....
Albury	6	56	.....
Armidale .....	.....	30	.....
Braidwood	10	21	.....
Deniliquin .....	.....	53	1
Mudgee.....	39	47	2
Wagga Wagga.....	.....	67	.....
Yass	12	82	1
Police Gaols.....	No information.	.....	6
Totals	1,371	9,678	39

D.

EDUCATION, 1875.

Particulars.	Gaol.	Number.		Read, Write, and Cipher.		Read and Write.		Read only.		Commencing.	
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Number now attending School, and those who have passed through during the year	Sydney	146	22	49	9	49	6	35	5	13	2
	Parramatta	172	...	50	...	75	...	25	...	22	...
	Berrima.....	60	...	40	...	12	...	8	...	...	...
	Maitland	26	...	10	...	4	...	5	...	7	...
	Bathurst	134	...	45	...	40	...	22	...	27	...
	Goulburn	31	...	11	...	8	...	4	...	8	...
	Totals.....	569	22	205	9	188	6	99	5	77	2
Number of above uneducated on admission, showing progress made.	Sydney	98	18	48	8	31	5	13	3	6	2
	Parramatta	22	...	2	...	10	...	5	...	5	...
	Berrima.....	14	...	6	...	5	...	3	...	...	...
	Maitland	7	...	2	...	3	...	2	...	...	...
	Bathurst	27	...	8	...	12	...	5	...	2	...
	Goulburn	19	...	10	...	6	...	3	...	...	...
	Totals.....	187	18	76	8	67	5	31	3	13	2

E.

REPORT of Persons reconvicted during 1875, showing class and number of previous convictions.

Gaol.	1st Class.			2nd Class.			3rd Class.			Drunkards and petty offences (omitted from foregoing.)		
	1	2	3 or more.	1	2	3 or more.	1	2	3 or more.	1	2	3 or more.
Sydney	1	2	4	33	13	5	1	...	...	296	85	596
Parramatta	11	7	4	...	...	3	1	...	...	8	13	30
Berrima	6	5	9	6	5	18	...	1	...	2	1	...
Maitland .....	...	...	...	10	6	12	14	12	14	13	6	17
Bathurst	2	2	...	7	5	8	15	6	18	36	8	43
Goulburn	4	2	5	5	1	1	1	2	...	6	6	10
Port Macquarie .....	...	...	...	...	...	...	...	...	...	...	1	...
Cooma .....	...	...	...	...	...	...	...	...	...	...	6	2
Albury .....	...	...	...	1	...	...	...	...	...	7	1	3
Armidale .....	...	...	...	2	1	3	...	1	...	8	1	2
Braidwood	3	1	...	2	2	1	6	4	...	4	3	2
Deniliquin .....	...	...	...	2	...	...	1	1	...	3	4	5
Mudgee.....	1	...	...	6	3	8	4	3	3	2	4	10
Wagga Wagga.....	...	...	...	1	...	...	...	...	...	4	4	2
Yass .....	...	2	...	3	...	...	...	4	...	...	2	2
Totals.....	28	21	22	78	36	59	43	34	35	389	145	724

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

PRISONS.

(REPORT FOR 1876.)

Ordered by the Legislative Assembly to be printed, 31 July, 1877.

The Comptroller General of Prisons to The Colonial Secretary.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 31 July, 1877.

I do myself the honor to submit my Annual Report for 1876 upon the Prisons.

My first Report of this character was for the year 1874, and under date 27th July, 1875.

In that Report, beyond furnishing the usual statistical information, I took occasion to enter fully into the working of the department and to describe the general condition of the prisons, together with the causes of the progressive improvements that had been effected, as well as those of difficulties in the way of further progress by reason of defective buildings and the widely scattered positions of the several establishments.

Since that time there has been no material change of a general character in the condition of the prisons; and therefore, in furnishing my Report for 1875, I thought it well to abstain from reiterating the general information and expression of views above referred to, and confined myself for the most part to rendering the needful statistical information.

I propose to take the same course on the present occasion, and subjoin the tabulated returns which afford in a condensed form the information of the year.

From the returns it will be learned that the entries and discharges for the year numbered respectively 12,443 and 11,880, as against 11,832 and 10,841 for 1875. The total number in prison at the end of 1876 was 1,440, as compared with 1,453 for 1875. The population of the Colony for these years respectively was,—

1875	...	...	...	...	...	606,652
1876	...	...	...	...	...	629,776

Thus, it is satisfactory to observe that the number of persons imprisoned has not increased with the population, but on the contrary has slightly diminished. The number of entries being beyond those of 1875 are merely indicative, as further returns will show, of the repeated short convictions of petty offenders.

As an indication of the lessening of the graver offences, it may be mentioned that the number of prisoners sentenced to five years and upwards, who have been received in Berrima Gaol to pass through their probationary periods of separate treatment, were respectively for—

1874	...	...	...	...	...	46
1875	...	...	...	...	...	40
1876	...	...	...	...	...	38

The labour return shows an application of labour in prisons' manufactured articles and otherwise, to the value of £38,517 10s. 6d., which includes £9,313 5s. 2d. for work done for internal prison services, which has to be stated in order to account for the application of labour. This production is almost entirely derived from the six principal labour Gaols—Darlinghurst, Parramatta, Berrima, Maitland, Goulburn, and Bathurst. It is chiefly earned by manufacture of articles for Government Departments, and in some lesser degree only by articles manufactured for sale to the public. I have in previous Reports explained the impossibility of making prison labour productive in the lesser Country Gaols, where no conveniences for work exist, and also in the cases of short-sentenced prisoners, who are not sufficiently long confined to learn a trade even if physically capable of work, which they for the most part are not. Table A in the returns shows the number of prisoners who have been engaged, and their manner of employment in producing the results of labour above reported.

The return of re-convictions (Table B) shows no material difference from that of 1875 as regards graver offences, which would indicate a stationary state of crime, but a very considerable increase is shown in the numbers re-convicted for petty offences and drunkenness, the gross number standing at 1,665, as compared with 1,258 for the preceding year.

Of the extensions and improvements to prisons mentioned in my last Report as projected at Armidale, Albury, Bourke, Dubbo, Hay, Orange, Wentworth, and Yass, progress has been made at Armidale and Orange, which now approach towards completion. In the cases of the others, delay has occurred through the time of the year at which the votes became available, and at Yass by reason of a difficulty in obtaining possession of a necessary piece of land adjoining the present building which has not yet been removed, although I am led to expect that it shortly may be. A new Country Gaol of a superior design has been nearly completed at Young, and extensive additions with hospital accommodation are being made at Deniliquin, which should be of essential service in that part of the Colony. It is proposed shortly to erect at Tamworth a new Gaol of a similar description to that at Young. The works for the completion of the prisons at Darlinghurst and Parramatta are progressing.

For years past the projected removal from the Town Squares of the Bathurst and Goulburn Gaols has prevented effective repairs or improvements from being undertaken to the existing buildings, and has placed the management of these establishments at a great disadvantage. I now understand it to be the intention of the Government to erect new prisons at these towns, and this being decided upon, I would urge that it should be carried out with the least avoidable delay. In the meantime the existing buildings will have to be kept in proper repair.

A contract has now been entered into for the erection of the Public Works Prison for the construction of a Harbour of Refuge at Trial Bay. It is anticipated that in some fifteen months the first draft of prisoners may be sent to that place. In former Reports I have mentioned that the establishment of this prison will have a material effect on the Prisons' Administration of the Colony. As all male prisoners having sentences of three years and upwards will go to Trial Bay, room will be made for the mass of the shorter sentenced prisoners to be kept in such a degree of separation as is approved by the highest authorities—European and American.

I have again to report that the officers of the department have generally conducted their duties in a satisfactory manner, and also with efficiency, save in respect of those officers who, by age or infirmity, have passed the period of their efficiency, and whom there is no provision for retiring,—a subject which was seriously brought under your notice by my letter of the 8th November, 1876.

Urgent representations have been made to me by officers of all grades of the inadequacy of their salaries under the existing conditions of the enhanced rates of house-rent and of the necessaries of life. These representations will have due consideration in the preparation of my next Estimates. By the vote for 1876 an addition of sixpence a day was made to the salaries of warders, and a corresponding advance was likewise made to the salaries of the superior officers and others coming under the same heading—"Gaols generally"—such as chief and senior warders, overseers, and female officers; but the ratable increase proposed for gaolers and other officers, who are classed more as civil servants, was withdrawn. This has brought about the anomaly of the pay and allowances of officers of lesser position trenching upon those of their immediate superiors, which is keenly felt by the latter. I trust that in the Estimates for 1878 I may be permitted to have this state of things remedied, and the officers to whom I refer placed upon a footing as regards salaries, which have always been in my opinion cast too low, in fair proportion to the responsibilities of their positions.

The existing Reformatory, that for Girls, at Biloela, has been most satisfactorily conducted under the management of the Matron, who fully apprehends the proper nature of her functions and the objects desired. The girls are cheerful and contented, and make good progress both in school and domestic duties, and generally show good indications of reformation. There was only one discharged in 1876, who is doing well in respectable service. Six were received during the year, at the end of which there were fourteen in the school.

It having been considered desirable to remove the school from Biloela, a property suitable for the purpose has been purchased on the South Head Road, but the necessary alterations and repairs have not yet been effected. It is contemplated there to provide accommodation for a larger number of girls.

It is desirable that a Male Reformatory should be established. For this purpose a vote of £2,500 has been taken on the Estimates for next year, so it may be assumed that early action will be taken in the matter.

I have, &c.,
HAROLD MACLEAN,
 Comptroller General.

4

B.

LABOUR RETURN for the Year 1876.

Particulars.	Amount.
Value of prisons' manufactured articles and of labour otherwise applied (including £9,213 5s. 2d. for work done for internal purposes of prisons)	£ s. d. 38,517 10 6
Cost of materials for employment of prisoners	11,406 13 4

C.

HOSPITAL RETURN for the Year 1876.

Gaol.	Treated in Hospital.	Treated out of Hospital.	Deaths.
Sydney	237	4,537	8 (1 executed)
Parramatta	61	230	6
Berrima	28	813	1
Maitland	36	793	1
Bathurst	70	1,350	5
Goulburn	65	507	5
Port Macquarie	27	59	.....
Albury .....	.....	61	.....
Armidale .....	.....	47	.....
Braidwood	6	12	.....
Deniliquin .....	.....	71	2
Mudgee.....	21	58	5 (1 executed)
Wagga Wagga .....	.....	105	.....
Yass	14	94	4
Totals	565	8,777	37

D.

EDUCATION, 1876.

Particulars.	Gaol.	Number.		Read, Write, and Cipher.		Read and Write.		Read only.		Commencing.	
		Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
Number now attending school, and those who have passed through during the year.	Sydney	197	34	129	14	48	10	14	7	6	3
	Parramatta	167	...	45	...	53	...	34	...	35	...
	Berrima	57	...	36	...	15	4	...	...	2	...
	Maitland	34	...	5	...	9	...	10	...	10	...
	Bathurst	59	...	44	...	15	...	...	...	...	...
	Goulburn	24	...	...	...	14	...	...	...	10	...
Totals.....		538	34	259	14	154	10	62	7	63	3
Number of above uneducated on admission, showing progress made.	Sydney	102	21	49	8	45	9	6	3	2	1
	Parramatta	42	...	...	...	...	...	19	...	23	...
	Berrima	13	...	6	...	5	...	2	...	...	...
	Maitland	20	...	...	...	...	...	...	...	20	...
	Bathurst	33	...	28	...	5	...	...	...	...	...
	Goulburn	10	...	4	...	6	...	...	...	...	...
Totals.....		220	21	87	8	61	9	27	3	45	1

E.

REPORT of Persons reconvicted during 1876, showing class and number of previous convictions.

Gaol.	1st Class.			2nd Class.			3rd Class.			Drunkards and petty offences (omitted from foregoing).		
	1	2	3 or more.	1	2	3 or more.	1	2	3 or more.	1	2	3 or more.
Sydney	5	3	9	32	16	48	2	...	...	337	109	818
Parramatta .....	...	...	...	...	...	2	...	...	...	21	7	85
Berrima	11	9	22	14	9	14	1	1	2	1	1	...
Maitland	2	2	1	11	10	6	7	9	21	6	11	26
Bathurst	1	...	...	5	3	1	10	2	7	31	5	28
Goulburn	4	1	5	10	6	6	8	8	7	13	5	16
Port Macquarie.....	...	...	...	2	2	1	...	...	...	2	3	2
Albury .....	...	...	...	...	...	...	...	...	...	2	1	4
Armidale	2	...	...	3	5	...	10	2	4	5	3	4
Braidwood	2	2	1	4	2	2	3	1	1	12	2	1
Deniliquin .....	...	...	...	1	...	...	...	...	...	21	7	6
Mudgee.....	...	...	...	6	2	4	5	1	1	6	2	14
Wagga Wagga .....	...	...	...	...	...	...	...	...	...	...	3	3
Yass	1	2	2	2	1	3	2	1	1	12	10	20
Totals.....	28	19	40	90	56	86	48	25	44	469	169	1027

Sydney: Charles Potter, Acting Government Printer.—1877.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

STEPHEN MURPHY.

(PETITION OF)

Ordered by the Legislative Assembly to be printed, 9 July, 1877.

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

The humble Petition of Stephen Murphy, now in Sydney, in the Colony of New South Wales, late Warder in H.M. Gaol, Berrima,—

SHOWETH:—

1. That your Petitioner has suffered great injustice and loss of his good character through being wrongfully dismissed from his situation in the Public Service as warder in Berrima Gaol.

2. That on the thirteenth day of February, one thousand eight hundred and seventy-seven, the Gaoler at Berrima (Mr. W. Small), out of spite and ill-feeling, sent a gaol warder from the gaol to your Petitioner's house, requesting your Petitioner's wife to appear before the Gaoler at the office in the gaol.

3. That on the nineteenth of the said month of February the Gaoler at Berrima, Mr. W. Small, out of spite and ill-feeling publicly censured your Petitioner's wife in the gaol as an aggressor, stating that he had the Comptroller General's authority for doing so; at the same time your Petitioner was ordered by the Gaoler (the said Mr. W. Small) to caution his wife as to her future conduct under penalty to him.

4. That on the same date, viz., the nineteenth of the said month of February, your Petitioner's wife, feeling aggrieved through being subjected to such cruel treatment from the Gaoler at Berrima (the said Mr. W. Small), wrote to the Comptroller General complaining of the treatment she had received, and earnestly begged of him to cause the Gaoler to withdraw the censure he had passed upon her on the above date. She enclosed papers to prove that the Gaoler at Berrima (Mr. W. Small) bore the greatest ill-feeling towards her since December, one thousand eight hundred and seventy-five, at which time she was under the necessity of reporting the Gaoler's relative, the postmaster at Berrima, for refusing her of postage stamps, since which time both herself and her family had been persecuted in Berrima by the Gaoler and his friends; that under such circumstances her life was a misery to her; she was most unhappy through the Gaoler's friends taking every opportunity of insulting her; she had done nothing to deserve such treatment; she was in delicate health, and now the shock to her system of being thus publicly disgraced had nearly cost her her life; she was a respectable woman, and the mother of a large family; that she took it to heart to be insulted in such a manner, and she humbly prayed for redress.

5. That on the twenty-third of the said month of February, your Petitioner's wife received a reply to her letter from Mr. Beverley, clerk in the Comptroller's office, to the effect that the Gaoler at Berrima had properly rendered the minute authorizing the censure complained of, and that such minute was written upon further information received. Your Petitioner's wife was forbidden to write any more upon the subject in any case.

6. That on the fourth day of March, one thousand eight hundred and seventy-seven, your Petitioner, feeling humiliated and disgraced in Berrima through the way in which his wife had been treated and grossly insulted by the Gaoler at Berrima (Mr. W. Small), wrote to the Comptroller General of Prisons, begging of him to transfer your Petitioner to another gaol on the grounds of the Gaoler's ill-feeling towards your Petitioner and his family; to this appeal your Petitioner received no reply.

7. That on the tenth of the said month of March your Petitioner again wrote to the Comptroller General, begging him most earnestly to transfer your Petitioner to another gaol, as it was impossible for your Petitioner to do duty in Berrima Gaol any longer, so persecuted was he by the Gaoler. Your Petitioner at the same time forwarded proofs of the Gaoler's ill-feeling towards himself and his family, with the view of showing the Comptroller how impossible it was for your Petitioner to retain his situation in Berrima Gaol, in face of such decided hostility on the Gaoler's part towards him; to this second appeal your Petitioner received no reply.

8. That on the sixteenth of the said month of March your Petitioner was unjustly fined seven days pay by Mr. Beverley, and told that only for your Petitioner's previous good conduct he would have been dismissed from the service by him; your Petitioner was not made aware of the cause of such treatment; therefore your Petitioner thought he was justified in questioning that gentleman's authority to fine your Petitioner without a cause, and, if there was a cause, to deprive your Petitioner of the privilege of being allowed to defend himself; subsequently the fine was not carried out.

9.

9. That on the nineteenth of the said month of March your Petitioner was suspended by Mr. Beverley; your Petitioner was not made aware at any time of the cause of such suspension, nor allowed to defend himself from the charge, whatever it was, that led to such suspension.

10. That on the twenty-sixth of the said month of March your Petitioner, being in great trouble and distress of mind through being treated so harshly for no cause, again addressed a letter to the Comptroller General, and begged of him to grant your Petitioner an investigation, as your Petitioner was being treated most harshly; your Petitioner begged the Gaoler (Mr. W. Small) to forward the same to the Comptroller; the Gaoler refused to do so, and your Petitioner was under the necessity of forwarding his letter to the Comptroller through the post the same evening.

11. That on the twenty-seventh of the said month of March your Petitioner was dismissed from his situation as warder in H. M. Gaol, Berrima, without a hearing, your Petitioner's prayers and entreaties to the Comptroller for redress being of no avail against the powerful enemies your Petitioner had to contend against. At the time of your Petitioner's dismissal he had a clean sheet after three years and six months service in the model Gaol at Berrima. Your Petitioner is a poor man with a wife and four young children dependent upon him; your Petitioner has sustained considerable loss in his endeavour to obtain redress for the injury done himself and his family within the past three months.

12. That on the nineteenth day of June, one thousand eight hundred and seventy-seven, the Hon. J. McElhone, moved for all letters, papers, and correspondence relative to your Petitioner's dismissal from Berrima Gaol, and the motion was agreed to by your Honorable House. Your Petitioner therefore humbly and respectfully prays your Honorable House to be pleased to cause your Petitioner's papers to be laid on the table of your Honorable House, to enable your Petitioner to speedily obtain the redress of which he is in such urgent need; if your Petitioner has offended in his writings he must plead ignorance.

Your Petitioner therefore most humbly and respectfully prays your Honorable House to take his case into your favourable consideration, and grant to your Petitioner the justice which the nature of your Petitioner's case may demand.

And your Petitioner will ever pray, &c.

STEPHEN MURPHY.

Dated at Sydney, this 3rd day of July, A.D. 1877.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

STEPHEN MURPHY, LATE WARDER, BERRIMA GAOL.
(DISMISSAL OF—CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 20 July, 1877.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 19th June, 1877, That there be laid upon the Table of this House,—

“(1.) A Copy of all Letters, Papers, and Correspondence between Stephen Murphy, late Warder in Berrima Gaol, and Mr. Small, Gaoler of above Gaol, Mr. Wilshire, P.M., Mr. Maclean, Comptroller of Prisons, and Mr. Beverley, Clerk in Comptroller’s Office, in reference to the dismissal, &c., of Stephen Murphy.

“(2.) Also, Letters, Correspondence, &c., between Mrs. Murphy, in reference to above, and Mr. Small, Mr. Maclean, and any other person.”

(*Mr. McElhone.*)

STEPHEN MURPHY, LATE WARDER, BERRIMA GAOL.

Complaint of Warder Cairncross.

Berrima, 31 January, 1877.

WARDER W. Cairncross states he is sorry to have to report the conduct of any officer in Berrima Gaol, but I am obliged to bring to your notice the conduct of Warder S. Murphy. Soon after my arrival in Berrima a system of persecution has been carried on by Warder Murphy and family against myself and family, although we are not on any terms of intimacy. My eldest daughter was obliged to lodge an information to bind him over to keep the peace towards her for his outrageous conduct. Yesterday, the 30th January, Mrs. Murphy used most blackguard and insulting language towards my wife, and has now summoned her before the Magistrate for language she (Mrs. Murphy) herself used.

I consider the conduct of Warder Murphy as cowardly and dangerous in thus assailing respectable people through his wife, and beg you will cause me to be removed from this gaol to another at your earliest convenience

WM. CAIRNCROSS,

Warder.

I was informed by Mr. Small before he left for Goulburn that these two warders have been living on very bad terms for some time past. On one occasion Warder Cairncross had Warder Murphy at the Police Court to have him bound over to keep the peace, but the case was dismissed. Mr. Small states that Warder Cairncross is a very good officer, and if the Comptroller-General is disposed to remove either man, would prefer that Warder Murphy be removed.—A. WATT, Acting Gaoler. Berrima, 1/2/77.

It is not convenient always to the department to remove officers in such cases; but if the establishment is disturbed by the quarrels of the officers or their families, it will be well for the Gaoler to ascertain who are the aggressors, and inform me. Both officers should be cautioned that I regard such collisions as very detrimental to the Service.—H.M., 2 Feb., '77. B.C., Berrima.

Mrs. S. Murphy to The Comptroller General.

Sir,

Berrima, 5 February, 1877.

I humbly pray that you will be pleased to lend a gracious ear to the supplication of your very humble servant. I am writing to vindicate myself, but from what charge I am entirely ignorant. I only know that my husband, Stephen Murphy, warder, was officially informed that an application for removal was made by Warder Cairncross, on account of their respective wives quarrelling, that such doings interfered with the working of the gaol, and that if there was any more of the said disagreement the Gaoler would have to report on the matter. My husband knew nothing whatever about the present disagreement, as he was on duty when it occurred, and I had taken the summons out before he knew anything about it. With your very kind permission, honorable sir, I will now relate how the present unfortunate disagreement occurred. The present ill feeling originated first with Warder Cairncross, who allowed his daughter, aged 14, to take out a summons against my husband on the 5th December, 1876 (here copy of the case as taken from the *Scrutineer* enclosed). Finding themselves foiled in that case against us, and, knowing that I was disliked by a clique of persons in Berrima, who do everything they possibly can to annoy me, merely because I tried and did obtain justice some twelve months ago in cases of great grievance—knowing this, they (the Cairncrosses) still do everything they possibly can to provoke and annoy me; and as we happen to be neighbours it is all the more annoying to me, having no one to take my part against so many who are against me, and some of them very powerful. Knowing this, the only remedy left open to me was to appeal to the law for the first time in my life in the case which occurred on Tuesday last, the 30th of January, when Warder Cairncross's wife, without any provocation, commenced shouting out, "Go for a constable, bring a constable." She afterwards put herself in a fighting attitude, shook her clenched fist at me, and called me a *bloody-faced bitch*. I felt bound in honor to myself, seeing that I and my family are highly respectable, and keep as much as possible to ourselves, to put a stop, if possible, to a repetition of such foul language being used towards me in future. The hearing of this case will come off to-morrow, Tuesday, the 6th instant, when I am prepared to swear to what I have here stated, although I very deeply regret that any such proceeding on my part should be necessary, and more deeply still do I regret that my name has been brought in any way under your honorable notice. I further beg to state that, if the reporting of or commenting upon any case in which I am concerned is left to Mr. Small, the Gaoler, I have good reason to fear that I will not obtain justice from him. For fear that any reports may have reached you detrimental to my character, I beg most respectfully to enclose true copies of the several letters I was compelled to write to various persons while in Berrima, so as to obtain redress for injuries done to me, and which is the cause of all the ill feeling which at present exists against me. I am compelled to take this course of making known my grievances to your Honor, as my husband, Stephen Murphy, warder, when officially informed of the case, offered an explanation in my defence, thinking it might be necessary, to the Gaoler, on the 3rd instant, and prayed that he would forward it to your Honor, but the Gaoler advised him the less writing to the Comptroller the better if he valued his situation, therefore my husband did not like to insist upon him sending it, hence my present action in laying before your Honor the particulars and copies of the many annoyances I have endured since I came to Berrima, feeling sure that if any charge has been preferred against myself or family, you will fairly judge both sides of the question. In conclusion, I most earnestly beg of your Honor that you will be pleased to favourably consider the application for a transfer to Darlinghurst Gaol, which my husband, Stephen Murphy, Warder, applied for on the 8th January last, as if I remain here much longer I will surely die; I am losing my health; I am truly miserable and unhappy, and I know that I can never feel happy in Berrima, knowing as I do that, however respectable and well conducted I and my family are, our conduct is misconstrued, and our actions commented

commented upon by those persons whom I have offended by trying to obtain justice for ourselves. I have taken the responsibility upon myself of thus addressing your Honor, and if I have done wrong, I humbly crave your pardon and must plead as excuse my present unhappy condition.

I remain, &c.,

MRS. STEPHEN MURPHY:

Mr. W. G. Beverley to Mrs. S. Murphy.

Department of Prisons, Comptroller General's Office,
Sydney, 12 February, 1877.

Madam,

I am directed inform you, in reply to your letter of 5th instant, enclosures of which are herewith returned, that the Comptroller General of Prisons is indisposed to enter into correspondence with wives of officers upon such subjects.

Mr. Maclean does not see why families of officers should not reside in the same neighbourhood without such collisions as to litigation.

I am, &c.,

W. GORE BEVERLEY.

Sir,

H. M. Gaol Berrima, 8 February, 1877.

I have the honor to enclose herewith a cutting from the *Scrutineer*, reporting the case Mrs. Murphy and Mrs. Cairncross.

I may state that the Visiting Justice and myself have tried to make these men see how disgraceful their conduct and that of their families are to the Gaol Service here, but from the tone of the men I am very much afraid it will be impossible to put a stop to these petty family quarrels.

From what has come under my own observation, and from what I have heard from parties outside, I certainly think that Mrs. Murphy is the cause of all the disturbance, and I consider Warder Murphy very much to blame for countenancing his wife in her conduct.

I believe it would be advisable for the quiet working of the establishment, and for the harmony of the officers, that Warder Murphy should be removed.

I have, &c.,

W. SMALL,

Gaoler.

Noted, F.R.W., V.J.
effect.—F.R.W.

Perhaps a severe caution might, for this once, have the necessary

From what has come before me, I am disposed to think that Mrs. Murphy is the aggressor and the cause of these disturbances to the discredit of the Service. Warder Murphy should be warned that if I have to remove him for such reasons, any desire that he may have as to place of removal will not be considered. Mrs. Murphy, however, assured me that she will try to live in peace with her neighbours, and it is to be hoped she will do so.—H.M., 16 Feb. /77, B.C., Berrima.

Noted and returned,—W. SMALL, Berrima, 23/2/77.

Mrs. S. Murphy to The Comptroller General.

Honorable Sir,

Berrima, 19 February, 1877.

I received a sudden shock *to-day* which nearly cost me my life, through being publicly censured in the gaol by the Gaoler, who stated that he had your authority for doing so. The censure was read to my husband in the office by the Gaoler, in presence of the clerk, and was to the following effect—that from what the Comptroller General could see and learn in the matter, that Mrs. Murphy was the aggressor in the late case, and that he (my husband) was to inform and caution me that if I did not agree with my neighbours in future, as I had promised the Comptroller General I would do, that his (my husband's) application for transfer to another gaol would not be taken into consideration. As this censure does not agree with what your Honor was pleased to say to me on the 15th instant, I am writing to ask your Honor if you authorized the Gaoler to wound my feelings in the way he has done. I did nothing to deserve this censure; I merely summoned a person for the first time in my life for using abusive language towards me, and I was told by a solicitor it was the only course for me to pursue; but because the Gaoler and Visiting Justice were partial to this person, and decidedly hostile towards me, I had no justice shown me whatever. I can prove that the greatest ill feeling has existed on the part of the Gaoler and Visiting Justice towards me since November, 1875, when I reported the Postmaster at Berrima for refusing to supply me with postage stamps. For that crime and some other trifling charge they tried between them to either dismiss my husband or have him removed to another gaol, but finding they could not do so the ill feeling on their part towards me has existed ever since, owing to which in the late case the defendant's denial of everything I accused her of, with only God for a witness, was credited before mine and my daughter's evidence upon oath to the contrary. My daughter's age is thirteen years and seven months, not twelve as reported, which was evidently done to give colour to the report of her having the evidence she was to give off by heart. The Gaoler was present in Court, as he stated, to watch the proceedings, and I am positively certain that if this woman had threatened to take my life I would not be able to obtain redress in Berrima. The Visiting Justice, both in the Court and in his office, spoke to me as though I were a dog, and before he heard the case he told me it would be dismissed, that the fault was all on my side. Before writing my first letter to your Honor I was informed that the Gaoler was trying his best in an underhanded manner to attach all the blame to *me* and prejudice your Honor against me, while at the same time he was assuring my husband that nothing whatever had been said against *me*, and tried all he possibly could to prevent me and my husband from writing anything to your Honor in my defence, until the case was settled to his wishes, when he hoped that anything I might say afterwards would not be credited. He had my husband at the office day after day before himself and the Visiting Justice, and at last he pretended that he understood from my husband that he gave a promise that I would not appear against the defendant in the case, which was not true; I knew that a plot was working against me, for on the 5th February Mrs. Cairncross boasted that so
sure

sure as I took her to Court, the next day my husband would be dismissed from his situation, as safe as the Bank of England. That was the cause of my writing to your Honor on the 5th instant, and fortunate was it for me that I did so, as my husband still retains his situation in spite of the machinations of my enemies, who since as good as acknowledged that they were again defeated. I had good reason to fear also that my name had been brought under your honorable notice in anything but a flattering manner by my enemies, and it was that more than anything else that I so deeply regretted. I beg leave to say that I defy the Gaoler, the Visiting Justice, or any person in Berrima to say anything against my character or respectability or that of my family, but I am well aware that the Gaoler has tried his utmost to ruin my character by giving me a bad name; but believing him to be a bad wicked man, I will leave him to God to judge him as he deserves, and once more I appeal to your Honor to cause the Gaoler to as publicly rescind the censure he passed on me *to-day*, as I cannot believe, after the kind manner in which you spoke to me on the 15th instant, that two days after you would authorize the Gaoler to publicly insult me in the manner he has done for no cause, thereby trying to disgrace me in the eyes of those residents who know me and my family to be highly respectable, and who know also that I am an object of dislike to a clique of persons in power here, simply because I tried and failed to obtain justice for an injury done me; but although I failed in obtaining justice here, I feel sure of obtaining justice from your Honor, more especially as I am in very bad health, and the many shocks to my system I have received lately have quite undermined my health. The doctor told me when in Sydney that he could not answer for my life if I was the least excited or worried; and I beg of your Honor that you will be pleased to remove my husband to Sydney or any other large town where I can obtain medical attendance from the Oddfellows Institute, as I cannot afford to pay for medical attendance and medicine here, as there are six of us in family to keep out of my husband's pay.

I am so ill that I am hardly able to write this letter to your Honor, and I hope you will pardon me if I am doing wrong in again addressing your Honor in self-defence.

I beg to subscribe myself, &c., &c.,

MRS. STEPHEN MURPHY.

P.S.—My husband has been subject to almost as much annoyance as I have been; he has been had up to the office about a case he knew nothing whatever about, no less than five times, and once in the yard and once in the wing, making in all seven times, while the real offender who I proved was guilty of what I accused her of, as the depositions in the case will prove, is allowed to escape.

P.S.—My husband is so miserable, owing to the way he and I are persecuted here, that he is hardly able to do his duty.

MRS. MURPHY.

Mr. W. G. Beverley to Mrs. S. Murphy.

Department of Prisons, Comptroller General's Office,
Sydney, 23 February, 1877.

Madam,

I am directed by the Comptroller General of Prisons to inform you, in reply to your letter of the 19th instant, that the Gaoler at Berrima appears to have properly rendered the minute made by Mr. Maclean for the guidance of Warder Murphy, in which it became necessary for him to refer to yourself; and that his minute was written upon further information after you had seen him.

Mr. Maclean must decline further correspondence with you upon the subject in any case, but especially in reference to the observations you use in respect of the Visiting Justice and Gaoler.

I am, &c.,

W. GORE BEVERLEY:

Warder Murphy to The Comptroller General.

H.M. Gaol, Berrima, 4 March, 1877.

I, WARDER MURPHY, beg leave most respectfully to submit for your inspection if required, proofs of the ill feeling existing towards me on the part of the Gaoler at Berrima, and extending over a period of one year and nine months. So embittered is the Gaoler against me, for no cause whatever, that he even extends his ill feeling to my family. I feel humiliated and disgraced thereby, and through the said ill feeling I am afraid of losing my situation. On the 13th of February, 1877, the Gaoler sent Warder Tinson to my house with a message to say that my wife was to appear before the Gaoler at the office in the Gaol, on the 19th February, 1877. My wife was publicly censured in the gaol by the Gaoler; on another occasion he said he would give me a gag to gag her with. Since the 30th January, 1877, I have had no peace, owing to the Gaoler trying his utmost to get me mixed up in women's affairs that I knew nothing about. I have endeavoured to retain my situation three years and five months; I beg therefore that you will take my application for a transfer to another gaol into consideration as soon as convenient, as it is utterly impossible for me to retain my situation here much longer, as the Gaoler is decidedly opposed to myself and my family.

Your obedient servant,

STEPHEN MURPHY.

Minute by Gaoler.

I am certainly at a loss to know what ill feeling I have ever shown towards Warder Murphy, and I am quite certain that I have never given him any cause to think I am embittered against him. The only matter on which I have spoken to Warder Murphy has been about the Police Office quarrels in which he has been mixed up, and then I only followed the instructions I received.

With reference to having sent for Mrs. Murphy: on reading your minute of the 8th February, viz., "Mrs. Murphy may be informed that I am not disposed to enter into correspondence with officers' wives, &c." I at first thought it was forwarded to me to be acted on, and sent for Mrs. Murphy accordingly, but subsequently I found she was informed from your office, and I took no further steps in the matter.

As for publicly censuring Mrs. Murphy in the gaol, she has not been inside the gaol nor have I spoken to her for over two years.

The matter of the gag happened while Warder Murphy was in the office about the Police Court case, when I ordered him to have nothing to do with these quarrels, as it was very degrading to the Service. He told me that it was the *women*, that his wife was hot-tempered and he could not stop her, when I in a jocular way remarked he should get a gag for her. Instead of trying to get Warder Murphy mixed up in women's affairs (as he remarks), I have tried to keep him clear of them and the Police Office.

I trust you will instruct the Visiting Justice to investigate this case, as I believe it is only a concocted plan to get a removal.

W. SMALL,
Gaoler.

Minute by Comptroller General.

I am certainly not disposed to move an officer on mere allegations of ill feeling on the part of his superior.

It was an error on the part of the Gaoler to send for Mrs. Murphy at all, as what had to be said would be to her husband; but he seems to have been led into the error by misreading my minute.

As Warder Murphy professes himself to be aggrieved, I see no objection to his specifically representing his grievance before the Visiting Justice, who probably will think it well to communicate to him this report of the Gaoler's.—H.M., 7th March, B.C., Berrima.

A.

Warder Murphy to The Comptroller General.

H.M. Gaol, Berrima, 10 March, 1877.

I, WARDER MURPHY, beg most respectfully to submit my defence for your inspection as proof of the ill feeling existing towards me on the part of the Gaoler at Berrima, and to state that I must decline having this case settled by the Visiting Justice, as desired by him, as I can prove that he also bears ill feeling towards myself and family, he having brought up about the affair of 1875, in the office in the Gaol on the 8th of February, 1877, by asking the Gaoler if there was not some set out with the Powells while he was away. The Gaoler said, "Yes; Mrs. Murphy reported Powell." "I thought so," replied the Visiting Justice. I was had up to the office to-day, and abused and threatened both by the Gaoler and Visiting Justice, who said that if he was the Gaoler he would walk me outside the gate. The Gaoler told me twice over that I was a *dangerous man*, for most emphatically denying the Gaoler's false and slanderous accusations against my wife, which I defy him to prove. The Visiting Justice said he would recommend my removal, and that I would be getting myself injured in the Service. I have done nothing but plead in my wife's defence, when she is slandered, insulted, and interfered with, through petty spite. Everything read to me in the office in the gaol in the Gaoler's defence of his actions in reference to my wife was false and an evident fabrication. I should consider myself unworthy the name of a *man* were I to submit tamely to the insults and slander heaped upon my wife for no cause whatever. I beg that you will investigate the case, and remove me from here as soon as convenient, as, in face of the opposition from all, I cannot remain in this gaol any longer.

Your obedient servant,

STEPHEN MURPHY.

On the 6th June, 1875, I had occasion to lock a prisoner up for using obscene language; but the Gaoler would not allow me to do so, but instead, abused and ridiculed me, in the presence of prisoners, while in the execution of my duty. He told me that I should never do another hour's duty in the gaol, and called the Chief Warder, and told him to bring a man out of the town to take my place—that I was no good there. The Chief Warder reasoned with the Gaoler, who then shifted me on to another post, and told me never to dare interfere with that prisoner again—that I would not be game to interfere with prisoner Mace. I felt degraded through being spoken to in such a manner for doing my duty.

On the 10th December, 1875, at 9:30 p.m., while on *armed* duty in the wing, the Gaoler came to me and abused me shamefully about my wife, and told me he would have me dismissed or removed to another gaol for the commotion and uproar my wife was causing in Berrima with law and letter-writing, and that he would write about my wife the next day.

On the 11th of December, 1875, at 10 a.m., I was tried before the Visiting Justice for the charge preferred by the Gaoler against my wife, viz., causing a commotion and uproar in Berrima with law and letter-writing; there was no charge against me, and my wife defended her actions by letter; the case was dismissed by my giving a guarantee that my wife would cease writing in future.

On the 23rd of March, 1876, at 8 a.m., the Gaoler came to me and told me he would report me, and that I would have to send in a statement. I was not called upon for the said statement. I gave no cause for such threat to be held out to me, as I had only just relieved Warder Flynn, I being on his post at the time.

Proofs of ill feeling existing towards me, Stephen Murphy, warder, on the part of Mr. Wm. Small, Gaoler at Berrima, contained in pages No. 1, 2, 3, 4, 5.

On Easter Monday, 1876, I was on reserve duty; the Gaoler's son, Frederick, drove up to the gaol gate in a buggy about 7 p.m.; I challenged him, "Who comes there?" in reply he said to me, "Bug-gar it, open the gate."

On the 30th of November, 1876, on this day the Gaoler allowed Warder Cairncross to leave the gaol while on duty, to take out a summons, in his daughter's name, against me, for telling her to keep away from my place, and not to keep annoying me and preventing me from taking my rest, as she was in the habit of doing, whenever I was on night duty.

On the 5th of December, 1876, I was summoned to attend at Court by Warder Cairncross's daughter, aged 14; I put my name down to see the Gaoler; I saw him at 9 a.m.; the Clerk was present; I asked the Gaoler for leave to attend at Court, as I was summoned for 10 a.m.; he refused to let me go; he tried all he could to provoke and annoy me; he brought up about my wife not leaving him alone (meaning the affair twelve months previous), and told me, in presence of the Clerk, that I was a *dangerous man*; he laid stress upon the word *dangerous*; he threatened to walk me outside the gate; he told me again that I must not leave the gaol. I asked him if I found a man to take my place could I leave for an hour or two; he said yes, he not thinking I would be able to do so, as there was no one in the gaol that I could ask; the Gaoler could have had *me* relieved as well as Warder Cairncross if he wished; I did not know what to do; I then bethought me that there was a night duty man asleep in the lodge. I went to this man; I told him how I was situated; I begged of him to take my place for the remainder of the day, and I would give him my next day off in return; this he (Warder Jeffkins) kindly consented to do, though thereby

thereby he was deprived of his rest, and I managed to leave the gaol, nearly distracted; the only reason I can assign for this treatment from the Gaoler is that he wanted a non-attendance in my case, when most assuredly I would have been bound to the Peace and lost my situation; on this day also Warder Issard's daughter, aged 13, was allowed to give evidence against me. I never heard that anything connected with that most shocking conspiracy on the part of my enemies to ruin a fellow-creature was ever brought under your notice.

On the 31st January, 1877, Warder Cairncross was relieved off duty by the Gaoler; he was absent fifty minutes, his daughter came for him, she was asked into the Gaoler's house; shortly afterwards Warder Cairncross and his daughter left the gaol, closely followed by the Gaoler.

On the 3rd of February, 1877, I was had to the office and officially informed by the Gaoler that he had received a letter from the Comptroller in answer to one of Warder Cairncross's, who, he said, had applied for removal on the grounds that he could not stay in Berrima through the annoyance my wife was causing his family, and that he, the Gaoler, had authority from the Comptroller to watch the proceedings in Court, and comment on the case if there was any more of it; that he had already made some inquiries in the matter, and he found that it was a one-sided affair, and gave me to understand that his decision in the matter would be final; he also told me I was not fit to be a warder because I remarked that I knew nothing about the matter, and therefore could not understand the meaning of the letter he read to me.

On the 6th of February, 1877, Warder Cairncross's daughter came again to the gaol for him, when he was relieved off duty by the Gaoler. He was on leave two hours and a half attending the case in Court of Mrs. Murphy v. Cairncross, that making the third time Warder Cairncross had been relieved off duty by the Gaoler, while I could not obtain even one hour's leave from him to attend at Court when summoned by Warder Cairncross's daughter.

On the 4th of February, 1877, thinking myself entitled to the same privilege accorded to Warder Cairncross, I presented an explanation in my wife's defence to the Gaoler, and begged that he would forward it to the Comptroller General. The Gaoler read it, sneered at it, and told me that if I valued my situation the less writing to the Comptroller the better; that if I sent that explanation it would very likely come back with the corner turned down; I was therefore afraid to send it. The Gaoler remarked that he would give me a gag to gag my wife with. The Gaoler again remarked that even he could not be left alone (referring to my wife having written to him on the 11th December, 1875); he also told me that the case had better be settled, as if there was any more of it he would have to report the result to the Comptroller, and also forward the newspaper to him. I again told the Gaoler that I knew nothing about the matter, but, as stated in the explanation I had just tendered to him, my wife would accept an apology. I remarked that I was afraid my wife's name had been brought under the Comptroller's notice in some way to her injury, when the Gaoler assured me on the word of a man that my wife's name had not been mentioned, that he would see Warder Cairncross in reference to settling the matter, and let me know the result, but he did not do so.

On the 6th of February, 1877, I was on duty in the workshop, the Gaoler called me into the yard, and in a great rage asked me if I had not given him a promise that the case would be settled; I said no, I had never given any such promise, that the case was not mine, that I knew nothing about it; he then said he would report me, and that if Cairncross and he had only been a little more wide awake things would have been different.

On the 7th of February, 1877, I was on duty in the wing; the Gaoler said again that he understood from me that I had given a promise that the case would be settled; I told him again that I knew nothing about it, and that I never gave such a promise; he told me that if anything came of it now I had only myself to blame.

On the 8th of February, 1877, I was had up to the office by the Gaoler to read a newspaper to me about the case in Court. After he had read it, he asked me what I thought of it; I told him the report of the case was untrue, that my wife was never before a Bench in the Colony before, and my daughter's age was thirteen years and seven months. The Gaoler told me he would send the newspaper, I asked him if it was customary to do so; he (the Gaoler) said that if he thought I was alluding to him he would walk me outside the gate. He then asked the clerk if he had not heard me give a promise that the case would be settled; the clerk said no. On the same date I was had up to the office again before the Gaoler and Visiting Justice, who commented and talked a good deal about the case which was decided by him on the 6th of February, 1877. He told the Gaoler to send the newspaper and comment upon it.

On the 13th of February, 1877, Warder Tinson came to my house and told me that my wife was wanted at the office in the gaol by the Gaoler. On the 19th of February, 1877, I was had up to the office by the Gaoler, who censured my wife to me publicly as the aggressor in the late case. I left the office feeling disgraced for that my wife's name should be coupled with such an undeserved censure in a gaol, as in point of good manners and respectability my wife is second to none in Berrima.

On the 27th of February, 1877, the Gaoler stood fully twenty-five yards off, and at the top of his voice and in the presence of prisoners, brought me to account for disobeying an order which I proved to him I had never received. I beg to state that I was never absent from duty one hour while in the Service, and that through attentiveness to my duty and presence of mind I saved a prisoner's life in 1866, who had nearly hanged himself. I cut him down without calling for assistance, life was then nearly extinct; I then reported the occurrence to the Chief Warder, who rushed to the scene accompanied by Warder Devine of Darlinghurst Gaol. The prisoner was then unconscious and in the same position I had left him. I never received any acknowledgment from the Gaoler of having done my duty so efficiently, as I am always kept in the back-ground through ill feeling on his part towards me.

I have put up with ridicule, threats, and insults from the Gaoler for the sake of my family, but when my wife is made to suffer through him also, it is time I should make known my grievances.

4 March, 1877.

STEPHEN MURPHY,

Warder.

Minute by Gaoler.

I do not see a necessity for me to make any comments on this statement, except to explain in reference to Warder Murphy asking to be relieved from duty to attend at the Police Court.

Warder

Warder Murphy came into the office at 9 a.m., asking to be relieved. I told him he would be relieved when the Court opened, but as we were short-handed I could not let him go until then, unless he got some person to do his duty, which he did, and was relieved at once.

WM. SMALL,
Gaoler.

Minutes by Visiting Justice.

With reference to this Warder Murphy's matter, I am getting a little tired of it, and consider this sort of correspondence no longer endurable in an officer of Warder Murphy's class at any rate.

I read, as directed, the Gaoler's statement herein, embodying what appears to me a satisfactory explanation of the course he took with regard to sending for Warder Murphy's wife on the occasion complained of to Warder Murphy this morning, as also that portion of the Comptroller General's own minute, as to Warder Murphy submitting to me any evidence he had of the alleged ill feeling towards himself on the part of the Gaoler.

Warder Murphy assumed a defiant and somewhat impudent attitude both to the Gaoler and myself, exclaiming amongst other things, in an emphatic and offensive manner, that he'd have "death rather than dishonor," the meaning of which I have no conception of. Within a few minutes, he, however, submitted the lengthy production appended (five pages).

The whole statement is offensive and insubordinate in character and tone, and furnishes better grounds I consider, for the absolute dismissal, rather than the simple removal of Warder Murphy to some other gaol. I think under the circumstances he should be punished by fine at least, and made to remain here and do his duty, with the option of resigning if he choose that course, or receive some equivalent treatment.

F. R. WILSHIRE,
V.J.

Berrima, 10/3/77.

Just as I had written the foregoing minute, the R. C. Chaplain (Rev. Father Riordon) happened to come to my office on other business, and on my mentioning incidentally Warder Murphy's case to him, he asked if I would kindly withhold from further action in the matter till he had seen Warder Murphy, whom he believed was being led into this correspondence, &c., by members of his family, rather than with his own wish.

I consented to this course, and the following day the additional document by Warder Murphy, (marked A) was handed to me by the Gaoler, the result (as I afterwards ascertained) of Father Riordon's endeavour to dissuade Warder Murphy from the course he was pursuing.

I have only to say, with reference to this last effusion of Warder Murphy's, that it simply goes to confirm the views I previously expressed, and that his position as a warder in this gaol is now no longer endurable. His insubordinate conduct throughout, terminating in this last insolent and untruthful letter, fully merits dismissal from the Service.—F.R.W., V.J., 12/3/77.

Mr. W. G. Beverley to The Visiting Justice.

Department of Prisons, Comptroller General's Office, 15 March, 1877.

Case of Warder Stephen Murphy.

I SHOULD have preferred leaving this case to be dealt with by the Comptroller General of Prisons, who is absent on leave, but it appears to me to be necessary that it should be at once disposed of.

Papers herewith.

A spirit of insubordination quite inconsistent with the retention of his position pervades Warder Murphy's correspondence, and his demeanour at the inquiry held by the Visiting Justice, at the Comptroller General's request, renders the warder fully liable to be removed from the prison service. In view, however, of his former good conduct a fine of seven days' pay may be substituted for dismissal, and an admonition that any further dereliction of duty will necessitate his immediate removal.

Perhaps the Visiting Justice will be good enough to communicate this minute to the warder, and cause all papers, including defaulter's sheet, to be returned to this office.

W. GORE BEVERLEY,
Deputy Comptroller,
in ab. Comptroller General.

Read to warder and papers returned, as requested.—F. R. WILSHIRE, V.J., 16/3/77.

Warder Murphy to The Comptroller General.

H.M. Gaol, Berrima, 16 March, 1877.

I, WARDER MURPHY, beg most respectfully to enter my "protest" against the "decision" in my case, embracing fine and reprimand read to me in the office to-day by the Visiting Justice, who told me that it was Mr. Beverley's decision in my case. I question that gentleman's authority to decide so important a case as mine. I question his authority to fine me "seven days' pay," seeing that I never committed myself in any way. I addressed a letter to the Comptroller General on the 10th of March, 1877. I requested the Gaoler at Berrima to forward the same to him, together with the proofs of ill feeling I wished brought under his immediate notice. I retain true copies of the same. It is evident to me that neither my "letter" nor said proof ever reached the Comptroller, as I distinctly saw the same "letter" and proofs in the office to-day, and the Visiting Justice again commented upon several words he read from them. He mentioned my wife's name in the office again to-day. There was no charge against "me." As this is a private matter (concerning my "wife"), I have therefore to respectfully request once more of the Gaoler at Berrima to forward my letter of the 10th instant, together with the proofs of ill feeling, to the "Comptroller General," Harold Maclean, Esq., for his inspection upon his arrival in Sydney. I have good cause to suspect foul play from those concerned in this case; therefore I am not willing to abide by any decision other than that of the Comptroller General. If my request is again refused, I will be under the necessity of forwarding copies of the entire correspondence through the post, to the Comptroller *myself* upon his arrival.

Your obdt. servant,
STEPHEN MURPHY.

Letter

Letter referred to by the Visiting Justice.

The Gaoler at Berrima, Mr. Wm. Small, not content with slandering me in the manner he has done both in the gaol and to the Comptroller General, thought fit to mention my name again in the office in the gaol, on the 10th of March, 1877, by referring to a visit I paid him in 1875, when he stated I had kept him three hours from his *tea* backbiting my neighbours. I wrote to him on the same date through the post, reminding him of the facts connected with that visit, which he evidently omitted wilfully; I did so without my husband's knowledge or consent, as he was on duty at the time. On the other side is a true copy of the letter referred to.

MRS. S. MURPHY.

Mrs. S. Murphy to The Gaoler, Berrima.

Sir,

When referring to my having paid you a visit in 1875, as you were pleased to do on the 10th instant, you omitted to state the following facts in connection with my visit to "you," when I thought you were a gentleman.

You were pleased to say to me on that occasion that you never ate sweeter *hams* than those I sent you, and that the said hams must have cost me at least 1s. per lb.; each ham weighed about 8 lbs.; my presenting them to you for nothing was therefore greatly to your advantage. You were pleased to ask me if I thought of getting another *pig*, and to advise me that when I did so to get your son-in-law Joseph Powell to buy a good sized one for me. You were also pleased at various times to eat a good many potatoes which grew in my garden, and you kindly told me they were the finest you ever tasted.

You were lamenting to me having been taken in by paying 5s. for one bag of potatoes which were perfectly useless to you, and as a mark of esteem and memento of my visit you were pleased to present me with a *Johnson's Dictionary*, which I am sure you will be happy to hear I have since used on several occasions with the very greatest advantage.

When next you feel inclined to digress on similar subjects, to take your *tea* first is the serious advice of your well-wisher,—

MRS. STEPHEN MURPHY.

Berrima, March 10th, 1877.

Mr. Wm. Small, Gaoler,

Please pay Messrs. Powell Bros. the sum of four pounds ten shillings out of my month's pay due on the 1st day of November.

Paid—POWELL BROS.

Berrima, Oct. 16th, 1878.

STEPHEN MURPHY.

Telegram from Deputy Comptroller to Visiting Justice.

19 March, 1877.

WARDER Murphy's case will be dealt with finally by the Comptroller General on his return from leave next week. In the meantime Murphy is suspended, and substitute, if required, approved.

W. GORE BEVERLEY.

D.C.P., in ab. C.G.P.

Warder Murphy to The Comptroller General.

H.M. Gaol, Berrima, 26 March, 1877.

I, WARDER MURPHY, beg most respectfully to bring the following grievance to which I have been subjected under your immediate notice, and I humbly pray for redress. Since applying to you through the Gaoler at Berrima, on the 4th of March, 1877, for a transfer to another gaol, on the grounds of the Gaoler's ill feeling towards myself and family, and dread of losing my situation at any moment (which dread has since been verified), I have had a great deal to contend with.

On the 10th of March, 1877, I was had up to the office before the Gaoler and Visiting Justice, who read the reply to my letter of the 4th instant to me, which was to the effect that I had told the Gaoler my wife had a bad temper, and that I could not keep her in check; and that I and my wife had been to a gentleman in Berrima, telling him we were very happy. I most emphatically denied that statement, and I am prepared to affidavit the same as utterly untrue and an evident fabrication. The Gaoler and Visiting Justice then commenced abusing and threatening me shamefully; the former called me a *dangerous man* twice over; the latter said if he was the Gaoler he would walk me outside the *gate*. While the Gaoler was abusing me, the Visiting Justice was walking round me and moving his hands in a most *excitable manner*, thereby inciting me to a breach of the *peace*. He told me he would recommend my removal from the *Service*. I still persisted in my denial of ever having told the Gaoler my wife had a bad temper, which he said was his reason for offering me a *gag to gag her with*. The Visiting Justice said that if there was any more of it, he was to settle it, that the Comptroller did not want to be bothered with any more of *it*. I declined having the case settled by him, as I can prove that he also bears ill feeling towards myself and family.

On that same day I put in my proofs of ill feeling, written on five sheets of foolscap, correctly numbered, and a letter addressed to you, describing how I had been treated on that day. I requested the Gaoler to forward the same for your inspection in the usual manner. He told me he would do so. Shortly afterwards a gentleman came to my house, begging me to withdraw my papers at the earnest request of the Gaoler and Visiting Justice, who, he told me, had spoken very highly of me. He told me he had just seen the minute written by the Visiting Justice against my proofs of ill feeling, and that I would surely be dismissed, and that the Visiting Justice and Gaoler would be sorry to see it; but that if I withdrew my papers everything would be forgotten, and that the Gaoler would think none the less of me. I told him it was not so much for myself that I cared, as I had put up with threats and insults repeatedly, but it was my wife being made to suffer also through the Gaoler's slanders. I then produced your reply to my wife's letter, which states that from information received after you had seen her, the censure complained of was passed. I told him I preferred death before dishonor; I could not have my wife slandered without a cause. I asked him if my wife had created a scandal in Berrima; he said

no;

no; that he believed Mrs. Murphy to be a very respectable woman. I told him I wished the Comptroller to see the good cause I had for wishing to get away from this gaol as soon as possible, and that, therefore, I must decline to withdraw my papers. The gentleman referred to is the Reverend Father Riordon, of Berrima, who I am sure will speak the truth.

On the 16th of March, 1877, I was had up to the office before the Gaoler and Visiting Justice, to have the reply to my letter read to me, as also the reply to my proofs of ill feeling of the 10th of March previous. The Visiting Justice told me I was fined seven days' pay, by Mr. Boverley's orders, and only for my previous good conduct I would have been dismissed from the Service by him. I asked the Visiting Justice to read the charge to me, as I was not aware of having committed myself in any way, when to my astonishment he took the very same letter I had addressed to you on the 10th of March, 1877, and again commented upon and tried to make a charge out of what I had written for your inspection. I told him I had previously objected to him deciding my case, and I must do so again, and behold! what do I see but my five sheets of foolscap, with my proofs of ill feeling written thereon, and my letter to you, lying on the office table in Berrima Gaol, when I imagined them in your possession, and was hourly expecting the redress and transfer to another gaol, which I felt sure of obtaining after your perusal of my papers. I asked the Visiting Justice what I was fined for; he would not tell me. I asked him for a copy of the charge against me; he would not give it to me. I asked him for my papers; he told me that he could not give them to me, as they were to be filed in the office. I then asked him if the fine and reprimand were by the Comptroller General's orders; he told me I had better ask him. I considered it foul play to be fined and severely reprimanded without a charge being first preferred against me and I being allowed to defend myself from the same, but this privilege was denied me through spite and ill feeling. The Visiting Justice finished by saying that this had arisen from the "Court affair" and so much letter-writing, with which he coupled my wife's name.

On the 17th of March, 1877, I entered a protest against my being fined and reprimanded for no cause, by a gentleman to whom I had never addressed myself, as I questioned his authority to fine me seven days' pay without investigating my case, and more especially as my papers did not reach you.

On this day also, at 9 a.m., when on No. 11 post, I was about going out with the prisoners who work at road-making, as I have always been in the habit of doing when on that post. I felt humiliated through being compelled to relieve an officer to go out with the prisoners, in my stead, who had never fired a shot while in the Service.

On the 19th of March I relieved the same officer to go out with the prisoners again in my stead.

On the same date, at 5 p.m., I was had up at the office before the Gaoler, who told me that the Deputy Comptroller thought fit to suspend me. He then said to the Chief Warder who was present—"See that *man* outside the *gate*."

Since the 30th of January, 1877, I was had to the office no less than nine times to render an account of my wife's private actions to the Gaoler and Visiting Justice, and to be abused, insulted, and threatened by them never to defend myself from any charge. The ill feeling which prompted them to interfere with and persecute myself and family, as they have done, is partly shown in my proofs of ill feeling, dated March 4th, 1877, which I beg you will cause the Gaoler to lay before you without delay, as also my letters addressed to you on the following dates:—4th March, 1877, 10th March, 1877, and 16th March, 1877, true copies of all of which I retain. I beg also that you will cause the Gaoler to withdraw the censure he passed on my wife in the gaol, on the 19th of February, 1877, by calling her the aggressor in the late case, which is untrue, and cautioning her about quarrelling with her neighbours, under penalty to me or to show cause for the same. I further beg that the Gaoler may be called upon to show cause why a minute by your orders should be deemed necessary for my guidance on the 19th of February, 1877, or in what way did I err to need guidance up to that date, or am I to be intimidated from seeking advancement in the Service through the slanderous cautions administered to me by the Gaoler in reference to my wife? The Gaoler can at any time, without my knowledge, and out of pure ill feeling towards myself and family, seriously injure me in the Service, and in your estimation, by writing about my wife and slandering her to you, as he has evidently done already. He can tell you at any time that my wife is quarrelling with her neighbours and creating a scandal in Berrima—slanders which I trust he may be called upon to prove. The Clerk, Mr. Lackey, was present each time I was had up to the office, with the exception of the 3rd and 4th of February, 1877. I believe he will speak the truth if called upon. All this ill feeling towards myself and family originated through discontinuing dealing in Powell's store, and through my wife subsequently reporting Mr. Powell, the Postmaster at Berrima, for refusing her of postage stamps. This occurrence, which took place in 1875, was brought up by the Visiting Justice in the office in the Gaol on the 5th of February, 1877. He asked the Gaoler if something did not occur with the Powells while he was away. "Yes," said the Gaoler, "Mrs. Murphy reported Powell." "I thought so," said the Visiting Justice. On another occasion the Gaoler referred in the gaol to my wife having paid him a visit in 1875, and kept him three hours from his *tea*.

In conclusion, I beg to say that I had no intention of bringing up old grievances, as I was willing that they should be forgotten; but seeing that the Gaoler and Visiting Justice brought them up first, I then commenced putting my true version of the same in order. When I saw the determined dislike exhibited towards me on their part at the time of the occurrence of the 5th December, 1876, alluded to in my proofs of ill feeling, I determined to get away from this gaol and Gaoler as quietly as possible, as my application for a transfer to Darlinghurst Gaol will show, dated 4th January, 1877; but the Gaoler and Visiting Justice's ill feeling towards myself and family followed us like a shadow, until, in self-defence, and for fear of losing my situation, I was compelled to prove the same against them, and I now await your thorough investigation of the whole matter, and the redress prayed for in the commencement of this statement.

Your obedient servant,

STEPHEN MURPHY.

P.S.—On the 16th of March, 1877, the Visiting Justice passed the following remark to me in the office—"getting your wife to write letters for you." I beg to enclose a true copy of the letter referred to, which was written in my absence. To show the intimacy that existed between the Gaoler and his friends, the Powells of Berrima, I beg to enclose the accompanying form whereby I was induced to traffic with them when only three weeks in Berrima. I discontinued all traffic in 1875, since which time I lost all favour.—STEPHEN MURPHY. March 26, 1877.

Warder

Warder Murphy says, "a gentleman (Rev. Father Riordon) came to my house begging to withdraw my papers at the earnest request, &c., &c." I did see Warder Murphy, and told him that if he conducted himself well he may be allowed to continue as warder at Berrima or elsewhere.—W.J.R.

Warder Murphy to The Comptroller General.

Berrima, 26 March, 1877.

I, WARDER MURPHY, beg most respectfully to state that I would not take the liberty of addressing you through the post, were it not that at 11.30 a.m. on the above date, I tendered the accompanying statement to the Gaoler; I begged him to forward it for your immediate inspection in the usual manner; he would not look at it, he told me that I did not belong to the gaol now, he refused to forward it.

I earnestly appeal to you for a fair and impartial hearing, as I am surrounded by enemies through bringing my cause of grievance under your notice. If there is anything in my writings in the least displeasing to you, I must crave your forgiveness, and plead in extenuation the way in which I have been tormented and annoyed through the continual mention of my wife's name in the gaol, as well as being fined and suspended without being made aware of the cause; now the Gaoler refuses to send my statement, truly I am almost distracted.

Your obedient servant,
STEPHEN MURPHY.

These papers may be sent to the Gaoler for perusal.—H.M., 27 March, 1877.

Minute by Comptroller General.

Case of Warder Murphy.

I CONCUR with the Visiting Justice that this correspondence has gone beyond what there was any occasion for in dealing with the case of an officer of Warder Murphy's position in the Service. He has been allowed much latitude in consideration of the question affecting him officially arising out of family matters.

I do not attach much weight to his (apparently noted for record) instances of what he alleges to show ill feeling on the part of the Gaoler, and which he wrongly accuses the Gaoler of not forwarding. It was sent and returned with other papers.

This warder, not content with accusing the Gaoler, his superior, with malevolence and falsehood—charges that he does not establish—extends them almost to the Visiting Justice.

His conduct has clearly been most insubordinate, and he proceeds to question the lenient decision given by the Deputy Comptroller in an insubordinate and offensive manner.

The discipline of the Service requires his dismissal, which I accordingly direct. Properly speaking, he should not receive pay beyond the time of his suspension; but as the final decision was delayed by my absence, he may be paid to the date of this decision being notified. The Gaoler to communicate it.

B.C., 27 March, 1877.

H. M.

To be laid before the Visiting Justice and returned with all papers.—F.R.W., V.J.

This minute was read to Warder Murphy on the 28th instant; no substitute has been employed during Warder Murphy's suspension.—W. SMALL, Gaoler, 28/3/77.

Petition of Mr. S. Murphy.

Sydney, 4 April, 1877.

To the Colonial Secretary.

The humble petition of Stephen Murphy sheweth:—

That your petitioner's wife was grossly insulted by the Gaoler at Berrima, who sent a Gaol Warder to her house on the 13th of February, 1877, requesting her to appear before him at the office in the Gaol. That on the 4th of February previous he offered your petitioner a gag to gag her with; that both he and the Visiting Justice has repeatedly interfered with her private actions, and that your petitioner was had to the office in the Gaol no less than nine times to render an account to them of the same, as well as to be abused, insulted, and threatened by them. That your petitioner, fearing he would lose his situation as Warder in Berrima Gaol, applied for a transfer, on the grounds of the Gaoler and Visiting Justice's ill feeling towards himself and his family; for doing so your petitioner was fined seven days pay, against which he protested; for doing so he was suspended; the fine was not carried out, and your petitioner was subsequently dismissed on the 27th of March, 1877, after having served a period of three years and six months as warder in Berrima Gaol without a charge being at any time preferred against him. Your petitioner had a clean sheet up to the 10th of March, 1877, therefore, any report that may have been preferred against him since that date is null and void, seeing that your petitioner was not made aware of any charge having been preferred against him nor allowed to defend himself before being fined, suspended, and dismissed. That your petitioner feels aggrieved through being treated so harshly. Your petitioner, therefore, humbly prays that in consideration of his good conduct as warder in Berrima Gaol three years and six months, you will be pleased to take into consideration the serious loss likely to accrue to him and his family through loss of his situation and good character, and cause him to be reinstated in another gaol. And your petitioner will ever pray.

The Comptroller General of Prisons, for report and former papers.—B.C., 13/4/77; H.H.

Minute

Minute by Comptroller General.

THE papers in this case have already been furnished to the Principal Under Secretary. They include my minute of dismissal, from which it will be seen that the insubordinate and insulting action of the writer towards his superior rendered his dismissal necessary to the maintenance of discipline.

H. McL.

17 April, 1877.

B.C.—The Principal Under Secretary.

N.B.—A communication praying assistance on behalf of her husband was received on the 5th May last, but has been mislaid.—J.J.T.

Sydney : Charles Potter, Acting Government Printer.—1877.

[9d.]

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DEATH OF PRISONER DUNN, *alias* SMITH, IN PARRAMATTA GAOL.

(PAPERS RESPECTING.)

Ordered by the Legislative Assembly to be printed, 16 May, 1877.

The Comptroller General of Prisons to The Principal Under Secretary.

Sir, Department of Prisons, Comptroller General's Office, Sydney, 11 May, 1877.

Referring to the question of Mr. R. Forster, answered in the Legislative Assembly by the Minister of Justice on the 4th instant, relating to the inquest held in Parramatta Gaol upon the deceased prisoner Dunn, *alias* Smith, I have the honor to report that I have made further personal inquiry into the matter, closely interrogating the officers concerned.

The circumstances are shortly these:—At 7 o'clock a.m. on Saturday the attention of a warder was called to a prisoner in the yard, where he was by the Surgeon's orders; the warder reported to a superior; it was then ascertained that the deceased had had his prescribed medicine, and the officer did not judge it to be necessary to remove him to the hospital without the sanction of the Visiting Surgeon on his ensuing visit. It is the rule that prisoners shall not be taken to the hospital without medical sanction, unless in cases of exceptional urgency.

Somewhat after 8 o'clock the officer's attention was again called to the deceased, and he was then removed or rather it seems walked to the hospital.

I enclose the reports of officers and also of the Visiting Surgeon, and I have to express the opinion that there was no inattention on the part of the warder chiefly concerned, and that blame cannot fairly be attached to him for not sooner having deceased removed to hospital.

The Surgeon's report shows that the appearance of deceased was not consistent with the existence of acute pain or suffering.

I have, &c.,

HAROLD MACLEAN,
Comptroller General.

I would be glad to have the opinion of the Visiting Surgeon as to whether, from the nature of his complaint, the late prisoner Dunn was suffering acute pain while in the yard on Saturday morning, previous to his being received into hospital.

H.M., 7 May, /77.

Memo.

When I saw the prisoner Dunn after having been placed in hospital, he complained of sickness and pain under left ribs, but the pain did not appear to be acute. He was standing upright, and there was no expression of pain on his face. Had he suffered severely he would have bent forward, and his face would have shown what he felt.

WALTER BROWN, V.S., 8/5/77.

The Gaoler, Parramatta Gaol, to the Comptroller General of Prisons.

Sir,

H. M. Gaol, Parramatta, 4 May, 1877.

I do myself the honor to forward herewith report from the Chief Warder, 1st class Warder Dalton, and Warder Stewart, having reference to the death of the prisoner named in the margin.

When prisoners are let out in the mornings and they report themselves sick, they remain in their yards until the Visiting Surgeon arrives, except in a very serious case, when they are taken at once to hospital.

The officers in this instance appear to have considered Dunn's case as only one of an ordinary nature, as he walked from the wing to the yard, and afterwards walked without assistance to the hospital.

The doctor saw the prisoner on the previous day, and did not remove him into hospital; he however exempted him from work for three days.

I have, &c.,

J. G. HUSSEY,
Gaoler.

Memo.

Memo. for Governor.

Parramatta, 4 May, 1877.

About 7 A.M. on the 28th April last, Acting Senior Warden Dalton informed me that prisoner Dunn was sick in No. 2 yard. I told him to ascertain whether he had any medicine (as he had been exempt from work by the Visiting Surgeon the day previous), to which he replied in the affirmative. About an hour afterwards Warden Stewart reported to me that Dunn was sick, when I gave orders to send at once for the dispenser.

W. WATT,
Chief Warden.

Parramatta Gaol, 4 May, 1877.

1st Class Warden Dalton begs to state, for the information of the Comptroller General of Prisons, that at about 7 o'clock on Saturday, 28th ultimo, Warden Stewart reported to him that there was a man, named Dunn, sick in the yard. Warden Dalton immediately went to the Chief Warden and reported the matter to him. The Chief Warden told Warden Dalton to see if Dunn had had any medicine from the doctor, and when the doctor had seen him Warden Dalton did so, and reported to the Chief Warden that Dunn had seen the doctor on 27th, and had medicine. Warden Stewart came to Warden Dalton between 8 and 9 o'clock, and told him that Mr. Watt had given orders to send for the dispenser, and asked Warden Dalton what was to be done with the man in the yard. Warden Dalton told Warden Stewart to have Dunn taken to the hospital, and placed in the bottom ward. Warden Dalton then sent Warden Keegan for the dispenser. Dunn did not appear very ill; he walked to the hospital without assistance.

R. DALTON,
1st Class Warden.

Parramatta Gaol, 4 May, 1877.

WARDER William John Stewart begs to report, for the information of the Comptroller General of Prisons, as follows:—On Saturday morning last, the 28th ult., at 7 o'clock, prisoner James Griffin came to him and reported to him that prisoner Dunn was very ill, and asked permission to remove him into No. 2 wing from No. 2 yard. Warden Stewart said that he could not take it upon himself to do so, but Warden Stewart immediately reported the matter to Acting Senior Warden Dalton, who went himself to where Dunn was. After this (between 8 and 9 o'clock) Griffin came again to Warden Stewart and said that Dunn wanted to see the dispenser, as he was very ill. Warden Stewart then went to the Chief Warden, and he gave orders to send immediately for the dispenser, which was done without delay. Warden Stewart met Acting Senior Warden Dalton at the same time, and he (Dalton) ordered Dunn to hospital, where he was immediately removed.

W. J. STEWART.

Prisoner Dunn, in my opinion, did not appear to have so much the matter with him, as he walked without assistance to the hospital.—W. J. STEWART.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

GUNDAGAI GAOL.

(PAPERS RESPECTING CONTRACTS FOR REPAIRS.)

Ordered by the Legislative Assembly to be printed, 10 October, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated the 3rd July, 1877, That there be laid upon the Table of this House,—

“Copies of all Tenders, Letters, and Papers in any way relating to the
“Contracts for the repairs of the Gundagai Gaol.”

(Mr. Leary.)

SCHEDULE.

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GUNDAGAI GAOL.

No. 1.

Constable Benton to The Superintendent of Police.

H.M. Gaol, Gundagai, 4 October, 1875.

CONSTABLE John Benton reports for your information, the roofing of this Gaol is in a very dilapidated state—the shingles being entirely decayed—admitting the water into the cells in rainy weather, doing great injury to the ceiling boards by causing them to become rotten.

Also, the flooring in one of the cells, the joists being broken, rendering the floors insecure for the safe custody of prisoners.

JOHN BENTON,
Acting Gaoler.

Referred to the Colonial Architect.—EDMUND FOSBERY, I.G.P., B.C., 18 Oct., '75.

No. 2.

The Police Magistrate, Gundagai, to The Colonial Architect.

Sir,

Gundagai, 17 October, 1876.

I have the honor to enclose one tender for the repairs of the Gaol here.

There is in this office a circular from the Minister of Justice, prohibiting any advertisement in the local papers without special instruction, and as you did not authorize me to advertise for tenders I forbore to do so; however, I made the matter known otherwise to the various workmen and builders here—this one tender is the only result.

I have, &c.,
WM. LOVE.

[Enclosure.]

Gundagai, 3 October, 1876.

Tender for repairs to Gundagai Gaol.

WE, the undersigned, will undertake to execute all repairs to Gundagai Gaol, according to specification, for the sum of £127.

HENRY MAYNARD, and
HENRY RUSSELL.

Also to build new brick closet with stone foundation 8 feet deep, for the sum of £40.

No. 3.

Mr. J. M'Kenzie to The Colonial Architect.

Sir,

Gundagai, 29 September, 1876.

I, the undersigned, do hereby tender for all repairs required to be done at the Gundagai Gaol, and kitchen, according to specification as shown at Court-house, and to complete the same in a substantial and workmanlike manner, within three months from date of notice of tender being accepted, for the sum of one hundred and fifty pounds (£150) sterling.

I am, &c.,
JAMES M'KENZIE.

Sureties—

JOHN WILLIAM FRY, Esq.
MICHAEL NORTON, Esq.

No. 4.

Mr. J. M'Kenzie to The Colonial Architect.

Sir,

Gundagai, 19 October, 1876.

I have the honor to report for your information that a man by the name of Henry Maynard is likely to tender for the repairs to Gaol. This is to inform you, sir, that he is no tradesman; the roof that he put on the new house which I built for Mr. Rose, our late P.M., is condemned, and has to be taken off; also, the repairs to the Public School-house here, which he did, is a scandalous piece of work.

I may also inform you, sir, that he (Mr. Maynard) is in league with H. Russell, storekeeper, who has a lot of bad timber on hand and cannot get rid of it.

I have, &c.,
JAMES M'KENZIE.

No. 5.

Minute of Colonial Architect.

FORWARDED to the Police Magistrate. It seems at all events desirable to attempt to obtain some other tender for the work than that of Maynard and Russell, forwarded by Mr. Love on 17 ulto.; will the Police Magistrate be good enough to endeavour to do so—advertising if necessary. *Pro C.A., H.C., 22 Nov. '76.* To be returned.

No. 6.

The Police Magistrate, Gundagai, to The Colonial Architect.

Sir,

Gundagai, 24 November, 1876.

I have the honor to return the enclosed letter of M'Kenzie's. I shall advertise for tenders for repairs for the Gaol in the *Gundagai Times*—returnable on the 18th December next.

I have, &c.,
WM. LOVE.

No. 7.

3

No. 7.

The Police Magistrate, Gundagai, to The Colonial Architect.

Sir,

Gundagai, 20 December, 1876.

I have the honor to report to you that I have caused three advertisements to be inserted in the *Gundagai Times*, inviting tenders for the repairs of Gundagai Gaol to be sent in before or on the 18th instant. No tenders have come through this office; if any have been sent in they have been forwarded to you direct.

I have, &c.,

WM. LOVE.

No. 8.

Mr. J. M'Kenzie to The Colonial Architect.

Sir,

Sydney, 16 April, 1877.

Having finished my contract at Burwood, and being about to proceed to Gundagai again, would be very thankful to procure work there under your department. Hoping you will pardon the liberty I have taken, I will await your answer, as I start this afternoon.

I have, &c.,

JAMES M'KENZIE.

No. 9.

Mr. J. M'Kenzie to The Colonial Architect.

Sir,

Sydney, 17 April, 1877.

I, the undersigned, do hereby tender for repairs required at Court-house, Gundagai, agreeable to the plan and specification, for the sum of four hundred and fifty-five pounds (£455) sterling, and to complete within four months from the date of the acceptance of this tender the works specified.

The undermentioned gentlemen are proposed as sureties for the due performance of the contract:—

Mr. JOHN WILLIAM FRY, hotelkeeper, Gundagai.

Mr. MICHAEL NORTON, hotel and store keeper, Gundagai.

I have, &c.,

JAMES M'KENZIE,

Builder, Gundagai.

Sir,

The following is a list of repairs required, and for which I have tendered (in conjunction with the foregoing specification):—I find on examining the roof of main building that it requires new battens and new eave guttering; the present head and down pipes may do; one of the large cells requires new joists and part flooring-boards—this is owing to there being no ventilation under the floor; it also requires new skirting; one of small cells new skirting; front door partly new; repairing plaster in receiving-room and bed-room, with new lock for door; refixing all locks, bolts, and fastenings; repairing windows and fanlight, and painting afresh all outside work, such as doors and windows; soffit and fascia boards round the main building, which boards will require to be replaced with new ones; also the chimney head of main building taking down and rebuilding with new lead flashing; also pointing afresh external walls of main building.

Kitchen.—Repairing roof of kitchen, and fixing new ridging; repairing all windows and doors, and painting same; also painting soffit and fascia boards round the projecting eave of kitchen; also new eave guttering, with head and down pipe; repairing large gate, greater part to be new, with new tower bolts and new sill and lintel, and fresh painting.

Also permit me to state that a new water-closet is very much wanted, as there is at present only one W.-C., built of weather-boards, and in a falling state, for the accommodation of Gaoler and family and prisoners—this, the W.-C., is not included in my tender.

I am, &c.,

JAMES M'KENZIE.

No. 10.

The Colonial Architect to The Under Secretary for Public Works.

Sir,

Department of Public Works,

Colonial Architect's Office, Sydney, 9 May, 1877.

I do myself the honor to submit a tender from a local tradesman, for repairs much needed to the Gaol at Gundagai. Endeavours have been made to obtain other offers, but without success; I would therefore recommend the acceptance of Mr. M'Kenzie's tender; the price asked being, I consider, £150. reasonable. The expense will be chargeable to vote for "Gaols and Court-houses."

I have, &c.,

JAMES BARNET,

Colonial Architect.

Colonial Architect to accept.—J.R., B.C., 12/5/77.

No. 11.

The Colonial Architect to Mr. J. M'Kenzie.

Sir,

Colonial Architect's Office, Sydney, 17 May, 1877.

I have to inform you that your tender of the 29th September last, to perform as specified the works required in repairs to Gundagai Gaol, for the sum of £150, is accepted, and request you will proceed with the work.

I am, &c.,

JAMES BARNET,

Colonial Architect.

No. 12.

No. 12.

Mr. J. M'Kenzie to The Colonial Architect.

Sir,

Gundagai, 20 May, 1877.

I beg to acknowledge the receipt of your acceptance of my tender for repairs to Gaol, Gundagai, and request you will forward to me a copy of the specification.

I also beg to inform you that my tender for repairs to Court-house has been accepted, and I am referred to you by the Under Secretary for further information, and request that the plan and specification may also be forwarded, as I shall proceed with both jobs at once.

I have, &c.,

JAMES M'KENZIE.

No. 13.

Mr. H. Maynard to The Colonial Architect.

Dear sir,

Gundagai, 12 May, 1877.

Having heard from the Police Magistrate of Gundagai that there had been a letter sent to you accompanying a tender sent by one James M'Kenzie, which tended to injure me in my business as a builder, I should feel very much obliged if you would be kind enough to forward me a copy of the said letter, as it hinders me sending in a tender for any Government contracts.

Your obedient servant,

HENRY MAYNARD.

No. 14.

The Colonial Architect to Mr. H. Maynard.

Sir,

Colonial Architect's Office, Sydney, 29 May, 1877.

In reply to your letter of the 12th instant, requesting to be furnished with a copy of letter alleged to have been addressed to me, I have to inform you that I cannot furnish you with copies of official documents.

I have, &c.,

JAMES BARNET,

Colonial Architect.

No. 15.

Mr. H. Russell to The Colonial Architect.

Sir,

Gundagai, 23 May, 1877.

I have been informed yesterday by the Police Magistrate that you received a letter accompanying a tender from a man named M'Kenzie. As Mr. Love mentioned the purport of letter, and the letter is damaging my character, I wish you would send me a copy of the letter I want to make of it immediately. I am supplying Government contracts for the last eighteen years, and when you see my name to a tender, you may take it as a guarantee that the work will be well done and the materials as good as can be got in the district.

I am, &c.,

HENRY RUSSELL, Storekeeper.

No. 16.

Telegram from Mr. J. M'Kenzie to Colonial Architect.

Sir,

Gundagai, 28 May, 1877.

I beg to inform you that the bonds has not yet arrived for execution, and according to clause 19 on the General Conditions, I cannot proceed with the work until they are completed, except at my own risk. Reply.—JAS. M'KENZIE.

No. 17.

Mr. R. W. Perkins to The Colonial Architect.

Sir,

Re Mackenzie.

Gundagai, 31 May, 1877.

As solicitor for and on behalf of Mr. Henry Russell, one of the tenderers for the contract to repair the Gundagai Court, may I request you to furnish me with a copy of letter sent to you by M'Kenzie, which I am given to understand reflects greatly upon Mr. Russell and his property in a most unjustifiable manner. As such communications are not privileged, I trust you will not withhold the copy asked for, otherwise I feel bound to state Mr. Russell will experience injustice.

I have, &c.,

R. W. PERKINS, Solicitor.

No. 18.

The Colonial Architect to Mr. R. W. Perkins.

Sir,

Colonial Architect's Office, Sydney, 4 June, 1877.

In reply to your letter of 3rd instant, requesting me to furnish you with copy of letter alleged to have been sent to me by Mr. M'Kenzie, reflecting on Mr. Russell, I have the honor to inform you, as I have already apprised Mr. Russell, that I cannot furnish copies of official documents as requested.

I have, &c.,

JAMES BARNET,

Colonial Architect.

No. 19.

The Colonial Architect to Mr. J. M'Kenzie.

Sir,

Colonial Architect's Office, Sydney, 1 June, 1877.

In reference to your letter of 20th ultimo and subsequent telegram, I forward herewith copy of specification for repairs to the Gundagai Gaol contracted for by you. The plan and specification for your contract for repairs to the Court-house will be forwarded to you as soon as possible.

I have, &c.,
JAMES BARNET,
Colonial Architect.

No. 20.

Mr. J. M'Kenzie to The Colonial Architect.

Sir,

Gundagai, 11 June, 1877.

As there is likely to be an action entered against me for the letter that I wrote to you some time ago about Maynard and Russell, and certain work done at the Public School, Gundagai,—I hereby request that you will cause the said work to be inspected by a Government officer, that the Government and the public may know how the work is done, as I can prove by competent workmen that what I have said is true, and that I done it for the public good.

I also request that you will be kind enough to forward to me a copy of Mr. Love's report on my letter, to enable my solicitor to get up a defence.

I am, &c.,
JAMES M'KENZIE.

No. 21.

Joseph Leary, Esq., M.P., to The Secretary for Public Works.

My dear sir,

108, King-street, Sydney, 23 May, 1877.

I have been requested by Mr. Elworthy, of Gundagai, again to trespass on your kindness to expedite the invitations of tenders for Police Barracks at Gundagai; and he has also suggested that the buildings, instead of being stripped and reshingled, should have galvanized iron laid on present roof; the additional cost of the whole would not exceed seventy-five pounds (£75). It is also stated that the Court-house roof has too low a roof for shingles, and as an iron tank has to be fixed near it, the water from the iron roof would be much purer than from one of shingles, and the cost of supplying the Gaol with drinking water would be saved thereby.

I have, &c.,
JOSEPH LEARY.

No. 22.

Mr. J. M'Kenzie to The Colonial Architect.

Sir,

Sydney, 13 July, 1877.

In compliance of request, I hereby tender to cover the roof of Gaol at Gundagai with the best galvanized iron instead of shingles, for the sum of fifteen pounds (£15) sterling; also the roofs of kitchen, store, and wash-house, for the further sum of fifty-five pounds (£55) sterling, added to my present contract, viz.

... ..	£150
... ..	55
... ..	15
Sum total ...	£220

I have, &c.,
JAMES M'KENZIE.

No. 23.

The Under Secretary for Public Works to Joseph Leary, Esq., M.P.

Sir,

Department of Public Works, Sydney, 23 July, 1877.

Referring to your letter of the 23rd May last, and your personal inquiries, respecting repairs to the Gaol and Court-house, Gundagai, I am directed to inform you, that the tender of Mr. J. M'Kenzie for the work in question has been accepted for the sum of £85; and the Colonial Architect has been instructed to proceed with the work without delay.

I have, &c.,
JOHN RAE.

1876-7.

NEW SOUTH WALES.

DEFENCE OF AUSTRALIAN COLONIES.

(OBTAINING ASSISTANCE OF MILITARY ENGINEERS TO REPORT ON.)

Presented to Parliament by Command.

No. 1.

The Colonial Secretary, N.S.W., to The Chief Secretary, Victoria.

Sir,

Colonial Secretary's Office, Sydney, 1 December, 1876.

In view of what has been already done and what yet remains to be done towards perfecting the defences of the Australian Colonies, and in the contemplation as well of events now passing in Europe, which seem to render the contingency of war not altogether improbable, as also of the perils to which, in the event of war, these Colonies would be exposed, it has suggested itself to this Government that it would be highly prudent to obtain the best professional advice within reach, to guide us to some effective scheme of defence, on which such funds as it may be thought well to apply to that purpose may be expended in the full assurance that they are applied to the best advantage.

2. In this measure of precaution, I beg to invite the concurrence of your Government in seeking, at the hands of the Imperial Government, that the services of a military engineer of the highest esteem in his profession may be made available to the Australian Colonies. It is thought well that the application which will be presented by the Governor of New South Wales should be supported by similar applications on the part of the other Colonies chiefly interested in the matter, namely, your own Colony, and those of South Australia and Queensland.

3. It is proposed that Her Majesty's Government be asked to place at our disposal the services of Sir William Jervois, if possible, or some other officer of high eminence in the profession of military engineering, and it is expected that the cost of obtaining his advice on a general scheme of defence would probably not exceed a fee of £1,000 and his expenses for six months.

4. I have the honor to suggest therefore that the Governor of your Colony be invited to address the Queen's Government in favour of the views which I have indicated, and in furtherance of the like representations which may be made on behalf of the other Colonies mentioned.

5. I shall be obliged if you will make known to me, as soon as possible, the view which your Government takes of the proposal.

I have, &c.,

JOHN ROBERTSON.

[Letters of similar import were also addressed, on same day, to the Chief Secretary of South Australia, and the Colonial Secretary, Queensland.]

No. 2.

Telegram from Chief Secretary, Adelaide, to Colonial Secretary, Sydney.

12 December, 1876.

This Government will cordially co-operate with the Government of New South Wales in the important proposal in your despatch of 1st instant, for securing a report on defences from high authority, and have advised Sir Anthony Musgrave to address the Queen's Government accordingly by outgoing mail. This Government would suggest that the Governor of New South Wales should anticipate the despatches of the several Governors, by telegraphing the substance of the despatch to the Secretary of State, in the names of those Governments who are willing to co-operate in this important matter.

No. 3.

Telegram from Colonial Secretary, Sydney, to Chief Secretary, Melbourne.

14 December, 1876.

TELEGRAM received from South Australia in terms following:—"This Government will cordially co-operate with the Government of New South Wales in the important proposal in your despatch of 1st instant, for securing a report on defences from high authority, and have advised Sir Anthony Musgrave to address the Queen's Government accordingly by outgoing mail. This Government would suggest that the Governor of New South Wales should anticipate the despatches of the several Governors, by telegraphing the substance of the despatch to the Secretary of State, in the names of those Governments who are willing to co-operate in this important matter." So far South Australia. What is your view of proposal in his concluding sentence? Do you see any objection to course contemplated?

No. 4.

Telegram from Colonial Secretary, Sydney, to Chief Secretary, Adelaide.

14 December, 1876.

RECEIVED telegram about procuring report on defences. No answers yet from other Colonies. Therefore your Governor's letter had better not go until you have telegram from us.

No. 5.

The Treasurer, Melbourne, to The Colonial Secretary, Sydney.

The Treasury, Melbourne, 13 December, 1876.

Sir,

I have the honor to acknowledge the receipt of your letter of the 1st instant, No. 604, addressed to the Chief Secretary, the object of which is to obtain the co-operation of this Government in procuring the best professional advice to guide us to some effective scheme of defence of the Australian Colonies, for the very cogent reasons set forth by you.

I beg to express the entire concurrence of this Government in your views, and in the proposal that this Government seek at the hands of the Imperial Government the services of a military engineer of the highest standing in his profession, such services to be made available to the Australian Colonies, namely, New South Wales, Victoria, South Australia, and Queensland; and His Excellency the Governor (Sir G. F. Bowen) will accordingly be moved to apply by the outgoing mail for the services of Sir William Jervois, if possible, or failing him, for those of some other officer of equally high eminence in the profession of military engineering, for at least six months, or longer if needed—fee and expenses to be borne by the Colonies interested.

I have, &c.,

JAMES M'CULLOCH,
Treasurer.

No. 6.

Telegram from Chief Secretary, Victoria, to Colonial Secretary, New South Wales.

18 December, 1876.

YOUR telegram of 14th received. If desirable, Government of Victoria will also telegraph to Secretary of State. Say if that is approved.

No. 7.

Telegram from His Excellency the Governor to The Right Honorable the Secretary of State.

Sydney, 18 December, 1876.

MINISTERS request me to inquire whether Home Government will lend them an experienced imperial officer to report and advise upon forts and defences of Sydney Harbour. They would wish the highest authority on fortifications who can be spared to be sent, and leave remuneration to be decided by your Lordship. Victoria and South Australia unite in application, desiring similar services and willing to share in expenses. It is thought that such a mission would not entail upon an officer more than six months' absence from London. Ministers would be thankful for a reply by telegraph.

No. 8.

The Chief Secretary, South Australia, to The Colonial Secretary, New South Wales.

Sir,

South Australia, Chief Secretary's Office, Adelaide, 13 December, 1876.

I have the honor to acknowledge receipt of your despatch of the 1st instant, on the subject of combined action, with a view to perfecting the defences of the Australian Colonies, and to inform you, in reply, that this Government will cordially co-operate with the Government of New South Wales in the important proposals made therein. It is, in the opinion of myself and my colleagues, highly desirable that a report on the defences of Australia should be promptly secured from the highest available scientific authority, and His Excellency Sir Anthony Musgrave has been advised to address Her Majesty's Government to that effect by the outgoing mail.

This Government would suggest that his Excellency the Governor of New South Wales should be recommended to anticipate the despatches of the several Governors of the Colonies with whom you may be in communication on the subject, by telegraphing to the Right Honorable the Secretary of State the substance of the despatch referred to, in the names of the Governments who may express their willingness to co-operate in this important matter.

I did myself the honor of transmitting you a telegraphic message yesterday of similar purport to the above.

I have, &c.,

HENRY AYERS.

No. 9.

No. 9.

Telegram from Colonial Secretary, Sydney, to Chief Secretary, Adelaide.

20 December, 1876.

THANKS for your telegram. Our Governor has telegraphed. Despatch of course should go on.

No. 10.

Telegram from Colonial Secretary, Sydney, to Chief Secretary, Melbourne.

20 December, 1876.

WE shall be glad if your Governor will also telegraph to the Secretary of State. I regret that I missed answering you yesterday.

No. 11.

Telegram from Colonial Secretary, Brisbane, to Colonial Secretary, Sydney.

Received 20 December, 1876.

THIS Government concur in proposal that Her Majesty's Government be asked to place at disposal of the Australian Colonies concerted the services of Sir William Jervois, or some other officer of high eminence in the profession of military engineering.

No. 12.

Telegram from His Excellency the Governor to The Right Honorable the Secretary of State.

Sydney, 21 December, 1876.

MINISTERS request me to state that Queensland also unites in application for loan of eminent military engineer.

No. 13.

Telegram from His Excellency the Governor to The Right Honorable the Secretary of State.

Sydney, 22 January, 1877.

DELEGATES from all Australian Colonies meet here on Thursday to discuss duplicate Cable question and other subjects of common concern. Would be glad to be able to inform them what has been done about military engineer, if your Lordship has come to any decision.

No. 14.

Telegram from the Right Honorable the Secretary of State to His Excellency the Governor.

Dated London, 22—received 23 December, 1876.

YOURS 18th received. Highest professional opinion in Jervois, Governor Straits, who might possibly be spared in three or four months, not sooner. If delay inconvenient, can send officer of high ability but less wide reputation.

No. 15.

Telegram from His Excellency the Governor to The Right Honorable the Secretary of State.

Sydney, 23 December, 1876.

YOURS 22nd received. Ministers adverse to delay. Will be glad to get officer of high ability referred to. I should perhaps advise your Lordship that although you have *carte blanche* as to remuneration, the Colonies expect to pay not less than a fee of £1,000 besides all expenses.

No. 16.

Telegram from Colonial Secretary, Sydney, to Chief Secretary, Melbourne.

27 December, 1876.

IN consequence of Lord Carnarvon having telegraphed that Sir William Jervois could not possibly be spared from Government of Straits Settlement within four months or more, Sir Hercules Robinson replied on Saturday that the services of another military engineer would be accepted.

[Similar telegrams were sent to the Chief Secretary, Adelaide, and the Colonial Secretary, Brisbane.]

No. 17.

The Acting Under Treasurer, Victoria, to The Colonial Secretary, New South Wales.

Sir,

The Treasury, Melbourne, 29 December, 1876.

With reference to your telegram of the 20th instant, concurring in the suggestion that this Government, as well as that of New South Wales, should telegraph to the Secretary of State on the subject of obtaining the services of an engineer officer of high standing to report on the defences of these Colonies, I am directed by Sir James M'Culloch to inform you that a telegram, of which the annexed is a copy, has been despatched by His Excellency the Governor.

I have, &c.,

R. GUDEMANN,

Acting Under Treasurer.

[Enclosure in foregoing.]

Telegram to Secretary of State for the Colonies.

23/12/76.

My Government desires to make application to the Imperial Government for the temporary services of an eminent engineer. Sir William Jervois has been named, but any other officer of equal attainments will be acceptable, to advise on plan of defences for this and adjacent Colonies. Request amplified by mail despatch.

BOWEN.

No. 18.

MEMO.—In reply to his telegram of 23rd December, the Governor received a telegram from the Secretary of State to the effect that the Home authorities had selected Colonels Laffan and Scratchley, of the Royal Engineers, who could sail in February,—the proposed remuneration being at the rate of £1,500 per annum for Colonel Laffan, and at the rate of £1,000 per annum for Colonel Scratchley, besides expenses. A reply by telegraph was asked for.

No. 19.

Telegram from His Excellency the Governor of New South Wales to The Secretary of State for the Colonies.

30 January, 1877.

JANUARY thirtieth. Ministers consider proposed remuneration quite satisfactory. They will be glad to receive both officers named as soon as possible, and beg to express their warmest thanks for your compliance with their wishes. Will inform Conference to-morrow.

No. 20.

The Colonial Secretary, New South Wales, to The Chief Secretary, Victoria.

Sir,

Colonial Secretary's Office, Sydney, 3 February, 1877.

In reference to the correspondence which has already taken place on the subject of applications made by the Governors of the several Colonies to the Secretary of State for the services of Sir William Jervois or a military engineer of eminence to report on the defences of each Colony, I have now the honor, by direction of His Excellency Sir Hercules Robinson, to intimate to you that he has received a telegram from the Secretary of State to the effect that the Home authorities have selected Colonels Laffan and Scratchley, of the Royal Engineers, who can sail in February,—the proposed remuneration for Colonel Laffan being at the rate of £1,500 per annum, and for Colonel Scratchley at the rate of £1,000 per annum, with expenses in each case.

2. To this communication His Excellency has replied, under date the 30th ultimo, to the effect that this Government considers the proposed remuneration quite satisfactory, and will be glad to receive both officers named as soon as possible; and further begs to express its warmest thanks for compliance with its wishes, and will inform the Conference sitting in Sydney to-morrow.

3. It was originally suggested, as you are aware, when the services of a first-class engineer were applied for, that a fee of £1,000 and expenses would be a fitting remuneration—an expenditure now likely to be increased to the sum of £1,250 and expenses, in securing the greater advantage of the investigations and advice of two engineers of high repute. This calculation, I may mention, is based on the belief that within six months all that can be required of these gentlemen will be accomplished.

4. In making this intimation to you, I beg to say that I shall be greatly gratified to receive the concurrence of your Government in the arrangements above explained.

I have, &c.,

JOHN ROBERTSON.

[Similar communications were also addressed to the Honorable the Chief Secretary of South Australia, Adelaide, and to the Honorable the Colonial Secretary of Queensland, Brisbane.]

1877.

NEW SOUTH WALES.

DEFENCES.

PRELIMINARY REPORT

BY

HIS EXCELLENCY SIR W. JERVOIS, R.E., C.B., K.C.M.G.

Presented to both Houses of Parliament by Command.



SYDNEY:

BY AUTHORITY: CHARLES POTTER, ACTING GOVERNMENT PRINTER.

1877.

[1s. 3d.]

353—A

Sydney, 4th June, 1877.

SIR,

In accordance with the request of the Earl of Carnarvon, that I should report upon the Military Defences of the Australian Colonies, whose Governments had asked His Lordship to name an officer of the Royal Engineers to advise with reference thereto, I commenced my investigation in this Colony at the beginning of last month, accompanied by Lieutenant-Colonel Scratchley, R.E., who was nominated by Lord Carnarvon to assist me in this duty.

Since that time I have inspected the works already constructed for the defence of Port Jackson,—the country between the Hawkesbury and Wollongong,—the harbours, bays, and coast between the latter place and Broken Bay; and I have visited the Port of Newcastle. I have received much information from gentlemen well acquainted with the country, especially from the officers of the several departments of Government concerned in the object of my inquiry, and I have much pleasure in acknowledging the ready assistance thus afforded me.

As my visits to the other Colonies must occupy some months, and as it will therefore be a considerable time before I can furnish a general Report, I now submit a preliminary memorandum respecting the Defences of New South Wales, in order that your Excellency's Government may be informed at once of the conclusions at which I have so far arrived.

I have the honor to be,

Sir,

Your obedient humble Servant,

WM. F. DRUMMOND JERVOIS.

His Excellency

SIR HERCULES ROBINSON, G.C.M.G.,

&c.,

&c.,

&c.

PRELIMINARY
 REPORT ON DEFENCES,
 NEW SOUTH WALES.

BEFORE discussing what means of defence are required to enable the Australian Colonies to resist foreign aggression, it is necessary to consider the nature and degree of attack to which they might be subjected.

There is no probability of an expedition on any extensive scale being despatched against Australia. In the improbable event of Great Britain ceasing to hold the command of the seas, such an expedition might perhaps be undertaken with a view of subjugating the Colonies, finally annexing them, and instituting some form of despotic government. The very existence of the British Empire, however, depends upon her naval supremacy, and the question must obviously be considered on the assumption that that supremacy is, as it undoubtedly will be, maintained.

In the event of Great Britain being engaged in hostilities with any great maritime power, the enemy would retain the most powerful portion of his fleet in European waters, or in the Atlantic, for the protection of his country or for operations in the immediate neighbourhood of hostilities. If he sent his fleet, or any considerable portion of it, on an expedition against the Australian Colonies, a sufficient part of our Home fleet would in turn be set free to intercept it, and our squadrons in the Pacific, on the China, the Australian, and Indian Stations, might, if necessary, be concentrated to oppose it.

But whilst the bulk of the enemy's naval forces would be occupied in the immediate scene of action in Europe or America, he might no doubt despatch one or more cruisers to operate against our maritime commerce, or make a descent upon any of our colonial possessions; and the Australian Colonies, owing to their wealth and prosperity, would, if undefended at certain points, be tempting objects of attack.

A squadron intended for such an operation might consist of some three or four vessels, one or two of which would probably be armoured, and might issue from the Russian ports of Vladivostok or Petropaulovski, from the French port of Saigon, from San Francisco, or from some other quarter. Eluding our cruisers, and appearing suddenly before Sydney, Melbourne, Adelaide, or in Moreton Bay, it might capture the merchant vessels lying in the harbours; intercept any of the numerous vessels conveying valuable shipments of gold; or under threat of bombardment, or after actually firing into one of the large towns, demand and obtain a payment of many millions of money.

Or this object might possibly be attained by an enemy landing a small force in the vicinity of one of the places named, if the configuration of the country were favourable to such a plan, and if steps were not taken to prevent it.

Description of
seaboard.

It is obvious that an attack upon New South Wales can only be made at some point along the seaboard, which forms the eastern boundary of the Colony. This seaboard extends for a distance of about 600 nautical miles, and is open to the Pacific Ocean.

The general character of the coast may be described as consisting of cliffs of varying heights—many of them inaccessible—bold headlands, and undulating hills, interspersed with low-lying country and sandy beaches. There are no islands of any importance along the seaboard, and the navigation of the coast is easy; it is, moreover, well lighted.

The prevailing winds are north-easterly in summer and westerly in winter, when the water is comparatively smooth; heavy gales of wind occasionally blow from other quarters. Owing to the coast being exposed to the Pacific Ocean, there is generally a heavy swell which breaks upon the shores, and renders landing in boats very difficult. In fact it may be stated in general terms that, except on very rare occasions, no landing could be effected.

There are numerous harbours on the coast, several of them capable of accommodating vessels of the largest size, and many smaller ports obstructed by bars at their entrances, also a few open roadsteads and bays.

Port Jackson, about 4 miles from the entrance to which Sydney is situated, is the principal harbour of the Colony. It consists of the main harbour with an area of about 9 square miles, and of the Middle Harbour with an area of about 3 square miles. Vessels drawing 27 feet of water can enter the port at all times, the navigation being easy; the eastern channel is moreover being deepened to a depth of 30 feet at low water.

To the north of Port Jackson, at distances of about 20, 70, and 110 miles respectively, are the harbours of Broken Bay, Newcastle, and Port Stephens. Newcastle harbour is only capable of receiving

a vessel drawing 21 feet of water, whilst the others possess a very large water area, with great depth.

Besides these harbours, there are open roadsteads or bays to the north of Port Jackson, at Cape Byron, Trial Bay, and Cape Hawke. These are capable of giving shelter to vessels of large size, but not during easterly winds.

To the south of Port Jackson are Botany Bay, close to Sydney; Jervis Bay, distant 95 miles; Twofold Bay, 235 miles from the capital. These harbours will all admit vessels of large size, although it is to be observed that Botany Bay is not a safe anchorage during easterly gales.

The minor harbours, the entrances to which are all more or less obstructed by bars, which reduce the depth of water to from 7 to 15 feet, and in some cases to below 7 feet, are as follows:—

To the North, the harbours at the mouths of the Manning, Macleay, Clarence, and Richmond Rivers; also Port Macquarie at the mouth of the river Hastings. To the South are the small ports of Hacking, Wollongong, Kiama, Ulladulla, and Bateman's Bay. Some of these form outlets for rivers, but they are all as yet of little importance.

As a general rule the small towns of the Colony are situated at varying distances up the numerous rivers; there are in fact no settlements of any importance close to the sea, and no ports where food supplies could be obtained in large quantities, excepting Sydney, the capital, and Newcastle, the flourishing port of the great coal district of New South Wales, where there is now a population of about 7,500. It follows then that these are the only places likely to be attacked, and consequently the only places for which special local defences need be provided. An enemy would probably first endeavour to obtain possession of Newcastle, where the harbour and large supplies of coal would afford him a good coaling station.

He might no doubt occupy any of the large ports on the coast with a view to ulterior operations, or he might obtain small supplies of coal from colliers frequenting the minor harbours of Wollongong and Kiama to the southward of Port Jackson. The absence, however, of any considerable settlements at any of these ports renders it unnecessary to provide fixed or local defences for their protection. At the same time, it would be desirable, as far as practicable, to prevent an enemy occupying any of the harbours from whence he might issue to attack and capture passing vessels, but this can only be accomplished by naval means—a point to which I will hereafter refer.

I will proceed now to consider the defence of Port Jackson and the city of Sydney. This should be discussed,—

Defence of
Port Jackson
and Sydney.

1st. With respect to an enemy's endeavouring to enter the harbour with a view of placing his squadron immediately in front of the city.

2nd.

2nd. In reference to a force attempting to land at Botany Bay, or at one of the inlets from Broken Bay, or at any point on the coast within such limits as would admit of his marching into the town and retiring as soon as he had attained his object.

3rd. As regards the possibility of hostile vessels taking up a position outside the entrance to the harbour and bombarding the city from thence.

Various projects have at different times been proposed to meet the first-mentioned kind of attack, either by keeping an enemy out of the harbour, or by batteries to bring artillery fire to bear upon him if he had entered it.

First plan adopted.

The first plan that was actually carried into effect was on the latter principle, and consisted of works placed immediately in front of the town, viz., Forts Denison and Macquarie, Kirribilli, Dawes' Point, and Macquarie Batteries. These mounted altogether 67 pieces of ordnance of the old smooth-bore description, as follows:—

	In. 10	In. 8	Pr. 42	Pr. 32	Pr. 24	Pr. 12	Total.
Fort Denison	2	1	...	12	...	1	16
Fort Macquarie ... ..	...	...	5	...	11	...	16
Macquarie Battery	2	...	...	8	...	...	10
Kirribilli Battery ... ..	...	5	...	...	...	...	5
Dawes' Point Battery ... ..	...	...	5	15	...	...	20
	4	6	10	35	11	1	67

Since the introduction of rifled ordnance, by which the range, accuracy, and power of artillery have been increased in a degree which the projector of these works could not have foreseen, it became evident that, whether with regard to their position or their armament, they would not suffice to protect Sydney from the fire of hostile vessels of war.

Subsequent recommendations of local Commission.

Accordingly, about six years ago, a Commission, appointed by the Government of New South Wales, made the following recommendations:—

1. That batteries should be constructed to bear on the entrance to the harbour, on Middle Head, George's Head, Inner South Head, and Shark Point.
2. That a boom and a series of torpedoes should be provided, to be placed at a time of expected attack across the channel and under the fire of the batteries.
3. That two casemated batteries should also be constructed, one on either shore, and each for three guns, to protect the boom against boat attacks.

4. That two small steam gun-boats, each mounting one heavy gun, should be provided.
5. That twenty heavy guns of the best description should be imported.

The Commission also recommended that there should be an inner line of defence, consisting of new batteries at Bradley's Head, Garden Island, and Goat Island, together with the old works (the number of guns in which was to be considerably reduced) at Fort Denison, Fort Macquarie, Macquarie and Dawes' Point Batteries. In connection with this inner line of defence, they further proposed that a series of torpedoes should be placed between Bradley's Head and Point Piper.

In recommending that new batteries should be constructed, and old ones maintained, as inner defences, to meet the case of an enemy having succeeded in passing the outer line, the Commission was most probably influenced by doubts as to the sufficiency of the proposed obstructions to keep an enemy's ships under the fire of the batteries at the mouth of the harbour.

Probably influenced by doubts as to efficacy of obstructions.

The War Office Fortification Committee, when considering the question of the defence of Port Jackson, about ten years ago, were, I am aware, greatly influenced by representations as to the uncertainty of the action of torpedoes, and favoured the construction of inner defences, in preference to a plan for preventing an enemy's vessels entering the harbour.

Since that time, however, much additional experience has been gained in the application of torpedoes to the defence of channels. In such situations as that at the entrance to Port Jackson, submarine cables and charges of gun-cotton, with their necessary appurtenances, can be laid permanently on the actual spots where they are required for defence, and arrangements can be made for firing the mines with as much facility as great guns can be discharged. There need, therefore, now be no fear that torpedoes will not be in their places when required, and will not be effective should an attempt be made to force the entrance to the harbour. The submarine wires will be better kept under water than in store on land, and gun-cotton can now, through a detonating medium, be fired when wet, so that in the event of any of the charges becoming damp, owing to their being placed at the bottom of the sea, they will be as capable of action as if they had been kept dry on land.

Additional experience gained as to efficacy of torpedoes.

Considering the great improvements that have been made in the application of torpedoes to harbour defence, there can be no doubt that, supposing an efficient system of submarine mines to have been provided, the boom would be an unnecessary expense. At the same time, in the event of war occurring before the torpedo stores are supplied, it will be desirable to place a boom as an obstruction between the batteries, in the position recommended by the Defence Commission. The timber, chains, wire, and other materials can be readily procured in Sydney.

Batteries of
artillery
essential.

But notwithstanding the increased efficiency of torpedoes, batteries of artillery are still essential to bear on attacking ships, under whose fire the submarine mines might otherwise be removed.

Outer
defences will
suffice.

Taking all points into consideration, I am of opinion that, with well-constructed, well-armed, and properly manned batteries of a few heavy guns at Middle Head, George's Head, and South Head, acting in conjunction with torpedoes laid across the entrance to the harbour, there is no necessity for inner defences. Nay further, I believe that it is more likely that the defence will be thorough and efficient, if the attention of officers and all concerned be concentrated on the keeping of an enemy out of the harbour, than if confidence in their ability to do so be lessened, by previous admission,—implied by the provision of inner defences for the purpose of fighting him after he had entered,—that full reliance cannot be placed on the outer system of defence. The defences at the outer line can be made really effective for shutting the gate of the harbour, and there is now no sufficient reason for incurring the great additional expense,—in works, armaments, stores, and artillerymen,—that would be caused by providing the inner batteries which have been proposed.

As regards the possibility of an enemy passing at night,—a point which is sometimes advanced;—the channel and the approaches to it may be so illuminated by the magneto-electric light, one of which has already been provided, as to prevent any vessel attempting to remove the obstructions between the batteries without being seen therefrom. It has been also suggested that an enemy might pass unseen in thick weather, but, not to mention the difficulty of passing at any time if he could not see his way, there is not the least probability that he would attempt to do so, when, in addition to the entrance being obscured by a fog, he would run the great risk of being blown up by torpedoes.

Batteries
already pro-
vided for
defence of
entrance to
harbour.

Passing on to an examination of the batteries which have already been provided for the defence of the entrance to the harbour, I desire first to bear testimony to the ingenuity which has been displayed in the design and the good work which has been performed in the construction of the several works, which, without any technical professional aid, have been carried out under the officers of the local Government. Considerable modifications and some additions must, however, be introduced to render the works thoroughly effective.

As regards the distribution of the guns, the three 10-inch of 18 tons on South Head, and the one 10-inch at Middle Head, all bear both on the approach to the harbour and on the entrance channel, and are well placed. The batteries, however, on two of the three principal sites from which the entrance to the harbour is commanded, viz., Middle Head and George's Head,—with the exception of the one 18-ton gun at Middle Head,—consist only of 80-pr. and 68-pr. guns; whereas new works are being constructed for powerful rifled guns in much less effective positions, on heights between George's Head and Middle Head,

Head, at levels of 226 and 266 feet above the sea, whence it would be difficult to hit a ship, and where, whilst the range of fire against an enemy's vessels would be much increased in distance, its lateral extent would be reduced to about 30°. This arrangement of guns has, I understand, arisen from the fact that the batteries first constructed were placed—as they naturally would be—at the most important points; and, having been armed with such guns as were then available, it was not thought advisable subsequently to alter these works for the reception of the powerful rifled guns which were afterwards supplied. I will state presently the distribution of guns which I propose.

The general principle which has been adopted in regard to the position and design of the batteries has been to place the guns on commanding hills, *en barbette*, on levels varying from 78 feet to 266 feet above the sea level. The works are all cut out of the sandstone, and each gun is placed in a circular pit, whatever may be the lateral range to which the piece is capable of being trained. In batteries of several pieces the guns are placed from 50 to 100 feet apart, and are so arranged that if the wide lateral range provided for them were utilized, they would fire into one another. In these batteries, the guns and gunners manning them are seen from seaward on the sky line, and are very prominent marks for an enemy's fire. No traverses are provided; consequently shells fired from the front, and bursting over one gun, would probably silence not only that piece, but also the gun on either side of it. Some guns, moreover, are arranged in a line, the prolongation of which can be taken up by an enemy's ship at distant range, and a few well-directed shells from a vessel in such situation would prevent the gunners standing to their guns, and would probably silence the whole battery. The only communications within the works are by means of narrow zig-zag passages, which have been cut between the circular pits, and lead to the magazine and the shell-room, which have been provided in rear of each battery. These passages are so planned as to render the service of the guns very difficult, and no means are provided for the ready supply of ammunition,—a point of especial importance with the large rifled ordnance of the present day, and essentially necessary to enable artillerymen to work the guns with facility and effect.

In order that effective artillery fire may be brought to bear on the entrance to Port Jackson, it is essential that the several defects to which I have referred should be remedied. At the same time, I wish it to be understood that I am by no means condemning the principle of placing guns on heights *en barbette*. On the contrary, that principle is very applicable in the case now under consideration. It ought not, however, to be adopted to the exclusion of other considerations necessary to be borne in mind in devising a system of harbour defence. Some guns, if placed on heights at considerable distances apart, may be allowed to take the chances of being exposed, if an all-round fire from them is really desirable and can actually be obtained; but these, even with the best arrangements for protecting and serving them, are

more

Defects in these batteries should be remedied.

more especially liable to be silenced, and must not be wholly relied on. Other guns—especially when a battery consists of several pieces, the lateral range of which must necessarily be more or less limited,—should be protected by traverses, the guns being with this object placed at wide intervals. A few should be protected against both direct and high-angle fire, by being placed in well-constructed casemates; and in all cases, arrangements should be made for the free circulation of the garrison of the battery, and for the effective working of the guns.

Proposed distribution of guns.

With respect to the distribution of the guns generally, I am of opinion that the following would be the best arrangement:—Of the six 10-inch guns of 18 tons now mounted, the three on the South Head should be retained in their present positions; the other three, including the one already mounted, should be placed at Middle Head, whence the distance to South Head is less than at any other part of the channel. Three powerful rifled guns should also be placed in casemates at the point of George's Head, and one should be mounted so as to fire at close range upon Middle Harbour, where otherwise an armoured ship might succeed in taking up a position. Four additional 10-inch pieces will thus be required. The six 9-inch 12-ton guns which have been provided will be required, as I will hereafter show, for Newcastle and Botany Bay.

The 10-inch and 9-inch guns will be capable, at considerable ranges, of piercing any armoured ship likely to appear in Australian waters. It will however be unnecessary to incur the expense of firing these powerful guns against attacking vessels that are not armoured. There should therefore be in each battery some pieces, such as the 80-pr. rifled guns, a number of which are already mounted. From these, long range and accurate fire can be obtained; they can be worked with greater facility than the larger ordnance, and, whilst they are capable of damaging many armoured vessels, they would be very effective against unarmoured ships.

I recommend that two be placed at South Head in lieu of the two 9-inch guns of 12 tons, which will be required elsewhere; that four be retained in the battery at South Head facing the harbour, omitting one of the five now mounted there; four at the outer Middle Head (*viz.*, two directed towards the main harbour, and two towards the Sound); four, as at present, at the inner Middle Head; three at George's Head, in lieu of the six guns now there; and the three at Shark Point may be retained.

The six 68-prs. now at Middle Head and the two at George's Head should be removed. Four of these should be placed in the works in course of construction on the high ground between those two points; two on the left of the 10-inch gun commanding Middle Harbour, and bearing on Hunter's Bay and towards the Spit; the remaining two may be mounted for drill purposes at Bradley's Head, in lieu of the 80-prs. now there. The three smooth-bore 10-inch guns in casemates already provided to flank the obstructions may be retained.

A tabular statement is annexed, showing the present and proposed distribution of guns for the defence of the entrance to Port Jackson :—

Situation of work.	Present.					Total.	Proposed.					Total.
	10" 18 ton.	9" 12 ton.	80- pr.	68- pr.	10in.		10" 18 ton.	9" 12 ton.	80- pr.	68- pr.	10in.	
	Rifled.		S. Bore.				Rifled.		S. Bore.			
South Head...	Outer...	3				3	3				3	
	Inner...		2			2			2		2	
	Harbour			5		5			4		4	
Middle Head	Outer...	1		1	6	8	3		4		7	
	Inner...			4		4			4		4	
	Cobbler's Beach						1			2	3	
Between Middle and George's Heads	2	2			4				4		4	
George's Head	Upper			4	2	6			3		3	
	Lower						3				3*	
	Casemated					3				3	3	
Bradley's Head			2		1	3			2	1	3	
Shark Point			3			3			3		3	
Other works							To be dismantled.					
	6	4	19	8	4	41	10		20	8	4	42

* Casemated with Iron Shields.

With respect to the works,—as before stated, considerable alterations are actually necessary to render the batteries effective. Traverses should be constructed, where practicable, between the guns; spaces opened out to afford the means of free movement for the gun detachments; cover provided under which gunners may take shelter from shells; and arrangements made for the ready supply of ammunition, and to facilitate the service of the guns.

Plans will be prepared showing the modifications proposed in the existing batteries. As regards new batteries, the three 10-inch guns at Middle Head should be placed at intervals of about 120 feet, with large traverses between them; the left gun should be kept in its present position; the centre one should be placed on a somewhat lower level towards the harbour than the present 68-prs.; and the right of the three should be in the position now occupied by one of the 68-prs. which, as before stated, should be removed. The casemated battery at the point at George's Head should be cut out of the rock, the guns being placed at intervals of about 100 feet from centre to centre, with powder and shell magazines between. The casemates should be open to the rear, and provided with iron shields at the embrasures, constructed so as to afford a lateral range of about 70°. The iron shields should be formed of two plates, each 6 inches thick, with an interval between them of 6 inches, filled in with wood.

Permanent barracks should be provided in connection with the batteries, at Middle Head and South Head, for the artillerymen, who will be trained by detachments in the working of the guns, and whose duty

Proposed works.

Barracks and defensible enclosures.

duty it will be to look after the works and armaments. These barracks may form part of the defensive arrangement for protecting the batteries against possible assault by bodies of men who might in the course of an action succeed in landing at any bay in their vicinity.

The barrack at Middle Head should be built in connection with a wall and ditch, cutting off the plateau on the eastern side of a line from Cobbler's Beach to the cliff on the harbour shore. With a little scarping of rock on the northern and southern sides, the space within this line would thus be formed into a defensible enclosure, within which will be three batteries, one bearing on the approach to the harbour on its entrance, and on the Sound; another on the approach, on the Sound, and on the entrance to Middle Harbour; the third commanding Middle Harbour.

On the hill behind the battery at George's Head, where a barrack has already been constructed, should be established a small redoubt which would be in connection with the two new upper gun-pits already there. This redoubt would be formed economically by excavating the rock for the interior of the work, building a defensive wall with the material thus obtained, and forming a ditch outside, where necessary.

At South Head, the barrack should be constructed on the plateau below and to the westward of the two upper 10-inch guns, and could be arranged so as, in combination with escarpments and walls enclosing the space occupied by those guns and the harbour battery, to form a defensive enclosure from which the other guns on the South Head would also be protected from assault.

The Barrack Accommodation at the works, including that already built at George's Head, should be for one Battery of Permanent Artillery employed on detachment. The Barrack at South Head should be for about 30 men; that at Middle Head for about 50 men, with Officers' and Non-commissioned Officers' quarters, and other necessary accessories. In war time double the number might be placed in the barracks, and any further accommodation required for the garrisons for the defence of the works may be of a temporary character and provided when requisite.

Arrangement
for torpedoes.

The torpedoes should be laid between Obelisk Point, on the one side, and the point between Camp Cove and Lady Bay, on the other, forming a re-entering angle at the Sow and Pigs shoal. Two lines of electro-contact mines, (which explode on being struck by a ship), should be placed in front, and behind them four lines of ground mines to be fired by observation, *i.e.*, by observers placed in electric communication with each other, one on either shore. The observing stations will be at Green Point, and at the existing casemated battery near George's Head. Thus an enemy's ship would first have to pass the electro-contact mines, then the mines fired by observation, he being all the time exposed to the converging fire of the batteries on Middle Head, South Head, and George's Head.

The

The torpedo stores for the defence of Port Jackson should at once be ordered from England. I append a statement of the stores thus required, and an estimate of their cost. (*See Statement C.*) I have included in the estimate one line of electro-contact mines across the entrance to North Harbour, where there is a small space in which an enemy's ship might find cover from the fire of the batteries.

It is essential for the efficient working of the torpedoes, that the whole of the arrangements connected with them, the preparations for them, the laying of them, the periodical testing of the mines, and the firing of them, should be under the direction of one officer. The gentleman at the head of the Telegraph Department of the Colony is, if only from the nature of his functions, the officer most thoroughly qualified for these duties, and I recommend that the torpedo company now forming part of the Naval Brigade, and about 50 strong, should be placed exclusively under him. This company, in conjunction with about 50 employes from the staff of the Telegraph Department, would form a torpedo and signalling corps, 100 strong, which would have charge of the submarine defences and of the signalling arrangements between the several batteries. The corps should be under the orders of the Commandant of the local forces.

An enemy, finding himself unable to enter Port Jackson by sea, would no doubt consider whether he could not attack Sydney by landing at one of the adjacent bays, and marching into the city from thence. The operation would no doubt be difficult, but ought not to be disregarded. The amount of force which an enemy might attempt to land would be dependent upon the number of men which he could spare for the purpose from his squadron, and this might consist of about 1,200 men.*

The point to which he would first direct his attention with a view of out-flanking the defences of Port Jackson would be Botany Bay, the northern shore of which is only about 3 or 4 miles from the outskirts of Sydney, there being also good roads from it to the town. There is moreover good anchorage in the bay, though exposed to easterly gales. An enemy's vessels might take up positions in the bay, from whence they could bring a cross-fire to bear on the shore, thus clearing away any troops that might be on the spot and covering the landing of his force. It is further to be observed that the waterworks, on which at present Sydney is mainly dependent for its supply of water, are situated on the northern shore of Botany Bay.

There can be no doubt that Botany Bay should be specially defended with a view of preventing its occupation by an enemy, and the surest and most economical mode of effecting this will be by a small work with its guns well-protected, commanding the entrance to the harbour and the whole anchorage, and constructed so as not to be liable to be taken by assault. Bear Island is very well adapted as the site for a battery to fulfil these conditions. The work should be designed for five guns, three of which should be 9-inch M. L. R. pieces;

* The flying squadron, consisting of four large frigates, recently at Singapore, could only land 1,000 men for service on shore.

pieces; the remaining two should be 110-pr. breech-loaders, which are already in store in Sydney. A small barrack should be provided, which, in conjunction with the accommodation in bomb-proofs, will accommodate the garrison,—to consist of 80 men, 30 of whom will be permanent artillerymen, and 50 from the Militia Artillery. The defence of Botany Bay will be further secured by a line of electro-contact torpedoes, placed across the harbour, under fire of the guns.

Broken Bay.

Supposing Botany Bay to be closed against him, an enemy might attempt Broken Bay, about 18 miles to the northward of Port Jackson, and at the mouth of the Hawkesbury River. Here there is extensive anchorage for ships of any size, and by means of inlets on the southern shore of the bay, called Pitt Water and Cowan Creek, vessels can approach within about 15 miles of Sydney.

Apprehensions have been expressed that an enemy might land a force at the head of one of these inlets, and march upon the city. The approaches to Sydney from these quarters are, however, very different from those leading from Botany Bay. The country between Botany and the town is open, and, as before stated, there are good roads; whereas between Sydney and Broken Bay the country is difficult, and covered with bush, the roads are bad and in some places almost impracticable.

The best line of communication in this quarter runs in a southerly direction from the head of Pitt Water, from where there is a partially-formed road near the coast leading to Sydney across Middle Harbour, by the Spit Ferry; there is also a track from the head of Pitt Water, running in a S.W. direction, from which there is a branch running S.E., also leading to the Spit Ferry; the S.W. track, which is joined by a track from Cowan Creek, ultimately unites with the main road to St. Leonards, opposite Sydney. There is further, a track from Peat's Ferry, a few miles up the Hawkesbury, running southward to a point where the main road diverges to St. Leonards and to Parramatta.

These roads can all easily be made impassable to an enemy, both at the landings and at other places, and there are three converging points at which, in order to meet the improbable case of his making an attempt against Sydney from Broken Bay, and succeeding in pushing his way along any of these tracks, special preparation should be made to oppose him, viz., at the Spit Ferry, at the junction of the tracks from Pitt Water and Cowan Creek, and at the junction of the road from Peat's Ferry to St. Leonards and Parramatta. At these points earthworks might be thrown up at the time, trees cut down, interlaced with wires, and other obstacles formed, thus providing strong entrenchments behind which the field force for the defence of Sydney would be in a position to repel any possible attack from the northward.

The difficulties of an attack from this quarter, both as regards the distances to be marched and the obstacles to be overcome, are so great, that it does not appear at all probable that it would be attempted, and I consider it unnecessary to recommend the construction of batteries for

for the defence of Broken Bay. Any works that would protect this spacious anchorage must be extensive, and would require a considerable garrison, all costing a large sum, the outlay of which would be altogether incommensurate with the remote contingency against which they would be intended to provide.

There does not appear to be any probability of a hostile force landing to attack Sydney on any part of the coast between Botany Bay and Broken Bay; and beyond these, either to the northward or the southward,—considering the distances to be traversed and the difficulties to be overcome, whether as regards the landing, the nature of the country, or the communications,—there is not even a remote chance of any such attempt being made. There are many bays on the coast in the neighbourhood of Sydney; they are, however, for the most part exposed to the rolling swell of the Pacific. Except during westerly winds, on the duration of which no calculation can be based, these bays are almost without exception impracticable for the landing of troops. As regards a landing between Port Jackson and Broken Bay, an enemy would only be in a similar position to that which he would occupy if he attempted to advance from Pitt Water,—a point which has been already discussed. The only point between Port Jackson and Botany Bay at which there is a comparative facility for landing is Long Bay, which is protected from all but south-easterly winds.

An attempt to land at any of the bays adjacent to Sydney, where, in exceptional cases, landing may be practicable, or an attack from the direction of Broken Bay, must be provided against by a field force, acting from positions affording the readiest access to the points to be defended.

I have yet to consider the third mode of attack upon Sydney to which I have before adverted, viz., the probability of hostile vessels throwing shells into the place from outside the entrance to the harbour. This is no doubt practicable; rifled guns can attain a range of upwards of five miles, and it will be observed that ships may lie well within such distance off the coast near Nelson Bay and thereabouts, untouched by any of the proposed defences. I do not consider it would be desirable to construct land batteries, with a view of preventing such a mode of attack. They would lead to considerable additional expenditure both on works and men, and after all might not be effective for their object. The ship fired at must be a comparatively small object and at a considerable distance, whilst the place she would be firing into covers several square miles, and every shell thrown into it must take effect, and create considerable consternation.

If this mode of attack were to be dealt with without reference to other considerations, probably the best plan of meeting it would be solely by spar torpedo boats or vessels constructed for projecting the Whitehead torpedo, which, issuing from Sydney Harbour, might be directed against the enemy's ships. Steps should, however, be taken for the general defence of the coast, as far as practicable, and to prevent an enemy occupying any of the harbours from whence, as already pointed

Coast between
Botany Bay
and Broken
Bay.

Defence of
Sydney
against bom-
bardment by
vessels lying
outside Port
Jackson.

Should be
considered
in connection
with defence
of other har-
bours.

out, he might issue to attack and capture passing vessels. It is sometimes urged that the defence of these harbours can be best accomplished by torpedoes, but an examination of this suggestion will show that it would be impracticable thus to effect the object. Torpedoes, such as will be provided for Port Jackson, to be effective, must be applied in conjunction with batteries; and not to mention that it would be out of the question to have a staff of electricians and a torpedo corps at each harbour, the construction of batteries at each port cannot for a moment be contemplated.

Neither could the defence of these harbours be provided for by having at each port spar torpedo boats or vessels to propel the Whitehead torpedo. If this plan were adopted, it would be necessary to organize and train a special body of men, and form a small establishment at each place for Government vessels and stores. Such arrangements would not only be very costly, but in the present circumstances of the Colony would be impracticable; and even if this mode of defence could be carried out and the occupation of the harbours thereby prevented, it would be wholly inoperative as regards the proceedings of hostile cruisers, except in the immediate vicinity of the harbours.

Will be best provided for by an ironclad.

Weighing all circumstances, the most effective and most economical means of providing for the defence of the harbours along the coast, for the protection of local commerce, and to prevent Sydney being shelled by ships lying outside the harbour defences, will be to provide an ironclad vessel which will be superior to any enemy's ship likely to come into Australian waters. It is to be observed that though an Imperial Naval Squadron is charged generally with the protection of British interests in these seas, it obviously cannot be tied down to the defence of any particular section of the coast.

Defence of Newcastle.

As however I have previously stated, special local protection must be provided for Newcastle. Here a fort should be constructed on Signal Hill at a height of about 105 feet above the sea-level, for three 9-inch and four 80-prs. M.L.R. guns. The 9-inch guns will bear to seaward and on the approach to the port, whilst the two on the left will also command the entrance to the harbour. These guns should be placed *en barbette* with large traverses between them. The four 80 prs. will command the harbour throughout from its entrance; and in order that they may be secure both against direct and high angle fire, they should be placed in casemates cut out of the hill. These casemates should be planned with two faces, arranged so that all the guns will fire across the harbour, whilst the two on the right will, at their extreme lateral range, bear on the entrance, and the two on the left will similarly bear up the harbour.

The site of Signal Hill, besides being exceedingly well placed for the defence of Newcastle Harbour, has a steep cliff on all sides but one, and can easily be made inaccessible by a little scarping, and by cutting a ditch on its land-side. On this side should be placed a small casemated barrack; and the whole will be formed into a work secure against assault, with the necessary accessories of magazines, shell-

shell-rooms, and other accommodation. Bombproofs will be provided in the work, capable, in conjunction with the barrack, of accommodating the whole garrison, which, in time of war, should consist of 80 men, 30 of whom would be regular artillerymen, and 50 from the Naval Brigade. The conditions of the case render it unnecessary that a field force should be provided for the defence of Newcastle.

It is proposed to place electro-contact torpedoes across the entrance to the harbour, under the fire of the guns of the fort.

Having thus discussed the various modes of attack, and the character of the defences which should be provided, I will now advert to the number and description of troops necessary in connection with the proposed system of defence. The forces at present at the command of the Colony are as follows:—

	Officers and Non-commissioned Officers.	Men.	Total.
General Staff	37	...	37
Permanent Artillery (3 Batteries)	75	240	315
Volunteer Artillery	101	340	441
Volunteer Engineers	10	55	65
Volunteer Infantry	385	1,295	1,680
Naval Brigade... ..	51	271	322
Total	609	2,701	2,810

This force is in some respects defective in its organization, and somewhat larger than is necessary. I would recommend the following modifications. It is first essential to provide for manning the batteries intended to resist naval attack. In estimating the numbers requisite for this object, it should be observed that it is unnecessary to provide for working the whole of the guns in the batteries at one time. The number of gunners required for the pieces, which would be in action simultaneously at the entrance to Port Jackson, will be about 240. About 60 regular gunners will also be required for the works at Botany Bay and Newcastle. I propose therefore that the number of gunners in the Permanent Artillery Force be increased from 240 to 300, or 100 per battery. To assist the Permanent Artillery in time of war, there should be a body of Garrison Militia Artillery 200 strong.

As already stated, the torpedo corps should be under the command of the Superintendent of Telegraphs, and should consist of about 100 officers and men, 50 of whom should be employés in the Telegraph Department, and the remainder taken from the Naval Brigade.

To oppose an attempt at landing in the neighbourhood of Sydney, or an attack from the direction of Broken Bay, as well as for the support and

and protection of the sea batteries, there should be a field force as follows:—Two battalions of Militia Infantry, each of 500 rank and file (which could be increased to 800 in time of war); two batteries of Militia Field Artillery of four guns each, and a company of Engineers.* Doubtless, with the military spirit which is exhibited in the Colony, a much larger force could be obtained, if desired; but so far as concerns foreign aggression, the strength of the field force need not exceed what I have stated.

I do not at present propose to discuss in detail the organization of the militia force. I will only now remark, that it is essential to its efficiency that powers should be obtained for retaining men for a fixed period of service,—for continuous training during a certain number of days in the year, besides a certain number of drills at detached periods,—for their permanent embodiment during war,—for the strict enforcement of discipline,—and for the appointment of officers, only after passing a proper examination. The proposals of the Commandant, Colonel Richardson, which have been laid before the Parliament of New South Wales, in a memo. dated 21st April, 1875, and submitted to the Government in a memo. dated December 16th, 1876, so far as they relate to the requirements to which I have referred, appear deserving of the consideration of the Government in preparing any measure which they may bring forward for creating an efficient field force.

The precise mode in which the local forces should be controlled by the Executive Government is rather a constitutional than a military question, and it is perhaps undesirable that I should offer an authoritative opinion upon it, beyond remarking that it is indispensable that all questions relating to the maintenance of military discipline should be kept entirely clear of party or political influence.

Description of
ironclad
required.

With respect to the nature of ironclad adapted to the requirements of New South Wales, I recommend that a vessel should be provided of the same class as one which, about a year ago, was constructed in England by the Thames Iron-ship building Company for the Portuguese Government. This is a three-masted (the fore-mast square-rigged) seagoing vessel built to aid in the defence of the Tagus and Lisbon, and capable of cruising to the Azores and the other Portuguese Colonies. The conditions which she was designed to fulfil are just those which, it appears to me, are required for this Colony.

The displacement tonnage of this vessel is about 2,500 tons; her length about 220 feet; her breadth 40 feet; her depth 25 feet. She is not a turret ship, but has a fixed battery, protected by armour 10 inches thick, which projects beyond the sides, and is so arranged that the guns—two in number, *i.e.* one on either side—can fire fore and aft as well as broadside. Each of these guns is about 18 tons in weight. There is also a gun at the stern of about 6 or 7 tons weight, and from these three guns an all-round fire can be obtained. The vessel also carries four small pieces of artillery for purposes for which the
heavy

* About 100 of the mounted police could be made available as cavalry scouts.

heavy and more powerful ordnance are not required. She is further constructed as a ram, the bow being specially strengthened for this object, and the armour-belt, which is 9 inches thick, is carried down to the extreme point of the ram, about 8 feet below the water-line. She has a raised forecastle, designed for protection against heavy seas, and she has a poop covering the stern gun. Her draught is about 19 feet, and about 17 feet forward. She is constructed with numerous water-tight compartments. The nominal horse-power of the engines is 450, and the speed of the vessel on her trial trip was at the rate of about 13 knots an hour. The vessel ordered for New South Wales should, in addition to her battery and ramming power, be fitted for propelling the Whitehead torpedo.

The cost of the Portuguese ship is stated to have been £125,000. A similar vessel, delivered complete at Sydney with armament, might cost as much as £150,000. The annual expense of manning and maintaining her during peace time will not exceed £10,000.

It would be unnecessary to have a full complement of officers and men on board the vessel except during war. In peace time there should be a commander in charge, two lieutenants, two engineers, two gunners, one paymaster, twenty-five petty officers, seamen and stokers, and twenty-five boys. The additional crew during war,—except extra engineers and stokers, who would have to be specially engaged,—will be supplied by 150 men drawn from the Naval Brigade. The total establishment will then consist of about 210 officers, men, and boys. Thus, the permanent force on board the vessel will form a nucleus of thoroughly trained men, who will be reinforced in time of war from the Naval Brigade, the whole of which I recommend should be formed into a marine militia. Great attention should be paid to the instruction of the officers and men of the permanent naval force, and ample stores should be allowed them for purposes of instruction. The observations I have made respecting the organization and the mode of securing the efficiency of the auxiliary land forces equally apply to the marine militia.

To recapitulate, the following are the measures proposed, viz. :— Recapitulation.

- I. Port Jackson and Sydney to be defended against naval attack by land batteries and torpedoes at the entrance to the harbour.
- II. Sydney to be defended against attack by an enemy landing a body of men on any part of the adjacent coast by a field force, and by a work and torpedoes at Botany Bay.
- III. Newcastle to be defended by a fort and torpedoes.
- IV. An ironclad vessel to be provided for the general defence of the harbours along the coast, and for the protection of local commerce. This vessel will also defend Sydney against bombardment.

V.

V. The force to be maintained should be as follows :—

	Officers and Men.
Permanent Force :—	
Military—	
Three batteries of Artillery	375
Naval—	
Officers and crew of ironclad	58
	433
Militia Force :—	
Military—	
Two batteries of Field Artillery	100
Three batteries of Garrison Artillery	200
One company of Engineers	60
Torpedo and Signalling Corps	100
Two battalions of Infantry	1,340
	1,800
Naval—	
To man ironclad	150
Part of garrison at Newcastle	50
	200
	2,000
	2,433

Estimate of
cost.

The capital cost of the several proposals will be approximately as follows, viz. :—

Works and Armaments :—

Port Jackson	95,000
Botany Bay	25,000
Newcastle	25,000
	£145,000

(From Statement marked A, it will be seen that it was proposed to expend £103,000 on the completion of the works at Port Jackson only.)

Torpedo Stores (which must form part of any scheme)	30,000
Ironclad vessel	150,000
	£325,000

The annual cost of the military establishments, including that for the ironclad vessel, under the scheme now proposed, will be £89,760; the present annual expenditure for military services, as provided for in the Estimates, is £109,768 (*see Statement B annexed*). Thus the annual expense will be £20,000 less than it is under present arrangements, whilst at the same time a thoroughly efficient system of defence will be provided for the Colony.

WM. F. DRUMMOND JERVOIS.

Sydney, June 4th, 1877.

STATEMENT B.
NEW SOUTH WALES DEFENCES.

STATEMENT showing Present and Proposed Annual Expenditure.

PRESENT EXPENDITURE.			PROPOSED EXPENDITURE.		
	Officers and Men.	Cost.		Officers and Men.	Cost.
Land Forces—		£	Permanent Force—		£
General Staff	37	6,965	General Staff <i>included in amounts for Permanent and Militia Forces.</i>		
Permanent Artillery	315	31,029	Garrison Artillery	375	36,000
Volunteer Force	2,040	10,657	Militia Forces—		
			Field Artillery [2 batteries of 4 guns]	100	
Add—			Garrison Artillery	200	
340 Land Orders maturing in 1877, valued at £125 each ...		42,500 ¹	Engineers	60	
			Torpedo and Signalling Corps..	100	
			Infantry [2 Battalions] ...	1,340	
				1,800	27,500 ²
	2,392	91,151	Total... ..	2,175	63,500
Naval Brigade	322	6,507	Naval Brigade	200	4,000
		£97,658			67,500
Other expenditure for Military purposes—			Maintenance of Ironclad and Establishment	58	10,000
Annual Supply of warlike stores		10,000	Annual Supply of Ammunition and Torpedo Stores for Practice ..		7,000 ³
Repairs to buildings and lighting lamps at barracks		1,650	Repairs to Military works and buildings		2,000
Public Schools Cadet Corps		460	Public Schools Cadet Corps		460
			Expenses connected with Annual Training and Encampment		2,000
			Contingencies		800
Total	2,810	109,768	Total... ..	2,433	89,760

Estimated Annual Saving—£20,000.

¹ With the exception of this item, the amounts for present expenditure in this statement are taken from the printed Estimates for 1877.

² This sum provides for pay and rations for eight days' continuous training, with deferred pay at £5 per man per annum; besides expense of staff, instructors, uniform, &c.

³ This amount will suffice for the Land Forces. The practice ammunition and naval stores for the Naval Brigade are included in the item for the Ironclad.

STATEMENT C.

NEW SOUTH WALES DEFENCES.

LIST of Torpedo Stores required for Submarine Defences.

100	lbs.	Cotton powder.
80	miles	Wire, insulated.
5	miles	Cable.
500	fathoms	Wire rope, in 100-fathom coils.
50	.....	Torpedo cases for 500-lb. charges.
200	.....	Torpedo cases for 250-lb. charges.
100	.....	Circuit-closers, Matthieson's patent.
50	.....	Electro-contact mines, with Matthieson's patent circuit-closers for 100-lb. mines.
2	pairs	Telescope and firing observing arcs.
250	.....	Disconnectors.
50	.....	Jointers, Matthieson's pattern.
1	.....	Junction boxes for 7-wire cable.
200	.....	Junction box for single cable.
2,500	.....	Platinum wire fuzes.
100	.....	Chain slings for ground mines.
2	.....	Walker's visual signalling apparatus, with gas bag complete.
1	cwt.	Best marine glue.
10	.....	Mushroom sinkers, 2½ to 3 cwt. each.
100	lbs.	Solution of Indiarubber.
1	.....	Drying apparatus for gun-cotton.
10	sets	Shutter apparatus.
200	.....	Ebonite fuze pieces.
1,000	.....	Vulcanized rubber tubing
45	tons	Gun-cotton in 6-inch slabs.

The estimated cost of these stores is £18,000. The balance of the total estimate of £30,000 for submarine defences will be required for the purchase of other stores, more readily procurable in the Colony, and for the laying and mooring of the mines.

It is assumed that the steamers, barges, and boats required for these operations will be procured from the Harbour Department.

The ordering of the stores should be entrusted to the Superintendent of Telegraphs.

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1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DEFENCES OF THE COLONY.

(MESSAGE No. 33.)

Ordered by the Legislative Assembly to be printed, 14 June, 1877.

HERCULES ROBINSON,

Governor.

Message No. 33.

In accordance with the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly, the expediency of making provision to increase and render more effective the Military and Naval Forces, and to extend and improve the Fortifications for the defence of the Colony.

Government House,

Sydney, 14 June, 1877.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DEFENCES OF THE COLONY.

(PROGRESS REPORT OF THE DEFENCE COMMISSION.)

Ordered by the Legislative Assembly to be printed, 14 June, 1877.

Defence Commission Office,

11 November, 1870.

To His Excellency the Right Honorable SOMERSET RICHARD, Earl of Belmore,
Governor and Commander-in-Chief of the Colony of New South Wales.

May it please your Excellency,—

The Commissioners appointed under your Excellency's Commissions of the 12th and 29th days of September, 1870, respectively, "*to inquire into, consider, and report upon all matters touching and concerning measures necessary for the defence of the Colony of New South Wales from Foreign aggression,*" have the honor to submit the following Progress Report :—

1. It being one of the first conditions essential to the successful defence of any position, that full advantage be taken of such peculiarities in the natural features of the ground as may be made to contribute to its strength, your Commission felt that the first step should be to make themselves acquainted with the harbour of Port Jackson, the city and environs, and the Port of Newcastle; and with this view they have carefully and minutely inspected the former, and some of their number have visited the latter port.

2. Your Commission have also carefully studied the Reports on the defence of Sydney, and considered the various projects to that end which have been recommended from time to time by the different military and naval authorities. They have likewise had under their consideration the Reports of the Committees of the Legislature, and the evidence given before them.

3. At an early period of this investigation your Commission became impressed with the fact that, while possessing admirable positions for defence, Port Jackson, by reason of its natural excellence, is peculiarly easy of access to an enemy attacking from the sea; for, with the exception of the Sow and Pigs shoal, which offers but a trifling impediment, there is no obstacle to render the navigation either dangerous or difficult. The range of tide is trifling, there are no rapid currents, and the channel is broad, safe, and deep up to the very shores; in fact all those peculiar features which have long been recognized as constituting it a safe and commodious harbour render it by so much the more easy of access to an enemy's fleet.

4. These peculiarities in the natural features of the port appear to have been fully recognized in all the plans which have been proposed for its defence, as well as in those which have been partially carried out.

5. The various plans may, for convenience, be divided into two classes, which may be styled the outer and the inner lines of defence. The former consisted in fortifying the Heads; powerful batteries were to be constructed on Middle, George's, and Inner South Heads. The latter had in view the protection of the anchorage and the city, by batteries at Mrs. Macquarie's Chair, Forts Denison, Kirribilli, and Macquarie, and Dawes' Point.

6. The earlier plans, namely, those of Colonel Gordon, R.E., and General Sir John Burgoyne, favoured the outer line of defence; but they were designed at a time before steam power had been generally applied to ships of war; and there can be no doubt that before that period, trifling as might have been the impediment offered by the Sow and Pigs Shoal, it would have been sufficient to prevent hostile sailing-ships entering the harbour and passing the batteries at night. Daylight and a fair wind would have been required to enable a vessel to get past. But even under these circumstances, with powerful batteries commanding the passage, it was felt that no ship would make the attempt.

7. The introduction of steam, however, for a time greatly modified, if it did not wholly do away with the advantages claimed for the outer line of defence; for although sailing-vessels might not be able to run past the batteries at the heads by night, steam-vessels could; and it became necessary to provide against such a contingency by constructing the inner line of defence, which was carried out under the instructions of Sir Wm. Denison. The change was rendered necessary in order to meet the altered conditions of the times. Steam had added greatly to the powers of ships for attacking forts, and as yet those means of defence which have since been developed in booms, torpedoes, and gun-boats, had not been discovered, or had not been shown to be such formidable accessories as they have since become.

8. It appears to be now generally admitted that almost any channel may be defended by means of booms, aided by a system of torpedoes protected by gun-boats and heavy batteries on shore; and your Commission have devoted much consideration to the best means of obstructing the channel at the Sow and Pigs, so as to prevent an enemy's fleet running up the harbour at night.

9. The subject of defending channels and approaches by sea to forts and cities has been very fully investigated by the Committee on Floating Obstructions and Submarine Explosive Machines; and the results of their inquiries are set forth at considerable length in their Report to Her Majesty's Secretary of State for War in 1866. The Report states as follows:—

“ The Committee believe, as the result of their investigation, that they are not exaggerating the future importance of active obstructions, in regarding them not only as most invaluable auxiliaries to permanent coast and river defences, but also as affording the means of defending positions on a coast, or small channels on rivers which are unprovided with defensive works. But it is, on the other hand, most important that the probable value of torpedoes and their efficiency as defensive adjuncts should not be over-estimated, and that the opinion should not be for an instant entertained that permanent works of defence could be dispensed with by a defence by torpedoes. However perfect all arrangements for the application of these engines of war may be, they must always present two important inherent defects, which reduce their functions as agents of defence within much narrower limits than those of the artillery of the present day. On the one hand, the powers of destruction possessed by a torpedo are confined to a very limited area as compared with a gun in a fort. Although they are much more formidable when brought into play, they necessarily remain inert until a ship advances within the narrow sphere of their
action

action. Again, any single torpedo can only act once, and the area of water protected by it is afterwards left defenceless; whereas guns can be reloaded and discharged frequently, and command the whole area of water within their range. It is therefore evident that torpedoes can never actually replace artillery: and that whenever they are employed, their value as defensive agents will be greatly increased if they are brought to bear as adjuncts to artillery defences."

The purposes and occasions on which torpedoes are specially applicable are mentioned in the Report as follows:—

- "1st. They may serve as auxiliary defensive agents in connection with permanent defences.
- "2nd. They may be applied, either alone or in conjunction with passive obstructions (*i.e.* booms), to the protection of localities the approaches to which are quite unprotected by permanent defences.
- "3rd. They may be employed as a special naval arm for the attack and defence of ships."

And the Committee go on to observe—

"There are doubtless some localities situated on the coasts or on large rivers in British Possessions, which being in the vicinity of important towns or naval and military stations, might be selected as points for attack in the event of a war, and which are unprovided with any permanent works of defence. In such instances, torpedoes employed either alone or in conjunction with obstructions of a passive character, will afford the means of closing approaches or rivers against an enemy; but it will always be indispensable to the full efficiency of any defensive arrangement by torpedoes or passive obstructions, to provide floating batteries, gunboats, or other armed vessels, not merely to serve the purpose of auxiliary agents of defence, but also to protect the submarine defences against attempts at destruction or removal. It is scarcely necessary to point out that guns in temporary works may in many instances be applied with expedition and very great advantage in the vicinity of positions defended by active and passive obstructions."

And further—

"It is, as already stated, very important that in every instance the application of torpedoes to defensive purposes, even when they are in positions commanded by the artillery of permanent defences, there should be small armed vessels stationed in the vicinity of the lines of torpedoes, to be available as guard-ships for watching the movements of an enemy by day and night, and for opposing any attempt at a search for torpedoes, or at their explosion by small vessels sent in advance of attacking ships. In any preparations of a temporary character for coast or river defences, measures should always be adopted to combine as far as possible the application of torpedoes with the employment of artillery, whether through the agency of floating batteries or other small armed vessels, or on land under the protection of temporary earthworks."

10. Your Commission so fully concur in the soundness of the views set forth in the extracts just given from the Report of the Committee, and so entirely do they seem to meet the circumstances of the present case, that they have adopted them as the basis of the recommendation which they have agreed to make for the defence of the harbour.

11. The outer line of defence proposed is as follows:—

- (1) Batteries on Middle Head, George's Head, Inner South Head, and Shark Point.
- (2) A boom of the form recommended by the Committee on Passive Obstructions, laid in curves convex to seaward, in order to obtain the greatest amount of elasticity, from the Sow and Pigs Rock to George's Head on the one side, and from the Sow and Pigs Rock to the head between Lady Bay and Camp Cove on the other side; the shore ends of the booms to be flanked by guns in casemate batteries.
- (3) Series of lines of torpedoes, laid in the channels on each side of the Sow and Pigs Shoal, and in other positions.
- (4) Two small steam gunboats, each mounting one heavy gun.

12. Having thus indicated the general character of the line of defences which they recommend, your Commission now proceed to describe, for your Excellency's consideration, the details of each part of the system.

1.—Sunken batteries, with armament *en barbette*, as follows :—

	110-pr.	68-pr.	10-in.	8-in.	32-pr.
Middle Head	7	...	...	...
George's Head.....	...	3	2	...	...
Inner South Head (No. 1)	2	...	...	...	...
Do. (No. 2)	2	...	2	...
Shark Point	2	...	...	...

2.—Boom.

The subject of the best form of boom has been so exhaustively examined and discussed in the Report of the Committee on Passive Obstructions, presented to Her Majesty's Secretary of State for War, 1866, that your Commission have found but little difficulty in arriving at a conclusion in reference thereto; and they now beg to recommend the adoption of a single boom, similar in construction to that designed by the Imperial Committee. The Imperial Committee, in their Report, recommend a double boom; but after mature consideration, your Commission are of opinion that, having regard to the class of ships likely to be brought to the attack of this port, a single boom, supplemented by such outlying obstructions as are suggested in the Imperial Committee's before-named Report, and which may be cheaply and readily improvised, and further defended by torpedoes, &c., will be found to be sufficient.

As even a single boom will be a costly affair, involving an expenditure of £16,500, your Commission are of opinion that the accessories, in the form of expensive mooring floats, may be dispensed with. The main structure of the boom should be moored in convenient lengths of 200 yards, with large stones instead of trailing cables, as was proposed for the English boom.

It was at first supposed that a cheaper description of boom would suffice; but after considerable discussion, it was not thought advisable to depart from the plan recommended by the English Committee; the responsibility of doing so in order to effect a saving that would not exceed £3,000 was more than your Commission felt justified in assuming.

For the protection of the boom against boat attacks, your Commission advise that six 32-pounders be placed in casemates, three on each side, and near the shore ends. They also recommend the magneto-electric or limè light to illuminate the water area in the vicinity of the boom.

As there may be a difficulty in obtaining the materials for the boom at short notice, your Commission would further recommend that 72 tons of No. 6 or 8 wire, 1,020 loads of Oregon, Kauri, cedar, or other light wood, be at once purchased and retained in store.

3.—Torpedoes.

The subject of torpedoes has also been very carefully considered; and your Commission have decided on recommending that the water area immediately in front of the boom should be protected by two series of electric torpedoes, each series containing forty-six groups, a group to consist of four torpedoes, each torpedo to be charged with 250 lbs. of gun-cotton, or 1,000 lbs. of gunpowder. Taking into consideration the difficulty of obtaining the requisite number of circuit-closers and

quantity

quantity of insulated wire for an extensive self-acting system of torpedo defence, they recommend that these torpedoes should be fired in groups at will by operators placed on each shore, outside and adjacent to the ends of the boom. These firing stations to be in electric communication with an observing station near the Bottle and Glass Rocks.

Your Commissioner further recommend that the same principle be adopted for the defence of the water area between Bradley's Head and Point Piper, making use of one series of groups of torpedoes, the operating stations to be fixed at these points, and the observing station at Clarke Island. As many self-acting electric torpedoes connected with voltaic batteries and circuit-closers as the means available at the time may admit, should be placed at the entrances of Middle and North Harbours, between Inner South Head and Outer North Head, and between Clarke Island and Darling Point.

The total cost of a torpedo defence as recommended above may be estimated at £20,000, with gun-cotton as the explosive material. In the event of gunpowder having to be used, an additional expense of £16,000 would have to be incurred, owing to the increased bulk of the charges, and the size and strength of the torpedo cases necessary.

With a view to a preparation for torpedo defence, your Commission think it necessary to have always in store—

200 torpedo cases
30 tons gun-cotton
50 miles of wire.

The resources of the Colony would probably meet any further contingency in this respect.

4.—Gunboats.

Your Commission have devoted much consideration to the most suitable kind of gunboat for the defence of the harbour, two designs for which have been brought under their notice:—

The first is that of the gunboat "Staunch," constructed after the design of Mr. George Rendel, for the Admiralty, and carrying one 12-ton rifled gun, capable of throwing a shot of 285 lbs. The estimated cost of this vessel delivered in Sydney is £8,000.

The second is a design for a vessel very similar to the latest description of gunboat built for the French Service. She would be capable of carrying a 12-ton gun, but would not be, like the "Staunch," a sea-going boat; she would be much smaller, and would only cost about £2,000; she would have a double set of engines of 16-horse power nominal, placed beneath the water-line, with a speed of not less than $7\frac{1}{2}$ knots.

Two vessels of the latter class would, in the opinion of your Commission, be quite sufficient for local purposes.

13. With a view of supporting and providing reliefs to the batteries, and to obviate the possibility of their being successfully attacked in flank or rear by an enemy landing in force, your Commission recommend in time of war the formation of entrenched camps in the vicinity of Middle Head and South Head, to be occupied by artillery, infantry, the batteries of position, and field batteries, in such positions and distribution as the military authorities may at the time deem most advisable.

14. As an auxiliary to the defence of Middle and North Harbours, and in the absence of adequate *matériel* for more extended fortifications, your Commission strongly recommend the construction of six 13-inch and six 10-inch mortars, on travelling beds (which can be readily manufactured in the Colony, at a cost not exceeding £2,000). They can also be largely utilized in other positions, for the defence of the seaboard, harbour, and city.

15. Your Commission would further recommend an inner line of defence, the details of which are as follows:—

New Batteries—

	68-prs.	10-inch.	32-prs.
Bradley's Head.....	1	2	...
Garden Island	1	4	...
Goat Island .....	...	...	6
Fort Phillip	(3 13-in. mortars.)		

Old Batteries—

	10-inch.	8-inch.	42	32.
Fort Denison.....	...	1	...	3
Mrs. Macquarie.....	2	...	...	4
Fort Macquarie.....	...	...	5	...
Dawes' Point.....	...	...	5	...

In reference to Fort Denison, your Commission have to explain that the guns in the lower battery are too exposed, and the range too limited, to warrant their retention; it is therefore proposed that the guns in the tower only be allowed to remain.

The withdrawal of half the guns from the body of the work at Mrs. Macquarie's Battery, and a fresh disposition of the embrasures, will save men and enhance the value of the position.

The inner battery of 42-pounders at Fort Macquarie should be retained; but the outer work, from its open nature, being particularly dangerous and easily rendered untenable, should not be occupied.

The upper tier of guns at Dawes' Battery to remain, but the lower tier, being dangerous by reason of the high embankment immediately in rear, it is not thought desirable to retain.

The dangerous nature of Kirribilli, owing to the high face of rock immediately in rear, is sufficient to warrant its disarmament.

The guns rendered available by the above reduction of armament can be utilized for the projected batteries, and those not immediately required for such purpose might be allowed to remain in position as at present.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DEFENCES OF THE COLONY.
(SECOND PROGRESS REPORT OF THE DEFENCE COMMISSION.)

Ordered by the Legislative Assembly to be printed, 14 June, 1877.

Defence Commission Office,
February, 1871.

To His Excellency the Right Honorable SOMERSET RICHARD, EARL OF BELMORE,
Governor and Commander-in-Chief of the Colony of New South Wales.

MAY IT PLEASE YOUR EXCELLENCY—

The Commissioners appointed under your Excellency's Commissions of the 12th and 29th days of September, 1870, respectively, "to inquire into, consider, and report upon all matters touching and concerning measures necessary for the defence of the Colony of New South Wales from foreign aggression,"—have the honor to submit the following further Progress Report:—

1. The great value of the export trade of Newcastle, coupled with the ^{Newcastle.} circumstance of the port being the most convenient in these seas at which an enemy could obtain the necessary supply of coals to enable him to conduct offensive operations against these Colonies, render it necessary, in the opinion of your Commission, that effectual means should be adopted to make the port inaccessible to hostile vessels.

2. With this view, your Commission recommend that a boom of similar construction to that described in their former Report should be laid obliquely across the narrow part of the channel, at the entrance to the port; that is to say, from Stony Point to the Oyster Bank. The oblique direction would prevent the boom being run under by the tide, which at this point has considerable velocity, would further tend to turn a vessel coming in contact with it into the shoal water at the shore, and would, moreover, prevent it being struck at right angles.

3. The boom should be defended by a system of torpedoes both on the outside and inside, and be further supported by batteries at the following positions—

	8-in.	32.
Signal Hill	2	2
Cathedral (north side) .....	...	3

4. Your Commission would also recommend a battery of two 32-pounders on the high cliffs opposite the Barracks, to command the immediate seaboard, from which an enemy might bombard the city.

5. With the foregoing system of defence, and assuming that the buoys and lights would be removed if an attack were impending, your Commission are of opinion that the port would be rendered as secure as the present means of the Colony will allow.

Botany.

6. Your Commission think it highly improbable that a direct attack on Sydney, or any attempt to invest it, will be made from the direction of Botany Bay, as such could not be undertaken with any prospect of success, except by a considerable force, accompanied with the necessary guns, *matériel*, supplies, transport, &c.

7. In attempting a landing under such circumstances, the attacking force would be placed at so great a disadvantage as should ensure its repulse; but even should a landing be effected, still the country between Botany and Sydney presents so many positions for formidable obstruction, that your Commission do not apprehend any serious danger from that quarter.

8. The principal danger to be guarded against at Botany would probably be an attempt to destroy the Waterworks, either by the fire of heavy guns from vessels lying out in the bay or by a boat attack. As regards the former, the bay is so shoal that no frigate drawing over 20 feet could approach within 3,400 yards of the works; she would therefore be obliged to remain within range of the batteries of position (40-pounder Armstrongs) at the Customs Look-out Station, to which point the Military Road recently constructed, in accordance with recommendation of your Commission, affords ready means of access. To resist a boat attack, your Commission recommend the construction of an earthwork for three 32-pounder guns, immediately adjacent to the Engine-house, and commanding the channel. It would further add to the security of the works if a number of small torpedoes were placed throughout the water area in the vicinity.

9. It should be borne in mind that though Sydney is mainly dependent for water on the Botany Works, yet it is not wholly so; for in case of injury to the pumping machinery the city might still continue to receive a supply (scanty perhaps, but still sufficient for emergencies) by gravitation through Busby's Bore, by which means it was solely supplied for many years.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DEFENCES OF THE COLONY.
(TELEGRAMS RESPECTING.)

Ordered by the Legislative Assembly to be printed, 14 June, 1877.

Telegram from the Colonial Secretary to His Excellency Sir W. Jervois, R.E.,
C.B., K.C.M.G.

Sydney, 11 June, 1877, 6 P.M.

REFERRING to your Report, page 20, paragraph 1, will you kindly say whether the "two battalions of militia infantry" could be supplied by our Volunteer Force—at all events, in the first instance, until time could be allowed for reconstructing force? In other words, does the Report contemplate the immediate raising of a Militia of 1,000 men, rank and file, in addition to our existing Volunteers?

Telegram from His Excellency Sir W. Jervois, R.E., C.B., K.C.M.G., to the Colonial
Secretary.

Melbourne, 12 June, 1877.

THE Report does not contemplate the immediate raising of a Militia in addition to your existing Volunteers; it contemplates improved organization of existing forces so far as they can be made available, and that powers shall be obtained from Legislature as proposed, paragraph two (2), page twenty (20), soon as Government can mature a measure with this object.

1876-7.

NEW SOUTH WALES.

VOLUNTEERS.

(HEAD QUARTERS BAND REGULATIONS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 5, sec. 50.

Colonial Secretary's Office,
Sydney, 24th August, 1876.

His Excellency the Governor having been pleased, with the advice of the Executive Council, to make the following Regulations for the Volunteer Head Quarters Band Corps, in substitution for the Rules published in the Government Gazette of the 10th October, 1871, directs their publication in accordance with the 50th section of the "Volunteer Force Regulation Act of 1867."

JOHN ROBERTSON.

HEAD QUARTERS BAND CORPS.

The following Rules of the above Corps are in substitution for those published in the Government Gazette of 10th October, 1871.

1. Any person desirous of admission to the Corps shall make personal or written application to the Director, stating name, place of abode, and occupation, and shall attend at such time and place as the Director may appoint, to be examined by him as to his qualification.

2. No one shall be considered a member of the Corps until he shall have taken the Oath of Allegiance as prescribed by the Act, 33 Victoria No. 14, and signed the Muster Roll.

3. Every member shall provide himself with the Undress Regulation Patrol Jacket and Forage Cap before being supplied with the full dress of the Corps.

4. Every member shall, when receiving his uniform, sign the authorized contract note.

5. The Band shall be divided into two classes, paid and unpaid members, the former consisting of 1 Sergeant and 20 rank and file, who will receive the following monthly rates of pay, viz. :—

	£	s.	d.
Sergeant.....	1	10	0
Rank and file, each	1	0	0

the duties for which will be to attend Four Parades per month ; any paid member absent from any of these duties will have a stoppage of one-fourth taken from his monthly pay for each offence ; and all such stoppages will revert to the General Band Fund.

6. Any paid member absent without leave from parade will be fined 2s., and absent from practice, 6d. for each absence.

7. Any non-paid member absent from a parade as ordered in the monthly circular or by advertisement signed by the Commanding Officer will be fined 1s., and neglecting to attend twice at practice in each month will also be fined 1s., unless he has obtained leave of absence, or within seven days sent an excuse in writing satisfactory to the Director.

8. Any member who shall attend parade not dressed according to regulation or order, or whose instrument, accoutrements, or clothing shall be dirty or in any way unserviceable from neglect, will be fined 1s.

9. Any member changing his permanent address must within seven days give notice of the same to the Director, under a penalty of 1s.

10. Any member making application for leave of absence for more than fourteen days shall if required deposit his instrument (if the property of the Corps), accoutrements, and uniform, in the place appointed, under a penalty of 5s.

11. Any member wishing to leave the Corps shall give fourteen days notice in writing to the Director and return all property in his possession belonging to the Corps, but shall pay for any damage chargeable through neglect.

12. Any member guilty of any irregularity on parade shall be liable to a fine of 1s.

13. That no member shall under any circumstances wear the uniform or use instruments the property of the Corps on any private engagement or occasion without having obtained permission from the Director, under a penalty of 10s.

14. Any member losing or damaging music the property of the Corps shall make good the same, or failing to do so shall pay the full value of that lost or damaged, the amount to be decided by the Director.

15. The Sergeant shall be entrusted with the duty of issuing to the members the monthly circulars at the first parade of the Corps ; he shall keep an account of all payments and fines of every member and insert the same in the monthly circulars.

16. Any member who may be fined must pay the amount to the Sergeant within fourteen days of notification to him, and in default of such payment shall be proceeded against according to law.

17. All moneys arising from fines shall be paid over by the Sergeant to the Director monthly, who will pay the same into the fund of the Corps, to be appropriated from time to time as shall be determined by a majority of the members.

18. Any member being absent when the Roll is called will be fined 3d. ; but if he can assign a reasonable excuse for being late it will be remitted.

JOHN S. RICHARDSON,
Lt.-Col., Comdt.

Sydney, 18th July, 1876.

1876-7.

NEW SOUTH WALES.

VOLUNTEER FORCE REGULATION ACT OF 1867.

(MONEYS EXPENDED UNDER, IN 1876.)

Presented to Parliament, pursuant to Act 31 Vict. No. 5, sec. 51.

STATEMENT of all Moneys paid on account of the above Force during the year ended the 31st December, 1876, furnished in accordance with par. 51 of the Volunteer Act of 1867.

Particulars.	Amount.		
	£	s.	d.
Salaries and allowances—amount paid	6,519	9	0
Forage—Allowance in lieu thereof, paid to the Officers of the General Staff, to Officers commanding Brigade of Artillery, Sydney and Suburban Battalions Rifles, 1 paid Adjutant ; and Garrison cart-horse	574	5	0
Travelling expenses to General Staff and Volunteer Officers	527	4	7
Compensation in lieu of Uniforms to Staff Sergeants and Sergeant Instructors	96	10	0
Capitation allowance for Artillery and Rifle Corps	3,237	8	4
Musketry Badges issued to Marksmen	150	7	0
Hire of horses for field Guns and mounted Officers of Artillery and Rifles	364	16	0
Brigade Band, contribution to	300	0	0
Rifle Association, contribution to.....	500	0	0
Armoury, repairs and materials, and incidental, including freight and cartage of ammunition	1,105	9	2
Collecting and cleaning arms of Country Corps, annual allowance of £5 each.....	90	0	0
Rifle Ranges, constructing new Butts, and keeping in repair the several Rifle Ranges at Head Quarters and of Country Corps.....	154	3	4
Office rent for General Staff, Volunteer Artillery Brigade, Sydney and Suburban Battalion of Rifles	360	0	0
Office rent for Officers commanding the Northern, Western, and Southern Battalion Rifles, at £15 per annum	45	0	0
Officekeepers to offices at head quarters	31	14	0
TOTAL EXPENDITURE.....	£ 14,056	6	5

THOS. BAYNES, Major,
Brigade Paymaster.JOHN S. RICHARDSON, Col.,
Commandant.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEER MILITIA BILL.

(MEMORANDUM OF COLONEL RICHARDSON.)

*Ordered by the Legislative Assembly to be printed, 19 June, 1877.**Memorandum to accompany rough draft of Volunteer Militia Bill.*

IN accordance with instructions I beg to submit a rough draft of a Volunteer Militia Bill, compiled from the English, Canadian, and New Zealand Militia Acts, and the Imperial Mutiny Act, with such alterations, additions, &c., as I have deemed to be suited to the conditions of the Colony.

Having adhered in all material points, save one, to the recommendations regarding the re-organization of the Military Forces, contained in my memorandum of the 21st April, 1875 (ordered to be printed by the Legislative Assembly on the 16th of November, 1875), and moreover, being desirous of further supporting the same, I have to request that the accompanying draft may be considered in conjunction with the two memoranda.

The establishment of the Regular Artillery has been recently doubled; but the necessity of retaining one-half of the entire strength at the outer batteries on account of the extent of the districts, the scattered nature of the works, and the valuable and various descriptions of ordnance and stores, not only requires the maintenance of a larger staff of non-commissioned officers than would otherwise be the case, but militates much against the efficient training of the Force in drill and discipline, and interferes with the proper performance of the duties of the garrison.

The above considerations induce me to suggest a further addition to this branch of the Force, not only with a view to its more thorough efficiency, but also that it may be enabled to act as a school of training and instruction to the artillery branch of either a Militia or Volunteer Force, as the case may be. This could be effected by regularly passing a proportion of fairly trained non-commissioned officers and men after eighteen months service into either of the Forces above-mentioned, there to complete five years service, retaining however the present strength of two batteries as a nucleus composed of five years' service men. Officers and others of the Militia or Volunteers should also be encouraged to do duty for a short time with the Regular Artillery for the purposes of instruction. A similar course could, with much benefit, have been pursued as regards the Militia or Volunteer Infantry had the Regular Infantry now been available.

I have said that the length of the annual training would not be all that could be desired, nor would it; but the fruitlessness of submitting a recommendation most unlikely to be entertained is obvious. The provisions however of this draft not only allow of either increase or reduction in the duration of the annual training but of its total dispensation, at the discretion of the Governor and his responsible advisers.

The ordinary period of continuous training it will be seen is not to be less than eight days, and not more than sixteen days per annum, which corresponds with the training in Canada, but is much less than that fixed for the English Militia.

Under no circumstances should this continuous training be omitted, nor be for less than eight days, as it is otherwise impossible for the various ranks to acquire a practical knowledge of true discipline, or to become acquainted with the duties incident to the camp and the field.

According to the Duke of Wellington *discipline* means not only drill, but habits of obedience to orders, subordination, regularity, and interior regimental economy, which last, I may remark, is to the full as important as drill in a military point of view, and *cannot be practised, except when opportunity offers by continuous training*. Without such training there can be no uniformity on the part of officers and non-commissioned officers in the administration of discipline and the treatment of those under them; and it is not too much to say, I have found officers improperly shrink from the duty and responsibility of exercising the disciplinary powers vested in them by the Volunteer Act, and others again who have abused that power. And here I am tempted to inquire, what confidence can the rank and file have in a system which is open to such mal-administration, or what consistent standard of discipline can be maintained under the circumstances?

Officers who have served in the Imperial Army know too well the difficulty of getting good and trustworthy men to occupy the position of non-commissioned officers, who are the soul of the army, and on whom the discipline of a regiment mainly depends, and forming as they do the connecting link between officers and men, their duties are consequently (as Mr. Gathorne Hardy, the Secretary of State for War, recently observed), "more invidious and difficult than those of the officers, who have never been the comrades of the men they command." There can be no doubt that much of the crime in the military service is caused by the want of firmness, tact, temper, and a uniform method of treating men, which is the characteristic of indifferent non-commissioned officers, the sequence being indifferent and discontented regiments. It therefore especially follows that both officers and non-commissioned officers require some continuous training to fit them for their respective positions and duties.

In America, the system of election of officers by corps recently obtained, and was practically and fully tested during the late civil war in that country, but produced as a matter of notoriety such unsatisfactory results as led to the wholesale shelving of a large number of such officers; indeed, General Sherman (than whom there is no better authority), in his work on the war, utterly condemns the system as vicious, and inapplicable to the conditions and requirements of the military service.

As regards the peace establishment attached to my former memorandum, I have to observe that it is capable of expansion in time of war to about 6,256 of all ranks, which, with the regular artillery and Naval Brigade, would give 6,790. The addition, however, of a battery of position at Newcastle, and another regiment of Infantry at head quarters, would give 7,778 of all ranks, or in round numbers 7,000 effectives for the purpose of defence, which number I am of opinion would place us in a fair position to meet any probable attack.

The only point in my former memorandum from which I have materially diverged, is in regard to the opinion I therein hesitatingly expressed as to the non-application of the Mutiny Act and Articles of War in time of peace. After much consideration I now recommend the application of such Act and Articles both in peace and war, for it is to be noted that discipline being the keystone of an effective military organization, it is essential that executive power should be given for its enforcement and maintenance on all occasions. Lord Loughborough thus expresses himself on the subject:—"The army being established by the authority of the Legislature, it is an indispensable requisite that there should be order and discipline kept up in it, and that the persons who compose the army for all offences in their military capacities should be subject to trial by their officers." Hence the absolute necessity of the Mutiny Act. It is also to be borne in mind that a severe penal code carries with it no terrors for the well-conducted soldier, but is rather calculated for his protection than otherwise; besides which, the Militias of England, Canada, and New Zealand are subject to such Act in time of peace, as also the English Volunteers when brigaded with regular and Militia troops.

From what I know of the Volunteers of this Colony I do not hesitate to say a large majority of them would prefer not only a higher disciplinary code but such a training as would render them more fitted for the military service of their country; and judging from the voluntary attendance of the Force at the Encampments of 1873 and 1874, when the periods of training, going to, and returning from camp occupied five days, it is not too much to assume that an annual attendance, at all events of eight days, would be practicable.

The question of rates of pay must be dealt with by regulation, and should bear a close analogy to those ordinarily ruling the labour market, for although the ballot under certain circumstances would be possible, and indeed necessary to induce employers to offer facilities instead of obstructions to those desirous of serving the State in a military capacity, still I think it should be avoided by all legitimate means, the chief of which is fair remuneration for services performed. In addition to the rates of daily pay, I would recommend deferred pay at the rate of £5 per annum, to be paid on completion of service. This will bring the annual cost to about £15 per head on account of instruction, pay, clothing, rations, &c.

Although I have endeavoured to point out in these memoranda the chief defects in the present system, there are others of a grave nature, such as night drills, which are of no practical good, and (except for recruits in properly lighted sheds) tend rather to engender a loose and faulty style of drill, which soon becomes confirmed, and under the circumstances difficult, if not impossible to eradicate. Again, the system which permits a Volunteer to choose whether he shall obey an order or not (I refer to the ordinary orders for parade), cannot but in cases insensibly inculcate the feeling that the obligation to obey an order depends upon the opinion entertained by the individual of its propriety.

Being deeply impressed with the importance attaching to the training of the Military Forces of the Colony, I again ask consideration of the very significant warning extracted from Major Home's work entitled "Précis of Modern Tactics," and quoted in the last paragraph but one of my memorandum of 21st April, 1875.

JOHN S. RICHARDSON,
Colonel Commandant.

Sydney, December 16th, 1876.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

VOLUNTEER LAND ORDERS.

(DISPUTED CASES—CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 20 July, 1877.

RETURN (*in part*) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 25 April, 1877, That there be laid upon the Table of this House,—

“ Copies of all Minutes, Correspondence, and other Documents in the
“ possession of the Government relative to disputed cases as to the issue of
“ Volunteer Land Orders.”

(Mr. Cameron.)

VOLUNTEER LAND ORDERS.

Corporal D. M'Leod's case.

Corporal D. M'Leod to The Colonial Secretary.

No. 11, Middle-lane, Crown-street, Woolloomooloo,
Sydney, 30 June, 1874.

Sir,

I have taken the liberty of laying my case before you, which to me, a poor man with a struggling family, is indeed very distressing. I do so, well knowing your generous wish at all times to see equity and justice done at all times, and in this case humbly trust that you will, so far as you can, assist me in my humble application.

The nature of the case is as follows:—

On the formation of the Duke of Edinburgh Highlanders I became a recruit and in course of time a corporal of the same (No. 2 Coy.), and have been connected with them up to the present date (which was in July, 1868). I was also a soldier in the British Army, first serving in the 42nd Highlanders, then in the 71st Infantry, and then in the 57th Infantry, and with that regiment through all the Crimean campaign, and arrived in this Colony in 1866. Surely after having seen so much service (for which I hold two medals—one with three bars, and the Turkish medal) there can be no doubt in any right-thinking mind but that my efficiency must be indisputable.

Honorable Sir, my complaint is this:—In July next I will have served six years as a Volunteer of this Colony, and have not received the land order to which I humbly consider I am justly entitled to. I hold four certificates of efficiency for the years 1869, 1870, 1871, and 1872, and was refused that of 1873 on the very simple grounds of having missed a few musketry drills. (This happened in consequence of my being a military tailor, and working for D. Jones & Co., also Messrs. Moore, Henderson, and Bowcher, who during that year were very much pressed with the uniforms for what was then known as the Permanent Force.)

In consequence of my services being to these firms indispensable—and my Lieutenant, Mr. Chisholm, who is a clerk in the Council of Education (now Captain), holds all the papers connected with my many applications; knew well that I was an old soldier, and had served my country bravely through many hard-fought engagements, in wet and dry, and by night and day, in the most arduous Crimean campaign.

Honorable Sir, I do humbly request that in the course of your high and responsible position you will be pleased to consider and have the paper laid before you (now in the hands of Mr. H. J. Chisholm, Council of Education),—which consideration I humbly pray may be in my favour.

I have, &c.,

DUNCAN M'LEOD.

Commandant, for report.—H.P., 20/6/74. The Commandant, B.C., 1st July, 1874. For the U.S.—M.R.A.

The Commandant to The Colonial Secretary.

Sir,

Brigade Office, Sydney, 2 July, 1874.

30th June, 1874.

In returning the accompanying letter I have the honor to report for your information, that Corporal M'Leod, No. 2 Highlanders, failed to qualify as an efficient in not having gone through the course of musketry as required by the Regulations, and I was therefore unable to issue a certificate of efficiency for the year 1873.

I beg leave also to point out that Corporal M'Leod has acted contrary to the Volunteer Regulations in addressing his letter direct, instead of through the prescribed channel.

I have, &c.,

JOHN S. RICHARDSON,
Lieut.-Col., Commandant.

The Principal Under Secretary to Corporal D. M'Leod.

Sir,

Colonial Secretary's Office, Sydney, 29 September, 1874.

In acknowledging the receipt of your letter of the 30th of June last, applying for a land order, your claim to which is barred by the want of a certificate of efficiency for the year 1873, I am directed by the Colonial Secretary to inform you that your application has been referred to the Commandant, who reports that as you failed to qualify as an efficient, not having gone through the course of musketry required by the Regulations, he was unable to give you the certificate in question.

I have, &c.,

HENRY HALLORAN.

Private S. Graham's case.

Memorial of Mr. Graham.

To His Excellency SIR HERCULES ROBINSON, Governor of New South Wales, Commander-in-Chief of the Forces, &c., &c., &c.—

The Memorial of Samuel Graham, of Bank Chambers, Sydney, stockbroker,—

HUMBLY AND RESPECTFULLY SHOWETH:—

That your memorialist joined No. 3 Company of Rifles, Sydney Battalion, in January, 1861, and resigned in 1870—having been over nine years a Volunteer—seven years under the old Act, which were to be computed as three years, and two years under the new Act, for which he duly received certificates of efficiency. After completing the term his land order is withheld because he did not attend a certain number of times in 1867, for six months of which he had regular leave of absence from his Captain duly entered in the returns of the Company.

Your memorialist attended over 300 parades and drills, besides passing through musketry instructions several times and ranking as marksman, did duty by mounting guard while the regular troops were away at Lambing Flat, and afterwards while they were in New Zealand; was always efficient even when volunteering was unpopular, and never once reported. It appears that Colonel Richardson maintains that a Volunteer must have attendances when on leave just the same as when not on leave. So that from a deficiency in number of attendances, which arose from deeming the leave of absence sufficient, the whole of the service of your memorialist would be ignored, which it is respectfully submitted to your Excellency would not be equitable.

Your memorialist would respectfully point out that, unless in your Excellency, there is no appeal or redress for these military affairs, as the several members of the Cabinet refer them back to Colonel Richardson, who has already given an adverse decision; hence an appeal from Colonel Richardson is made to Colonel Richardson.

In August, 1870, your memorialist applied for redress to the Hon. John Robertson, Minister of Lands then, who stated the order should be issued, but wished it applied for in a certain form through Mr. Fitzpatrick, the Member for Yass—*vide* letter marked "A"—Mr. Robertson exchanged from being of the Lands to be Colonial Secretary. In December I received, through Mr. Fitzpatrick, letter "B," stating Col. Richardson !!! did not feel justified, &c., &c. Subsequently your memorialist applied to Mr. Windeyer, then Solicitor General, who said, "he had always regarded a leave of absence as excusing a Volunteer from attendance, and from any other disabilities that would otherwise ensue, or else" he continued "what was the use of a leave of absence?" He applied to Colonel Richardson, but without avail. So that Mr. Windeyer, Solicitor General, a Captain of Volunteers for years, who retired on his rank, always held the opinion that the leave of absence was an exemption from attendance.

Since that period your memorialist applied through Mr. Neale, M.L.A. for Sydney, to the Honorable H. Parkes, as Premier; they were both of opinion that he was entitled to the land order. After a lapse of some months the answer came that it was a very hard case indeed, but Mr. Parkes could not get it remedied. In the meanwhile it is believed the matter had again been refused by Colonel Richardson. It is worthy of remark, in letter marked "C," that the Attorney General says "your claim to a land certificate cannot be recognized unless you obtain the certificate of the Officer Commanding the Volunteer Force, &c.," but certainly does not say that the Commanding Officer should not issue, &c.

As to actual efficiency, that has never been questioned; indeed that is admitted, for in paper marked "D" there is an official certificate from Colonel Richardson exempting from the jury in 1869, because your memorialist had been an efficient Volunteer for the preceding two years, according to the Act, *viz.*, 1867 and 1868.

Your memorialist would respectfully submit the whole circumstances to your favourable consideration, confident that where the whole of the duties belonging to a Volunteer has been faithfully discharged, excepting in one particular, where misled by an official leave of absence, your Excellency will be of opinion, for a technical error, nine years *bonâ fide* service should not be forfeited; and that it is not beneficial to the public weal for the Government of a country to press to extremes a trifling defect to the serious detriment of an individual.

Your memorialist will ever pray.

SAMUEL GRAHAM.

The Commandant to The Aide-de-Camp.

Dear Captain St. John,

Brigade Office, 26 February, 1874.

Samuel Graham not having performed the number of drills during the year 1867 which would have entitled him to be considered as an efficient Volunteer on the 1st of January, 1868, could not, under clause 45 of the "Volunteer Act, 1867," reckon past service prospectively towards grant of land. I made two reports to the Colonial Secretary as to how the matter stood, *viz.*, on the 8th of December and 20th of December, 1870, and am under the impression that the Colonial Secretary declined to authorize the issue of the land order.

Yours, &c.,

JOHN S. RICHARDSON.

P.S.—It would appear Graham left the Force in 1870.—J.S.R.

Minute of His Excellency the Governor.

Colonial Secretary,

Government House, Sydney.

This petition was presented to me by Mr. Garrett, M.P. I informed him application should be made to the Minister of Lands, as the question in dispute was not one connected with discipline, and I could not interfere. He seemed to think it was a question of discipline, as former Col. Secretaries and Ministers of Land were anxious to give the land order, but Col. Richardson refused to certify, and he suggested that I as Commander-in-Chief might compel him to do so.

It appears to me Col. Richardson's decision was quite correct. Time spent on leave of absence cannot be considered as *efficient service* entitling a Volunteer to payment in the shape of a land order.

I think the petition may be acknowledged from the Col. Secy's. Office, and Mr. Graham informed that as he is not legally entitled to a land order it is not in my power to grant him the redress he seeks in the matter.

The enclosures to the petition which are in the original may be returned.

H.R.,
2/3/74.

Minutes of the Principal Under Secretary, &c.

WERE not His Excellency's directions carried out? If not, may I ask why not? It seems now almost too late.—26/10/74. Could not be carried out without instruction from the Colonial Secretary, and was submitted therefor.—26/10/74. A letter as directed to Mr. Graham, returning the enclosures, may be prepared now.—28/10/74. Mr. Graham, 31 Oct., 1874.

The Principal Under Secretary to Mr. Graham.

Sir,

Colonial Secretary's Office, Sydney, 31 October, 1874.

With reference to the Memorial addressed by you to His Excellency the Governor in or about the month of February last, concerning your application for a land order under the "Volunteer Force Regulation Act of 1867," which application had been refused in consequence of your failure to qualify yourself as an efficient Volunteer in 1867, I am now directed by the Colonial Secretary, by command of the Governor, to inform you that, as you are not legally entitled to a land order, it is not in His Excellency's power to grant you the redress you seek in the matter.

2. The original enclosures which accompanied your memorial are returned herewith.

I have, &c.,
HENRY HALLORAN.

Mr. Graham to The Colonial Secretary.

Hon. Sir,

Bank Chambers, 22 February, 1875.

I beg to acknowledge the receipt of your letter, dated 31st October, wherein you say, "by command of the Governor to inform you that, as you are not legally entitled to a land order, it is not in His Excellency's power to grant you the redress you seek in the matter."

I respectfully request that the question be reviewed, as the Governor could not have been well-advised, to take a purely technical advantage of an error (if error it be) which arose from placing confidence in a leave of absence issued and filed by the proper military authorities, which leave of absence was a delusion and a snare if the attendances are required notwithstanding. I submit that it is derogatory to the position of a British Governor to take a technical advantage of an individual citizen who has fulfilled the spirit of his engagement. Where would be the necessity of applying to His Excellency for redress if one were legally qualified? The whole question lies in the fact that the legality is questionable, but there is no question about my having served nine years as a Volunteer.

I therefore trust you will see upon revision my prayer should be granted.

I have, &c.,
SAMUEL GRAHAM.

Papers must be looked up.—23/2/75. Is this not one of the cases referred to the Attorney General for proposed Bill? 2/4/75.

Mr. Graham to The Colonial Secretary.

Hon. Sir,

Bank Chambers, Sydney, 24 April, 1876.

Having been informed by one of the Staff Officers of the Volunteers (Adjutant Baynes) that it is the practice to reckon duly granted leave of absence as part of the time of service, my land grant being withheld for being absent on leave, through Adjutant Baynes I addressed the Commandant on this point, who replied, "Your best course would be to apply on the subject to the Honorable the Colonial Secretary." This I now have the honor of doing, and trust you will afford me the justice which has so long been delayed.

I have, &c.,
SAMUEL GRAHAM,
(late of No. 3 V. Rifles, Sydney Battalion.)

The Commandant, for the favour of report., B.C., 25/4/76.—H.H.

The Commandant to The Principal Under Secretary.

Sir,

Brigade Office, Sydney, 2 May, 1876.

I have the honor to report, with reference to the enclosed correspondence, that Mr. Graham joined the Volunteer Force in 1861, and attended drill during that and following years, until he quitted the service in July, 1870, after applying for his land order, which I could not grant, as he had only attended three drills instead of eight as required in 1867 to enable him, under clause 45 Volunteer Act, to claim past service prospectively towards grant of land.

Mr. Graham now puts forward a plea that he had leave of absence during a portion of 1867, which is correct, and that such authorized absence precluded his performance of the requisite number of drills, and therefore should not prejudice his claim to count services prior to 1868. With reference to the question of leave of absence, I have to inform you that the Crown Law Officers have given an opinion to the effect that when a Volunteer has failed to qualify as an efficient in any one year through leave of absence, the want of such year's efficiency shall not break the continuity of service towards a land order.

I may however state that, as regards this particular year (1867), during which it was necessary to qualify as an efficient in order to count past service prospectively towards grant of land, that certain exceptions have been favourably entertained by the Government, viz., in the cases of Volunteers who did not qualify by reason of sickness, family bereavement, floods, &c.

In conclusion, I have to draw your attention to the fact that the number of drills required for efficiency during 1867 was fixed not (as subsequent to that year) by the Volunteer Regulations but by Brigade Order, approved by the Government, and prior to the introduction of the present Volunteer Act.

I have, &c.,

JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

May await further application.—22/7/75

Corporal G. Martyr's case.

The Commandant to The Principal Under Secretary.

Sir,

Brigade Office, Sydney, 2 May, 1876.

I have the honor to forward herewith, for the information of the Honorable the Colonial Secretary, papers connected with the land order application of Corporal Martyr, of the Goulburn Corps of Volunteer Rifles, who will complete five years efficient service on the 2nd June next, and to request instructions regarding the same.

Corporal Martyr joined the Goulburn Corps on the 22nd March, 1869. He was efficient for that year, and for the years 1870 and 1871. In the September quarter of the year 1872 he was discharged from the Goulburn Corps by the then Captain Rossi, but subsequently reinstated by direction of His Excellency the Governor in March, 1874. In 1874 and 1875 he was efficient. On the 2nd June next, as before stated, Corporal Martyr will have done five years efficient service, but the continuity of the service, as required by the Volunteer Act, has been broken by his discharge from his corps in 1872.

His Excellency the Governor's instructions, when dealing with Corporal Martyr's case, are shown in his letter of 11th March, 1874—copy attached.

I have, &c.,

JOHN S. RICHARDSON, Lieut.-Col.,
Commandant.

Rifle Volunteer Corps. Certificate of efficiency of Private George Martyr, of the Goulburn Corps for the years 1870, 1871, 1872, 1875, and 1876.

[Enclosures.]

Corporal G. Martyr to The Commandant.

Sir,

Goulburn, 21 April, 1876.

I have the honor to apply to you for my land order under the provisions of the Volunteer Act.

I enclose certificates of five years service, but as they do not show continuous service I beg to quote from minute from Brigade Office, dated July 9th, 1874 (74-1,532), as follows:—

“*** The non-possession of certificates for the period he was struck off the roll of the Goulburn Corps will not, however, be allowed to break the continuity of Private Martyr's service; with this view it would be as well for Mr. Martyr to take a note of the purport and date of this communication, so as to quote it when making his land order application. By command.”

I may remark that, without counting the time I was dismissed from the corps, I have actually served over six years.

GEORGE MARTYR,

Corporal, G.C.V. Rifles.

Forwarded, 24/4/76.—W. J. DIGNAM, Captain, No. 5 Compy., 3rd Regiment.

Captain Dignam to Major Christie.

Sir,

Goulburn, 24 April, 1876.

I beg to forward the enclosed applications for land orders from the undermentioned members of the Goulburn Corps, and enclose their certificates, viz.:—Corporal Martyr, George; Private Spice, Henry.

On the 19th instant I forwarded land order application from Private Joseph Dunn and omitted his name in full as written above.

I have, &c.,

W. T. DIGNAM,
Captain.

His Excellency the Governor to The Commandant.

Sir,

Government House, Sydney, 11 March, 1874.

I have the honor to acknowledge the receipt of your letter of the 9th instant, reporting upon a petition addressed to me by Mr. Martyr, praying that for the reasons stated therein he may be reinstated in the Goulburn Volunteer Corps.

Although Mr. Martyr's conduct in the matter which led to his dismissal was reprehensible, I am disposed to think upon a consideration of all the facts which were adduced at the recent inquiry that he has been sufficiently punished by the interruption which has already taken place in his service, and I have accordingly to authorize his being now reinstated in the corps in the position which he held at the date of his dismissal.

I have, &c.,

HERCULES ROBINSON.

True copy.—W. B. B. CHRISTIE, Major of Brigade.

The

The Commandant to The Principal Under Secretary.

Letter from Cor-
poral Martyr,
10/6/76. Brigade
Office memo.,
19/6/76. Letter
from Martyr,
2/8/76. Brigade
Office memo.,
5/9/76.

Sir,

Brigade Office, Sydney, 6 September, 1876.

I have the honor to forward herewith, for the consideration of the Honorable the Colonial Secretary, further papers having reference to the application from Corporal Martyr, of the Goulburn Corps of Volunteer Rifles, for a land order, which accompanied my letter (76-167) of the 2nd May last.

I have, &c.,

JOHN S. RICHARDSON, Col.,
Commandant.

[Enclosures.]

Corporal G. Martyr to The Commandant.

Sir,

Goulburn, 10 June, 1876.

In reply to your letter from Brigade Office (No. 76-166), having reference to my application for my land order, I have the honor to draw your attention most particularly to Brigade order of 13 March, 1874 (No. 38), as follows:—

"His Excellency is pleased to approve of Mr. G. Martyr being re-instated in the Goulburn Company Volunteer Rifles in the position he held at date of his dismissal."

"By Command,

"W. B. B. CHRISTIE,

"Major of Brigade."

I would remark that the words "in the position he held at date of his dismissal" show plainly that I was not to be prejudiced in any way by what had taken place.

Again, I must refer to the minute from Brigade Office of July 9th, 1874 (74-1,532), wherein, in reply to my application for certificate, I am distinctly told that "The non-possession of certificates for the period he was struck off the roll of the Goulburn Corps will not, however, be allowed to break the continuity of Private Martyr's service."

Here are, then, two distinct acknowledgments that I was in no way to lose my status in the company, or my claim to my land order (this latter shown particularly by the words "not be allowed to break the continuity") through a dismissal which was subsequently reversed.

The letter first above referred to states "that instructions will be sought from the Government;" also that my "five years service will not be completed till June." With regard to the last quotation, I fail to see how that can be the case, considering that I have in fact served over seven years; however, the question of a month or two is of no consequence, and now that the month of June is entered upon, I have again the honor to request that my land order may be issued to me.

If I am to be debarred from receiving it now I fail to see how His Excellency's instructions in Brigade Order 38, above referred to, can be adhered to, nor yet how the terms of minute 74/1,532, also above quoted, can be complied with. I would respectfully submit that when the above minute was penned, the Commandant must have taken the same view of His Excellency's instructions as now just formed by me, and that he must have believed that I was fairly entitled to my land order at this time.

I have therefore the honor again to ask that such land order may be issued to me without delay.

I have, &c.,

GEORGE MARTYR,

Corporal, G.C.V. Rifles.

Forwarded.—W. J. DIGNAM, Captain, No. 5 Company 3rd Regiment, 13/6/76. Forwarded.—
W. H. HOLBOROW, Major, Commanding 3rd Regiment V.R., 17/6/76.

Major of Brigade to Major Holborow.

Memo.

Brigade Office, Sydney, 19 June, 1876.

THE Commandant has persued a letter dated 10/6/76 from Corporal George Martyr, of the Goulburn Corps of Volunteer Rifles, on the subject of his land order grant, and must adhere to his decision as expressed in Brigade Major's letter of 2/5/76. His Excellency the Governor's decision as to Mr. Martyr's re-instatement did not render Mr. Martyr's service continuous, although at the time Brigade Office memo. of 9/7/74 was written it was believed there would be no difficulty in obtaining from the Government (as had been done in one or two similar cases previously) a special authority under the circumstances to consider the case as one of continuous service. But decisions given by the Crown Law Officers subsequent to the date on which Brigade Office memo. of 9/7/74 was written, rendered the Commandant quite unable to consider the case as one of continuous service, and also it is believed rendered the Government indisposed to grant authority for treating such cases in an exceptional manner. But it is understood the Government intend dealing with Mr. Martyr's case as well as those of some others, by special enactment, and with this view his case has been reported on to the Honorable the Colonial Secretary, and it is believed that the matter will be dealt with without much delay during the present session of Parliament.

By command,

W. B. B. CHRISTIE, Major,

Major of Brigade.

True copy.—W. B. B. CHRISTIE, Major of Brigade.

Corporal G. Martyr to The Commandant.

Sir,

Goulburn, 2 September, 1876.

I have the honor again to write to you on the subject of my land order, and beg to refer you to my letter of 10th June, 1876, and your memo. from the Brigade Office, dated 19th of same month.

I would more particularly draw attention to the last paragraph in your memo., as to my and other cases being dealt with by special enactment during the present session of Parliament.

The session is now over and nothing has been done. I must also again refer you to Brigade Office memo. of 9/7/74.

I beg further to draw your attention to the fact that Private Dunn, of the Goulburn Corps, has got his land order, although he only held certificates of efficiency for the years 1869, '70, '71, '74, and '75, having none for 1872 and 1873. His service could not then have been continuous. Moreover, his land order grant has been issued since the Brigade memo. of 9/7/74, and since the "decision" given by the Crown Law Officers, which are quoted as inimical to my application. Again, in Private Dunn's case there is no memo. telling him that his service, though not continuous, would be so considered (as in my case), where I hold the Commandant's intimation to that effect backed by the words of Brigade Order No. 38.

I have therefore to ask that my land order may be issued, as I am quite as much entitled to receive it as was Private Dunn.

I have, &c.,

GEORGE MARTYR,
Corporal, G.C.V. Rifles.

Memorandum by Major of Brigade..

Brigade Office, Sydney, 5 September, 1876.

WITH reference to Corporal Martyr's (Goulburn Corp), letter of 2/9/76 on the subject of his land order, the Officer commanding the Goulburn Corps is informed that Corporal Martyr's letter will be submitted to the Honorable the Colonial Secretary.

Private Dunn's case, as quoted, was not an analogous one to Corporal Martyr's. Corporal Martyr's name was not on the muster-roll of the corps at all for some time, whereas Private Dunn's name was in 1872 and 1873, although he was absent from duty on duly certified sick leave, in which latter case the Crown Law Officers have held the continuity of service is not broken.

By command,

W. B. B. CHRISTIE, Major,
Major of Brigade.

True copy.—W. B. B. CHRISTIE, Major of Brigade.

Inform Commandant as in the case of Gunner Bamford.—19/9/76. The Commandant, B.C., 19 September, 1876.—H.H. To be returned. The Principal Under Secretary, &c. Noted and returned.—J.S.R., Col., Commandant, B.C., 23/9/76.

Gunner J. B. Bamford's case.

The Commandant to The Principal Under Secretary.

Sir,

Brigade Office, Sydney, 1 August, 1876.

I have the honor, at the request of Gunner Bamford, No. 8 Battery Volunteer Artillery Brigade, to submit an application requesting your authority for the issue of his land order. I have to inform you that some short time since he applied to me for said issue, to which I replied: "Gunner Bamford's case, as bearing on his service towards a land order, has been submitted to the Government, without whose authority I am unable to issue." 23 July, 1876.

The circumstances connected with this case have been reported to you under date 30th May, 1876 (No. 76/231).

I have, &c.,

JOHN S. RICHARDSON, Licut.-Colonel,
Commandant.

[Enclosure.]

Gunner J. Bamford to The Colonial Secretary.

Sir,

63, Elizabeth-street, Sydney, 28 July, 1876.

I have the honor respectfully to request you will authorize the Commandant to issue my land order. The obstacle to his otherwise doing so is my absence from inspection in 1873, but I was under the impression (since explained to have been erroneous) that a certain Brigade Order and letters forbade my attending it, I humbly trust that my obedience to orders, as I understood them, may not be alleged to my prejudice in the matter of my land order.

I have, &c.,

J. B. BAMFORD,

Gunner No. 8 or P.A.O. Battery, V.A.

Former papers herewith must await the passing of the intended Act.—16/9/76. JOHN R., 18/9/76. Inform Commandant.—18. The Commandant, B.C., 19 September, 1876.—H.H. To be returned.—The Principal Under Secretary. Noted and returned.—J.S.R., Colonel and Commandant, B.C., 23/9/76.

Gunner W. Parker's case.

Gunner Parker to The Officer Commanding No. 2 V.A.

Sir,

20 December, 1876.

Having had sickness in my family for over six months, I have been unable to attend to my duties as I could have wished. Being myself unable to attend the parade ordered by the Commandant, will you please request him to grant, or allow it to me; and I have also the honor to request that he will allow me leave of absence for two months, as I intend to remove the family for part of that period. Attached is medical certificate, certifying my inability to attend to my drill of an evening.

I have, &c.,

GNR. W. N. PARKER.

[Enclosure.]

[Enclosure.]

107, William-street, Sydney, 18 December, 1876.

I CERTIFY that Mr. W. N. Parker is now ill with influenza, and I consider him unable to be from home after dark for at least one month.

WALTER J. CARROLL,
L.R.C.S.I.

Forwarded for the consideration and approval of the Officer commanding.—P. TALBOT, Capt., No. 2 B., V.A., 30/12/76. Forwarded.—W.W., Lt.-Col., 12/1/77. This man can have the two months leave he applies for, but I cannot recommend that he should be allowed to count the parade he asks for; special application can, however, be made to the Commandant through this office.—C.F.R., 13/1/77. I quite concur with Colonel Roberts's remarks.—W.W., Lt.-Col., 16/1/77. Forwarded to Capt. Talbot, who will be good enough to inform Gr. Parker accordingly.—W.S., Major and Adj. V.A., 16/1/77.

RECORD of Attendance at Parade and Drills of Gunner W. N. PARKER, No. 2 Battery, for the years 1875 and 1876.

Year.	Battalion Parades for Quarter ending				Parades of the Corps for Quarter ending				Gun Drill.												Shot Practice during Quarter ending				Official Inspection.		Total Parades and Drills.	Remarks.	
	31 Mar.	30 June.	30 Sept.	31 Dec.	31 Mar.	30 June.	30 Sept.	31 Dec.	Jan.	Feb.	March.	April.	May.	June.	July.	August.	Sept.	October.	Novr.	Dec.	Total.	31 Mar.	30 June.	30 Sept.	31 Dec.	8 July.			13 Mar.
1875	1	2	..	..	..	1	1	4	..	..	..	..	..	..	1	4	2	1	2	1	1	1	1	1	1	1	1	22	Gunner Parker has been very irregular in attendance, and although Gr.-Mr. of his battery informed him he was short of parades, he is said to have been a looker-on, instead of falling in to make himself efficient.—P.T., Captain, 14/2/77. Forwarded.—W.W., Lt.-Col., 19/2/77.
1876	..	2	..	..	2	2	..	..	1	2	2	1	1	2	1	..	..	..	..	..	1	1	1	1	1	1	19		

Q.-M.-S. IRDDALE,
No. 2 Battery.

P. TALBOT,
Captain.

Gunner W. Parker to The Commandant.

Sir,

Sydney, 22 January, 1877.

On the 30th December, 1876, I forwarded medical certificate dated 18th December, 1876, showing that I was unable to attend the drill ordered by you on that date.

You will perceive that I could not attend another drill of the same class before January, 1877, and as my performance of this drill was necessary to my being considered efficient for the year 1876, I trust that you will be able to grant me the favour of being considered as having performed this drill.

I venture to urge this most respectfully and earnestly upon your notice, as unless you accede to my request my previous 5½ years service will avail me nothing.

I have already written on this subject to Colonel Roberts, and have been referred by him to you through Captain Talbot, of my battery.

Trusting my request will meet with your approval,

I have, &c.,

W. N. PARKER.

Forwarded.—P.T., Capt. No. 2 B., V.A., 25/1/77. Captain Talbot will please forward the previous letters.—W. WILSON, Lt. Col., 25/1/77.

On forwarding the letters as requested, I may remark, medical certificate did not reach me until the day previous to my forwarding the same, viz., 30/12/76.—P.T., Capt. No. 2 B., V.A., 29/1/77.

Forwarded.—W.W., Lt.-Col., 30/1/77. Forwarded to Brigade Major; see previous application attached.—C.F.R., Col., 31/1/77.

Until the receipt of an opinion asked for from the Crown Law Officers, on certain points connected with absence from drill through sickness, the Commandant is not in a position to give a decision on this case. A record of the drills as (with dates) done by this man last year can be attached to these papers, and forwarded to this office; the matter will then be dealt with on receipt of Crown Law Officer's opinion.—By command, W.B.B.C., M. of B., 2/2/77. The Officer Commanding Artillery Forces.

To Lt.-Col. Wilson. A record of drills to be sent to this office.—C.F.R., 6/2/77. Captain Talbot, who will be good enough to comply.—W.S., Major and Adj. V.A., 6/2/77.

Private John Moore's case.

The Commandant to The Colonial Secretary.

Sir,

Brigade Office, Sydney, 11 July, 1872.

I have the honor to forward the accompanying letter from the Officer commanding Balmain Corps of Volunteer Rifles, requesting that a certificate for grant of land may be issued to the man named in the margin, a member of that company, who in April last met with an accident which resulted in the amputation of his leg. Under these circumstances, and the fact that Mr. Moore would, if efficient this year, be entitled to a land order, I beg to recommend his case for your favourable consideration.

I have, &c.,

JOHN S. RICHARDSON, Lieut.-Colonel,
Commandant.

Private John
Moore

[Enclosure.]

[Enclosure.]

Captain Cameron to Major Goodlet.

Balmain, 3 July, 1872.

Sir,

I have the honor to report a distressing case in connection with a member of the Balmain Company Volunteer Rifle Corps. Private John Moore, on the 22nd April last, when at his occupation, received a fracture of the leg which necessitated amputation at the Sydney Infirmary. He was discharged from that institution on the 17th June; he is a young man, respectable and well conducted, but been utterly unable to pursue his usual ways of obtaining a livelihood. He was recently married, and has no friends in a position to support him. By the Volunteer Act of 1867 he would in due course have been entitled to the efficiency for this year, having attended, since 1st January, 11 parades, viz., 1 inspection, 2 battalion, and 8 Company parades, with musketry instruction 1870, that he was enrolled 22 May, 1867, and holds certificates of efficiency in 1868, '69, '70, and '71. I have therefore the honor to request you will recommend to the Commandant that a grant of land be issued to Private John Moore, and I trust under the distressing circumstances submitted the Commandant will be pleased to give his assent.

I have, &c.,

E. W. CAMERON,

Captain, Balmain V.R. Corps.

Recommended.—J.H.G., M., Sub-Battalion, 4/7/72. Mr. Moore,—This appears to me to be a case in which the Government might perform an act of grace.—J.S.R., Lieut.-Colonel, Commandant, 20/8/72. The opinion of the Crown Law Officers is desirable.—15 July, 1872. The Under Secretary, Department of the Attorney General, B.C., 15 July, 1872.—H.H.

Balmain Corps V.R.—Solicitor General, respecting Private John Moore's application for a grant of land.

ACCORDING to the strict letter of the law I do not think this Volunteer entitled to the grant; but if in any case the Government could, as an act of grace, go a little outside the provisions of the Act, this is a case strongly calling for such an act. I think the matter might well be brought before the Cabinet for favourable consideration.

J. GEO. LONG INNES,

Solicitor General.

The Under Secretary, Colonial Secretary's Department, B.C., 28 August, 1872.—W.E.P. Cabinet. —H.P., 20/9/72. Submitted, 19 September. See decision on 72-6,109, 8 August, /73.

The Principal Under Secretary to The Commandant.

Sir,

Colonial Secretary's Office, Sydney, 15 August, 1873.

With reference to your letter of the 11th July, 1872, forwarding an application from the Officer commanding the Balmain Corps of Volunteer Rifles, on behalf of Private John Moore, of that Company, for a grant of land under the Volunteer Force Regulation Act, I am directed by the Colonial Secretary to inform you that the question of granting certificates to Volunteers who have not complied strictly with the requirements of the law having been maturely considered, it has been decided that in such cases certificates cannot be granted.

I have, &c.,

HENRY HALLORAN.

Private Wm. Boles's case.

The Commandant to The Colonial Secretary.

Sir,

Brigade Office, Sydney, 14 November, 1872.

I have the honor to forward for your consideration the accompanying application from the Volunteer named in the margin, for a land order, and to draw your attention to my minute thereon, to the letter subsequently received from Mr. Blackmore, and to the medical certificate from Dr. Low, herewith, and to request you will be pleased to inform me whether, under the circumstances, a certificate for grant of land may be issued in this case.

I have, &c.,

JOHN S. RICHARDSON,

Lieut.-Col., Commandant.

6 Nov., 1872, No 6 Co. Sydney Bat. V.R. Private Wm. Boles. 13 Nov., 1872. 12 Nov., 1872.

[Enclosures.]

Private W. Boles to The Commandant.

Sir,

181, Castlereagh-street, 6 November, 1872.

I beg to again trouble you in reference to my land order.

I forwarded an answer to your letter, on August 6th, in which I showed that 1870 was not required.

My application is for the years 1861, /62, /63, /64, /65, /66, /67, /68, and /69.

Ensign Linsley certifies that he knew me in 1861 as a Volunteer. I was also a member in 1860, having joined in July. I humbly crave, sir, after waiting so long, that you will grant me your attention in this matter and sign my land order.

I have, &c.,

WM. BOLES.

Minute of the Commandant.

Mr. Boles was a non-efficient for the year 1869, having only four (4) battalion and two (2) company parades, and one (1) inspection, and as he required this year's service to complete the five years required by the Act, I am, under the circumstances, unauthorized to issue the certificate.—J.S.R., Lieut.-Colonel, 7/11/72. B.C.

Mr. Blackmore to Mr. Boles.

My dear Mr. Boles,

I find on referring to my books that you were reading with me during the whole of 1868, and to the end of March, 1869, when you were a member of the University, and I am aware that you could have had no time for Volunteer duties, as you were fully occupied in preparing your University studies.

Your health, I remember, was not at all good, and prevented you from doing as much work as you might otherwise have done.

Sydney, 13 November, 1872.
Yours truly,
EDWARD BLACKMORE.

THIS is to certify that I, as the family doctor, attended Mr. Wm. Boles during the year 1869, and advised him, as he had over-excited and reduced his system in the early part of the year by laborious and protracted mental work for the University, not to take heavy physical exercise, such as drill, gymnastics, &c., or serious consequences would arise.

12 November, 1872.
J. R. LOW, M.R.C.S.E., &c.,
Liverpool-street, Woolloomooloo.

The Principal Under Secretary to The Under Secretary, Law Department.

18 November, 1872.

THE opinion of the Crown Law Officers is usually afforded in such cases.

The Under Secretary, Department of Attorney General.—B.C., 18 November, 1872.—H.H.

Opinion of the Solicitor General.

Re application of Private W. Boles, No. 5 Company, S.B.V.R., for Land Order.
31 Vic. No. 5., ss. 44-45.

As the Act and Regulations stand at present, I do not see how certificates of efficiency can issue where the requisite number of drills, &c., have not been attended.

I have now so often expressed the same opinion that I would suggest the matter be referred to the Cabinet to consider whether it is advisable to bring about an alteration in the law, which at present does not in my view admit of sickness as authorizing dispensing with any of the drills.

J. GEO. LONG INNES,
Solicitor General.

The Under Secretary, Colonial Secretary's Department. B.C. 14th December, 1872.—W.E.P.

The Commandant to The Colonial Secretary.

Sir,

Brigade Office, Sydney, 16 December, 1872.

I have the honor to request you will be pleased to favour me with a reply to my letter, 72-734, of the 14th ultimo, forwarding for your consideration an application from the Volunteer named in the margin, for a land order.

I have, &c.,
JOHN S. RICHARDSON, Lt.-Col.,
Commandant.

Sydney Battalion
V.R., No. 5 Com-
pany, Private
William Boles.

Private W. Boles to The Colonial Secretary.

Sir,

181, Castlereagh-street, 29 July, 1873.

I herewith make a direct application to you for my land order.

My previous applications were submitted and recommended by Lieutenant-Colonel Richardson early in November, 1872.

The time of service extends from 1861 to 1869 inclusive.

I have, &c.,
WM. BOLES.

Minute of Principal Under Secretary.

May be informed that after full consideration it has been decided that certificate can only be granted in strict accordance with the requirements of the law, and that his claim cannot therefore be admitted.—1 Aug., /73.

The Principal Under Secretary to Private W. Boles.

Sir,

Colonial Secretary's Office, Sydney, 15 August, 1873.

In acknowledging the receipt of your letter of the 29th ultimo, respecting the application made by you as a member of No. 5 Company, Sydney Battalion Volunteer Rifles, for a grant of land under the Volunteer Force Regulation Act, I am directed by the Colonial Secretary to state that a decision has now been arrived at in your case, and to refer you to the Commandant for further information on the subject.

I have, &c.,
HENRY HALLORAN.

The Principal Under Secretary to The Commandant.

Sir,

Colonial Secretary's Office, Sydney, 15 August, 1873.

With reference to your letters of 14th November and 16th December last, respecting the application of Private W. Boles, of No. 5 Company, Sydney Battalion Volunteer Rifles, for a grant of land under the Volunteer Force Regulation Act, I am directed by the Colonial Secretary to inform you that, the question of granting certificates to Volunteers who have not complied strictly with the requirements of the law having been maturely considered, it has been decided that in such cases certificates cannot be granted, and to request that the applicant may be apprised accordingly.

I have, &c.,
HENRY HALLORAN.

Captain

Captain B. Thomson's case.

The Commandant to The Colonial Secretary.

Sir, Brigade Office, Sydney, 11 March, 1874.
I have the honor to forward, for your consideration, the accompanying application from Captain Buchan Thomson, No. 2 Highlanders, for a land order, and to acquaint you that Captain Thomson would have been entitled to a certificate for grant of land on the 1st January last had he qualified as an efficient for 1873, but it appears by the enclosed medical certificate that he was prevented from so doing on account of illness, which came upon him gradually, and has steadily got worse. 9th February, 1874.

I have, &c.,
JOHN S. RICHARDSON, Lt.-Col.,
Commandant.

Submitted.—14/3/74. Can be put with other similar cases.—H.P., 16/3/74.

[Enclosures.]

MR. BUCHAN THOMSON has been under my medical care for some years. Since February, 1873, he has been quite disabled from attending drill on account of organic disease, which came upon him very gradually, and has steadily got worse. Sydney, Feby. 25/74. J. L. LE GAY BRERETON, M.D.

Sir, Ashfield, 9 February, 1874.
I have the honor to state that I believe I am entitled to a land order, which I shall feel obliged by your applying for me. I have, &c.,
BUCHAN THOMSON,
Captain, No. 2. Co., Highlanders.

Captain Thomson's services required.—J.S.R., Lt.-Col., 12/2/74.

Sept. Quarter, 1868.	Battn.	Cos.	Insp.	Musketry.
E. 1869.....	M.	...	...	...
E. 1870.....	M.	...	...	...
E. 1871.....	M.	...	...	...
E. 1872.....	Nil.	...	...	...
E. 1873.....	3	5	Nil.	Nil.

J. HILL, B. Q.-M.

Private John Graham's case.

Private J. Graham to Lieutenant Commanding No. 2 Highlanders.

Sir, Sydney, 6 May, 1874.
I understand that I am returned as not being efficient for 1873, owing to not being present at an inspection parade of the corps. I beg leave to state it was not my fault, for I was very ill and unable to attend either of the inspections.

I enclose a certificate from my medical attendant, together with a declaration I have made before a Justice of the Peace. Will you kindly forward the same to head quarters with the view of a certificate of efficiency being granted to me, as my non-attendance was caused by misfortune and not neglect.

I have, &c.,
JOHN GRAHAM.

In forwarding this for the consideration of the Commandant, I venture most respectfully to recommend this case for his consideration. Private Graham has attended company drill at times when, if he had studied his health more, he would have remained away, and it affords me much pleasure in recommending this application. Perhaps Lieutenant Wilson will be good enough to forward this on at his earliest convenience.—H. J. CHISHOLM, Lt., No., 2 D.E.H., 6/5/74. Forwarded by order.—J. WILSON, Adj., 6/5/74.

[Enclosures.]

Certificate.

I CERTIFY that Mr. S. Graham was under my care for about four months, from April to August of last year, and from debility was unable to attend to active employment. Enmore, Newtown, May 2, 1874.

JOSEPH KINGSBURY,
Hygienic M.D.

Statutory Declaration.

I, JOHN GRAHAM, of Sydney, a member of No. 2 Duke of Edinburgh Volunteer Rifle Corps, do hereby solemnly and sincerely declare that during the year 1873 I was at various times suffering from weakness and general debility, and was for a considerable time under medical treatment, and unable to attend to my business or the parades of my company; nevertheless I did attend, although scarcely able to do so on several occasions. I was unable to attend the inspection parades of my company, which were held or took place on the 29th day of March and the 19th day of July in the above year, as on those days I was confined to my house through sickness: And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared, at Sydney, this 6th }
day of May, 1874, before me,—

H. P. PALSER, J.P.

JOHN GRAHAM.

Petition

Petition of John Graham.

To the Honorable the Colonial Secretary.

The humble Petition of John Graham, of Barrack-street, Sydney, tailor,—
Respectfully Showeth:—

1. That your Petitioner is a member of the No. 2 Duke of Edinburgh Highlanders.

2. That through illness he was unable to attend either of the half-yearly inspections by the Commandant in the year 1873, in confirmation of which I hereto answer the certificate of my medical attendant.

3. That in consequence of such non-attendance your Petitioner has not received a certificate of efficiency for that year.

4. That in consequence of this your Petitioner is afraid that he will not only lose such certificate of efficiency for the year 1873, but also the benefit to be derived from his services.

Your Petitioner therefore humbly prays that you will be pleased to take the above premises into your gracious consideration, and that you would cause a certificate to be granted to your Petitioner for efficient service in the year 1873.

And your Petitioner will ever pray, &c.,
Sydney, 11th November, 1874.

JOHN GRAHAM.

The Commandant for his report.—H.H., B.C., 18 November, 1874.
1873.

Attendance of John Graham at Drill.

Company		Battalion	Inspection
Jan. 6. 1	June 21 1	None.
20	... .. 1	July 8 leave
Mar. 3	... .. 1	Sept. 4 1
17	... .. 1	Oct. 25 1
Apl. 20	... .. 1	" 30 1
June 3	... .. 1	Nov. 27 1
July 1	... .. 1	
Aug. 5	... .. 1	
Sept. 16	... .. 1	Leave—July 8 1
30	... .. 1	
Oct. 14	... .. 1	
21	... .. 1	
Nov. 4	... .. 1	
18	... .. 1	
26	... .. 1	
Dec. 9	... .. 1	
	16	Total 22	

The Legislature having enacted that a medical certificate referring to absence from ill-health must be sent in within a week, the Commandant regrets that he has no option in the matter but must disallow this application.

By command,

W. B. B. CHRISTIE,
Major of Brigade.

The Officer commanding Subrn. Battn. Vol. Rifles.

The Commandant to The Colonial Secretary.

Sir,

Brigade Office, Sydney, 17 November, 1874.

I have the honor to report, for your information, with reference to the accompanying petition, that Private John Graham, No. 2 Highlanders, only attended during the year 1873 six battalion parades instead of seven, as required by the Volunteer Regulations, neither did he attend any inspection during the year in question, or failing to do so, did he send in a medical Certificate as required (*vide* foot-note to form E, page 32, Volunteer Regulations). Under these circumstances, and acting under instructions as conveyed in letter from your office dated 15th August, 1873 (No. 73-6,109), regarding a similar case, I did not issue a certificate of efficiency to him for the year 1873, he not being entitled thereto.

I would further note that the medical certificate attached to the petition refers to Mr. S. Graham, whereas the petitioner's name is John, and that Private John Graham appears to have attended three parades during the period covered by such medical certificate.

I have, &c.,

JOHN S. RICHARDSON, Lt.-Col.,
Commandant.

It does not appear that a certificate could be legally given. Mr. Graham may be so informed.—
23/11/74.

Private J. Graham to The Principal Under Secretary.

Sir,

125, King-street, Sydney, 10 April, 1876.

About the middle of the year 1874 I sent a petition to the Hon. the Colonial Secretary respecting my not receiving a certificate of efficiency for the year 1873, being a member of H.B.H. the Duke of Edinburgh's Highland Volunteer Rifle Corps.

Would you kindly inform me whether any action has been taken, or whether the prayer of the petitioner is likely to be granted.

I am, &c.,

JOHN GRAHAM.

Hon.

Hon. Asst. Surgeon John Pierce's case.

The Commandant to The Principal Under Secretary.

Sir,

Brigade Office, Sydney, 7 November, 1876.

With reference to my letter 76-444, of the 15th September last, regarding a land order for the late Honorary Assistant Surgeon J. Pierce, I have the honor to forward, herewith, for the consideration of the Honorable the Colonial Secretary, a further communication from Mr. Saunders on the subject.

4 Nov., 1876.

I have, &c.,
JOHN S. RICHARDSON, Col.,
Commandant.

Forwarded to the Under Secretary for Justice with reference to former papers.—H.H., B.C., 13/11/76.

[Enclosure.]

Mr. J. M. Saunders to The Major of Brigade.

Sir,

Bank of New South Wales, Maitland, 4 November, 1876.

It is with some regret I have to write on this subject again, and beg reference to your favour No. 76-443 of the 15th September, relative to the late Dr. John Pierce's application for a land order, which was sent in September, 1875, but to which no definite answer has as yet been received by Mrs. Pierce.

I believe that the Colonial Secretary is now in town, but will be leaving shortly, and next month Parliament will be meeting, when a press of business will necessarily arise. I would therefore thank you to submit this letter with any memo. the Commandant may choose to affix, for the decision of the Colonial Secretary.

I have, &c.,
JOHN M. SAUNDERS.

The Commandant to The Principal Under Secretary.

Sir,

Brigade Office, Sydney, 19 October, 1875.

With reference to my letter, 74-118, of the 25th February, 1874, and to your reply thereto of the 20th April same year, on the subject of the issue of land orders to Honorary Assistant Surgeons, I have the honor to forward, for the consideration of the Honorable the Colonial Secretary, the accompanying letter from Honorary Assistant Surgeon J. Pierce, of the East Maitland Corps of Volunteer Rifles, with other papers having reference to his claim for a certificate for grant of land, and to point out that clauses 21 and 26 of the Volunteer Regulations requires Honorary Assistant Surgeons to attend ball or blank practice and such other parades as may be required of them during the year to class as efficient. Dr. Pierce does not appear to have attended as indicated, in consequence of it not being considered necessary to call upon him to render professional assistance, although he was prepared to do so if required; I have therefore to request you will be pleased to inform me whether, under the peculiar circumstances of the case, a land order may be issued to him.

I have, &c.,
JOHN S. RICHARDSON,
Lt.-Col., Commandant.

The Under Secretary of Justice and Public Instruction will kindly obtain the opinion of the Attorney General in this case. See second page and opinion of former Attorney General.—For the U.S., W.G., B.C., 28 Oct., 1875. To be returned.

[Enclosure.]

Dr. Pierce to Captain Bartlett.

Sir,

West Maitland, 8 September, 1875.

Having completed my term of service of five years as Assistant Surgeon of the East Maitland Corps of Volunteer Rifles, I beg to make application for my land order.

The date of my appointment is September 8th, 1870, signed by Earl Belmore.

I have always held myself in readiness when called upon, and attended strictly to all Brigade Orders when issued.

Yours, &c.,
JNO. PIERCE,
L.R.C.S., I., L. Med. R.C.S., I., &c.

Forwarded to B. O.—C. BOLTON, Mj., C.N.B., 15/9/75.

Major of Brigade to The Officer Commanding Northern Battalion.

Joined.—Commission. 8 September, 1870.

A CERTIFICATE is required vouching for service rendered by this officer since the issue of his Commission in accordance with parah. 21 page 25A, para. 26, page 26, of the Volunteer Regulations. Captain Bartlett will probably be unable to furnish a certificate for this back service; if so, perhaps he will kindly obtain the same from the late Commanding Officer of the corps.

By command,

W.B.B.C.,

M. of B.

21/9/75.

P.S.—Certificate to state that in such years Assistant Surgeon Pierce afforded professional assistance, and attended such parades as were required of him, and musketry, when required.

Captain Bartlett to Major Bolton.

Sir, East Maitland, 9 September, 1875.
 I have the honor to forward you application of Dr. John Pierce, Assistant Surgeon of my company, for a land order. Sec. 25 of the Volunteer Regulations appears to entitle him to it, although he has not received the usual efficiency certificates, but is "effective" notwithstanding, viz.—"Medical Officers may classify as effective in having afforded their professional assistance, and having attended such parades as have been required of them during the year." Dr. Pierce has always been ready and willing to render his professional assistance, but fortunately it has not been required yet, and has always provided himself with regulation uniform to be ready to attend any parades that might be required of him, but he has not been called upon to attend any, those that he has attended being voluntary on his part. Dr. Pierce having received his appointment five years ago, and being "effective" during that time under the before-recited section, I trust he will be considered as entitled to receive his land order.

I have, &c.,

CHAS. F. BARTLETT,

Capt., 2 Co., 4 Batn.

Certificates.

I CERTIFY that during the time I was in command of No. 2 Company, 4 Battalion, I never had occasion to call upon Assistant Surgeon John Pierce of that Company to render his professional assistance, but I was aware that he was ready and willing to do so had I required him.

GEORGE MIDDLETON,

Ensign, Late Com. 2 Co., 4 Batn.

Maitland, 29th Sept., 1875.

I HEREBY certify that Assistant Surgeon John Pierce, of No. 2 Company, 4th Battalion, East Maitland, always held himself in readiness to attend any parades, or render his professional assistance if required, but from the time he received his Commission until I resigned command I never had occasion to call upon him to do so. When he did attend it was voluntary on his part.

ENOCH COBCROFT,

Captain, Late Com. No. 2 Co., 4 Batn.

Sunnyside, near Singleton,
30th September, 1875.

I HEREBY certify that during the time I was in command of No. 2 Company, 4th Battalion, East Maitland, Assistant Surgeon John Pierce of that Company was always willing to attend and render his assistance if required, but I never thought it necessary to call upon him to do so. He attended voluntarily sometimes.

— MACKAY,

Lieutenant, Late Com. No. 2 Co., 4 Batn.

Wallsend, 30th Sept., 1875.

I HEREBY certify that Assistant Surgeon John Pierce of my Company has been ready and willing to attend and render his professional assistance as such Assistant Surgeon during the time I have been in command, but up to the present time I have not had occasion to call upon him to attend. I can also certify of my own knowledge that during the whole time I have been in the Company he has always expressed himself ready and willing to attend if required; and I also know that he has always provided himself with regulation uniform, &c.

CHAS. F. BARTLETT,

Captain, Com. 2 Co., 4 Batn.

East Maitland, 4th Oct., 1875.

Captain Bartlett to Major Bolton.

Sir, East Maitland, 4 October, 1875.
 I have the honor to return papers in connection with Assistant Surgeon Pierce's application for his land order, together with certificates of previous commanding officers as to Dr. Pierce's readiness to attend if required. I have also sent a certificate as to my own knowledge of the matter; I trust that they will be sufficient.

I have, &c.,

CHAS. F. BARTLETT,

Captain, 2 Co., 4 Batn.

MEMO.—These papers were returned to Captain Bartlett in mistake, and are now forwarded to B.O.—
 C. BOLTON, Mj., C.N.B., 8/10/75.

Claim of Assistant Surgeon John Pierce to his Land Order.

THIS is not a question of law, but of departmental regulation, which the Colonial Secretary will doubtless settle if referred to him.

W. C. WINDEYER,

Attorney General.

The Principal Under Secretary.—W.E.P., B.C., 11 April, 1877.

Minutes of the Principal Under Secretary.

SUBMITTED, 17/4/77. May be approved. Surgeons are essentially non-combatants, but are required to attend upon combatants. To require them to go through regular musketry instruction, would be to fit them to do that which they are never required to do. If Surgeon Pierce attended or was ready to attend at all times upon combatants when fitting themselves for active service, he equitably attained a right to his land order as an efficient surgeon.—17.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMMIGRATION.

(CLAIM OF MESSRS. R. W. CAMERON & CO. FOR CONVEYANCE OF EMIGRANTS PER "N. BOYNTON.")

Ordered by the Legislative Assembly to be printed, 11 May, 1877.

No. 1.

R. W. Cameron, Esq., to The Colonial Secretary.

Sir, 23, South William-street, New York, 25 January, 1877.
I have the honor to inform you that I have arranged with Messrs. R. W. Cameron & Co. to have carried in the barque "N. Boynton," to sail from this port on or about the 3rd proximo, 100 emigrants, and also from 100 to 150 in the barque "Sierra Nevada," to sail about thirty days thereafter. As soon as the respective vessels sail I will inform you of the cost of passage to your Government, which I can only say, at present, will be between £10 and £12 for each adult. I will also duly advise Mr. Wise.

I have, &c.,
R. W. CAMERON,
Emigrant Agent for the Eastern portion of the
United States of America.

No. 2.

R. W. Cameron, Esq., to The Colonial Secretary.

Sir, 23, South William-street, New York, 17 February, 1877.
Referring to my respects, 25th ultimo, I have now the honor to inform you of the sailing of barque "N. Boynton" for Sydney, N.S.W., on the 3rd instant, having on board ninety-five souls, equal to ninety-one statute adults.

Messrs. R. W. Cameron & Co. have made a careful estimate of the cost of conveying these emigrants, and their claim on the Government of New South Wales will be covered by a payment of £12 per statute adult, exclusive of expense of surgeon, and his passage and gratuities.

Surgeon Goodenough is a gentleman of good standing, with unexceptionable testimonials. His remuneration £40, and £30 paid to the ship for his passage, making the cost of surgeon £70 in full. His certificate for number of the emigrants has been forwarded by me to the Agent General in London.

Gratuities.—Separately I hand you formal letter, showing an amount of £117 due after arrival of the ship.

The amount due Messrs. R. W. Cameron & Co. is	...	...	...	...	...	£1,239
Say ninety-one statute adults, at £12 =	...	...	...	...	...	£1,092
Cost of passage, Dr. Goodenough	...	...	...	...	...	30
Gratuity order, including Dr. Goodenough's services	...	...	...	...	...	117
						£1,239

I have drawn on Hon. Wm. Forster, Agent General at London, for £6 per statute adult, say for £546, and on the Hon. Alex. Stuart, Treasurer at Sydney, for the balance, say	...	...	...	...	...	£693
Being £6 per statute adult	...	...	...	...	...	£546
Gratuities	...	...	...	...	...	117
Dr. Goodenough's passage	...	...	...	...	...	30
						£693

The ship has been amply provisioned by Messrs. R. W. Cameron & Co. for a voyage of 150 days; and for your satisfaction I enclose a list of the stores, with Commander J. C. Blanchard's receipt for the same.

I would further add, that I have forwarded to Mr. Forster the requisite documents, and full advice in connection with the despatch of the "N. Boynton"; and reverting to my respects 25th ulto., and particularly of the advice regarding succeeding vessel, would say that barque "Sierra Nevada" will be dispatched

dispatched about 4th proxo., and with probably 150 emigrants; and that the new A 1 ship "Annie H. Smith," 2,600 tons capacity, has been chartered to follow, and by her I hope to send out a further number. The class of emigrants, to my mind, will be a desirable acquisition to your Colony.

I have, &.,

R. W. CAMERON,

Emigration Agent for the Eastern portion of the United States of America.

[Enclosure.]

List of Emigrant Stores on board barque "N. Boynton" bound from New York for Sydney, New South Wales, sailing 3 February, 1877.

PROVISIONS.

Articles.	Description.	Quantity shipped.	No. and description of packages.
Salt Provisions—			
Beef	Best Packet Beef	2,400 lbs.	12 barrels
Pork	Prime Mess	3,000 "	15 "
Fish } (Pickled)	Extra Prime	1,000 "	5 "
Do. }	Codfish	500 "	5 boxes
Lard	Pickled Herring	500 "	2 barrels
Cheese .....	.....	100 "	10 tins
Butter .....	.....	750 "	21 boxes
Preserved Provisions—			
Extract of Beef	Packed by Borden Meat Pre- serving Co.	4 doz. 4 oz. tins	1 case
Preserved Meat	Roast, boiled, and corned	1,992 lbs.	*41 cases
" Milk .....	.....	16 doz. 1 lb. tins	4 "
" Soup .....	.....	48 lbs.	2 "
" Potatoes .....	.....	100 "	2 boxes
Dry Goods—			
Biscuit .....	.....	6,520 "	90 barrels
Cornmeal .....	.....	1,000 "	10½ "
Flour .....	.....	5,880 "	30 "
Outmeal	Canadian, extra kiln-dried	1,000 "	10 "
Rice .....	.....	1,000 "	5 "
Hominy .....	.....	200 "	4 cases
Pease (split) .....	.....	1,000 "	5 barrels
White Beans .....	.....	1,000 "	5 "
Vegetables—			
Potatoes .....	.....	.....	20 "
Dried Apples .....	.....	500 "	1 bbl. and 2½ barrels
Carrots .....	.....	.....	5 barrels
Turnips .....	.....	.....	10 "
Onions .....	.....	.....	4 "
Groceries—			
Raisins	Muscatel .....	.....	10 boxes
Currants .....	.....	.....	2 barrels
Tea .....	.....	122 lbs. Oolong	} 5½ chests
		79 " Souchong	
		400 " Rio	
Coffee .....	.....	249 " Ground	} 3 bags and 4 boxes
Sugar (Coffee) .....	.....	1,650 lbs.	
" White .....	.....	.....	5 barrels
Molasses .....	.....	1,800 "	1 barrel
Mustard .....	.....	65 "	4 barrels
Salt .....	.....	.....	1 box
Pepper, Ground .....	.....	65 lbs.	1 barrel
.....	.....	.....	1 box
Wet Goods—			
Mixed Pickles .....	.....	.....	5½ barrels
Lime-juice .....	.....	4 doz.	4 cases
Eggs .....	.....	.....	.....
" Condensed .....	.....	48 doz. eggs	In 2 cases
Water .....	.....	15,880 gallons	73 casks
Soda, Bicarb. of .....	.....	5 lbs.	8 tanks

* 27 cases boiled (1,296 lbs.), 12 cases roast (576 lbs.), 2 cases corned (120 lbs.)

I hereby certify that the abovenamed articles, of the quantities and qualities herein specified, are now on board this ship, and are properly and conveniently stowed.

3rd February. 1877.

J. C. BLANCHARD,
Master.

MEDICAL COMFORTS.

2 cases brandy, 2 doz.
1 " gin, 1 doz.
3 " port wine, 3 doz.
1 box soap.
1 pail sago, 25 lbs.
1 box, containing hops, soda, and salt.
1 demijohn vinegar, 5 gallons.
2 cases twin yeast cakes.

1 box quick-lime, ½ bushel.
1 " preserved chicken, 12 tins.
3 boxes arrowroot, 25 lbs.
1 pail tapioca, 10 lbs.
1 case tomatoes, 1 doz. 2-lb. tins.
1 pail pearl barley, 30 lbs.
8 doz. carrots in tins.

No. 3.

The Agent for Immigration to The Principal Under Secretary.

Sir,

Immigration Office, Sydney, 13 April, 1877.

I have the honor to acknowledge receipt of your communication of the 11th instant, with copy of a letter recently received from Mr. R. W. Cameron, of New York, reporting the departure of the ship "N. Boynton" from New York to this Colony, with ninety-one statute adults.

2. I have the honor to bring the subject-matter of this letter under the immediate notice of the Colonial Secretary. Mr. Cameron states that the firm of Messrs. R. W. Cameron & Co. estimate that their claim on the Government for the passages, &c., of these ninety-one adults "will be covered by a payment of £12 per adult," viz., £1,092. This estimate is exclusive of the payment of \$37½ gold (equal to £7 10s.) made by each emigrant to Messrs. Cameron & Co.

In addition, however, to the passage money of	...	...	...	£1,092
is charged the cost of passage of the Surgeon	...	...	...	30
Also the gratuity payable to the Surgeon	....	...	...	40
"	"	Master and Officers	...	35
"	"	Cook	...	30
"	"	his Assistant	...	12
Total claim				£1,239

In settlement of which, Messrs. Cameron & Co. have drawn on the				
Agent General in London for the sum of	...	...	...	£546
And upon the Treasurer in Sydney for the balance of	...	...	...	693
Total				£1,239

3. I have the honor to submit that there appear to be many serious objections to the arrangements thus made for the settlement of this claim of £1,239. Full payment is thereby required to be made for all who may leave New York, although several may die on the voyage; whereas, by the charter party of ships from Great Britain, it is always noted that the second moiety of the passage money is paid for "only such passengers as shall be certified to have been landed alive in the Colony."

4. The claim of Messrs. Cameron & Co., for the amount of which they have drawn on the Treasurer, includes the payment to the surgeon of a total of £70, to the master and officers of £35, to the cook and his assistant of £42, notwithstanding that in their letter of advice of the 3rd February it is stated that "such gratuities have been promised on condition that the several parties shall have performed their duties to the satisfaction of the Government." I note that the gratuities for the officers are considerably in advance of the amounts paid to the masters and officers of ships chartered from Great Britain, such gratuities being fixed at the rate of 4s. per head on immigrants landed alive, which sum of 4s. per head is divided between the captain and his three officers, whereas the payment now made is at the rate of 7s. 6d. per head; also, that the gratuity usually given to the cook is £5, and £3 to his assistant, in lieu of the present payment of £30 to the cook and of £12 to his assistant.

5. It is further to be specially noticed, that the arrangements made for the second moiety of the passage money and of the gratuities preclude the Government from having any control over the ship and its officers after arrival; as, according to the accounts, the gratuities have already been paid, and are included in the draft of £693 on the Treasurer; thus, no pecuniary penalty can be inflicted, either on the ship for non-completion of contract, or on the surgeon, officers, and others, for neglect of duty, or for gross misconduct. It has been found necessary on many occasions to inflict heavy fines; for instance, a fine of £500 has been imposed and paid on account of an insufficient supply of water and of coal on board a ship. A fine of £250 was recently inflicted on the master of a ship for gross misconduct towards one of the female immigrants, and the whole of the gratuity payable to the surgeon-superintendent of the same ship was withheld from him. Fines of a lesser amount have frequently been made, but the only way in which a pecuniary penalty can now be inflicted on those in charge of immigrants from New York is by the non-payment of the drafts drawn by Mr. Cameron on the Treasurer of the Colony.

6. Mr. Cameron has omitted to state whether lay days will be permitted, so that the immigrants may remain on board the ship for two or three days if necessary. Again, the contracts for ships chartered in England are always made direct with the master (not with the agents of the ship), to whom therefore the second moiety of the passage money is alone payable; thus the Government retain all control in their own hands, until it has been certified by the Agent for Immigration that the stipulations of the charter party have in all respects been duly fulfilled.

I have, &c.,

GEORGE F. WISE,
Agent for Immigration.

(Form to be used when the persons intended to be introduced are to be nominated in the Colony.)

IMMIGRATION REGULATIONS OF 19TH SEPTEMBER, 1876.

FORM.

District of

DESCRIPTION OF THE PERSON OR PERSONS FOR WHOSE BENEFIT THE REMITTANCE IS MADE.*

Christian Name and Surname at full length.	Age.	Trade or Calling.	Address of the Person nominated. N.B.—Care should be taken to give the full and correct Address.	Name and Address of some Person to whom reference can be made respecting the Persons herein nominated.	Amount of Deposit.

I of in the District of in the Colony of New South Wales, the depositor in this case, apply for the passage to this Colony, under the Regulations for the promotion of Immigration, of the 19th September, 1876, of the person above described.

Dated at this day of 187

Witness

RECEIVED on this day of 187, from of in this district, the sum of pounds (£), for the purpose of being applied in the provision of passages to this Colony for the above described persons.

Depositor.

Clerk of Petty Sessions.

* Deposit required—between 1 and 3 years of age, nil.
Do. do. 3 12 do. £1.
Do. do. 12 50 do. £2.

N.B.—Refer to Immigration Regulations on following page.

IMMIGRATION REGULATIONS.

Colonial Secretary's Office,
Sydney, 19th September, 1876.

His Excellency the Governor, with the advice of the Executive Council, directs the publication of the following Regulations for the promotion of Immigration, in lieu of those dated the 16th May, 1873, viz. :—

1. All immigrants from Great Britain and other parts of Europe shall be approved by the Agent General, or by such persons as he may appoint for the purpose. And the Agent General is hereby authorized to make all necessary appointments, and otherwise to carry out all duties to ensure the efficiency of the Immigration Service under these Regulations and under instructions from the Colonial Secretary.

2. All such immigrants, other than those nominated by residents in the Colony, shall be selected by the Agent General, or by some other officer duly authorized in that behalf.

3. Approval of such immigrants from the United Kingdom shall be limited to such persons between the ages of twelve years and fifty years as shall pay, or for whom there shall have been paid, a deposit of £2 ; and for children coming with their parents, between the ages of three years and twelve years, the sum of £1, and younger children without charge. In approving of immigrants, regard will be had to the relative numbers of the population of the Colony from the three Kingdoms, according to the latest Census. Payments in the Colony to be made to the Agent for Immigration in Sydney, and in the Country districts to the Clerks of Petty Sessions, or in London to the Agent General.

4. Similar immigrants from the Continent of Europe may be in like manner approved on payment being made in each case to any officer duly authorized in that behalf, of an amount to be fixed, with reference to the different rates of passage thence to the Colony, so that the Colony shall pay no more passage money for them than the average rate from the United Kingdom : Provided that not more than one-eighth of the funds authorized by Parliament shall be so expended.

5. In like manner, and under similar regulations, immigrants may be approved from the eastern portion of the United States, by an agent to be appointed by or with the approval of the Colonial Secretary : Provided that not more than one-fourth of the funds authorized by Parliament shall be so expended, and provided that none of such immigrants be Asiatics, and that such immigrants shall pay towards their passage not less than immigrants from Great Britain.

6. The persons to be introduced shall be of sound mental and bodily health and of good moral character, and shall consist of mechanics, miners, domestic servants, farmers, vinedressers, and any other descriptions of labourers suitable for country pursuits, and to be chosen with a special view to the promotion of the industrial pursuits of the Colony.

7. Married people, with their children, and unmarried men shall be allowed to remain on board four clear days after the ship anchors in Port Jackson, and unmarried women shall be received into an Immigrants' Home, and shall be allowed to remain there for eight clear days under the control of the Agent for Immigration.

8. Immigrants desiring to proceed, within three clear days of their arrival, to the country districts, will be allowed free passages by railway and steamboat.

9. Immigrants from the United Kingdom must be brought out in ships subject to the Regulations under the Queen's Order in Council, dated February 25, 1856, prescribing rules for preserving order, promoting health, &c., on board passenger ships, and the additional Regulations provided by the Board of Emigration in England ; also, under such further Regulations as the Agent General may make and prescribe for their moral and sanitary condition during the passage ; and those from the Continent of Europe and from the United States, subject to such Regulations as may be determined by the Agent General or other officer duly authorized in that behalf. No allowance will under any circumstances be made in favour of any person taking a cabin or intermediate passage.

10. In the event of any person for whom a deposit has been paid for a passage declining to emigrate, or not being able to comply with the conditions required by these Regulations, or in case the amount deposited shall exceed that required for the number of immigrants actually introduced, the amount deposited, or the amount in excess, as the case may be, will be returned to the depositor by the Agent General, in London, on satisfactory proof being shown to justify such course, or by the Agent for Immigration, in Sydney, on return of the passage certificate, or upon the receipt of the Agent General's report.

11. Persons who make deposits, or for whom deposits are made, will, on approval, receive a passage certificate, which certificate will be available for one year only from the date thereof.

JOHN ROBERTSON.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION HOME, EAST MAITLAND.

(LETTER FROM THE MAYOR RESPECTING.)

Ordered by the Legislative Assembly to be printed, 12 June, 1877.

REPLY to Mr. Bennett's Question respecting Immigrants Home, East Maitland.

Sir,

Municipal Council Chambers, East Maitland, June 9, 1877.

Your telegram of yesterday relative to Mr. Bennett's intended question was received too late for reply before to-day.

I find upon search and inquiry, that many years ago what had once been a Government Stockade and convict station at East Maitland was by the addition of some frame buildings converted into an immigrants home. That after it had been so occupied for some little time the Government sold the frame buildings and they were removed.

That eventually the old Stockade buildings, having fallen into ruins and the material being removed, no one knew how, the Municipal Council, by a resolution, unanimously adopted at a meeting of the Council in the month of March, 1870, resolved to sell the old materials of the kitchen of the former buildings (all other material having disappeared); together with some old fencing stuff remaining in the hands of the Council on their refencing the East Maitland sale-yards; that the whole sum realized by this sale and received by the Council on the 19th of April, 1870, was £8 8s.; and that of this sum the proceeds of the sale of the old material on the Stockade Hill amounted to £2 or £2 10s., I am not certain which.

This sum went into the general funds of the Council, who had in the year 1869 expended upwards of £205 upon the "Cook's Square" Reserve, whereon the old Stockade had formerly stood. I have to add that the sale referred to was by auction.

I have, &c.,
 GEORGE THOS. CHAMBERS,
 Mayor.

The Principal Under Secretary.

1876-7.

NEW SOUTH WALES.

IMMIGRATION.

(REPORT FROM AGENT, FOR 1876.)

Presented to Parliament by Command.

The Agent for Immigration to The Principal Under Secretary.

Sir,

Government Immigration Office, Sydney, 28 February, 1877.

I have the honor to submit, for the information of the Honorable the Colonial Secretary, my Report on Immigration for the year 1876.

2. In September, 1876, the Immigration Regulations of May, 1873, were cancelled; other Regulations were then promulgated, and are herewith, under which the deposit is fixed at £2 in lieu of at £5 per adult.

The former charge of £1 per head for bedding and mess utensils is no longer made, and no deposit is required for children under three years of age.

The age of the immigrants to be introduced has hitherto been fixed at thirty-five years for unmarried men and women, and at forty years for married couples.

Passage certificates are now granted, under special circumstances, to emigrants up to the age of fifty years, subject to the approval of the Agent General, or of some other officer duly authorized in that behalf; the Regulations also provide for the introduction of immigrants from any part of Europe and from the eastern portion of the United States.

A further advantage is granted by allowing free passages by railway and by steamboat to all immigrants desiring to proceed into the country, provided they are willing to avail themselves of the privilege within three clear days after their arrival.

3. A sufficient time has not elapsed to ascertain how far these Regulations will induce an increased immigration. The applications for certificates during the last three months of the year have averaged more than double the number per month than during any similar period in the past three-and-a-half years. Probably, also, there will be a large number of persons who will obtain passages from the Agent General in London as soon as it shall have been made known that the cost of a passage to this Colony is only £2.

4. Four ships have arrived, viz. :—

"Earl Dalhousie"	arrived 15th February with	321 immigrants.
"Star of India"	" 16th June with	333 "
"Samuel Plimsoll"	" 19th August with	411 "
"Nineveh"	" 10th November with	398 "

Total 1,463

of whom 494 were sent for by their friends in the Colony; the remaining 969 were selected by the Agent General. Information has been received from the Agent General that the "Earl Dalhousie," with 332 immigrants, left England on the 20th January, to be followed by the "St. Lawrence" on or about the 1st of March, the "Commonwealth" on the 30th of March, and so on, monthly, with about 400 emigrants in each ship. The Emigration Agent at New York also reports, that he has despatched, on the 3rd of February, ninety-one emigrants in the ship "Boynton," and that he expects to forward 350 emigrants in the months of March and April.

5. During the outward voyage there occurred eight births and thirteen deaths, viz. :—Two adults and eleven children, the deaths being less than one per cent. on the number embarked. It was deemed advisable, as a matter of precaution, that two of the ships, on arrival, should be placed in Quarantine, viz., the "Samuel Plimsoll," for ten days, and the "Nineveh" for twelve days. In neither case, however, was there any serious case of illness.

6. The immigrants may be thus classified, viz. :—

Male adults,—		
Married	... ..	186
Single	... ..	456
		— 642
Female adults,—		
Married	... ..	186
Single	... ..	243
		— 429
Children under 12 years of age,—		
Male	... ..	208
Female	... ..	184
		— 392
	Total	... .. 1,463

233—

The

The attention of the Agent General has been called to the fact that a larger number of single men has been introduced than of single women, and he has been requested to obtain at least as many female as male emigrants.

7. NATIONALITY :

Natives of England and Wales.						
Northern Counties	...	...	...	...	...	395
Southern	"	...	...	...	...	134
Midland	"	...	...	...	...	116
Eastern	"	...	...	...	...	123
Wales	...	...	...	...	...	72
						<hr/> 840
Natives of Ireland.						
Ulster	...	...	...	...	...	111
Leinster	...	...	...	...	...	73
Connaught	...	...	...	...	...	48
Munster	...	...	...	...	...	175
						<hr/> 407
Natives of Scotland.						
Northern Counties	...	...	...	...	...	80
Southern	"	...	...	...	...	106
						<hr/> 186
Natives of other Countries	...	...	...	...	...	22
Born at Sea	...	...	...	...	...	8
						<hr/> Total ... 1,463

8. EDUCATIONAL ATTAINMENTS :

Natives of England and Wales.						
Cannot read	...	...	...	...	...	243
Read only	...	...	...	...	...	69
Read and write	...	...	...	...	...	528
						<hr/> 840
Natives of Ireland.						
Cannot read	...	...	...	...	...	97
Read only	...	...	...	...	...	39
Read and write	...	...	...	...	...	272
						<hr/> 407
Natives of Scotland.						
Cannot read	...	...	...	...	...	34
Read only	...	...	...	...	...	12
Read and write	...	...	...	...	...	140
						<hr/> 186
Natives of other Countries.						
Cannot read	...	...	...	...	...	7
Read only	...	...	...	...	...	...
Read and write	...	...	...	...	...	15
						<hr/> 22
Born at Sea	...	...	...	...	...	8
						<hr/> Total ... 1,463

9. RELIGIOUS DENOMINATIONS :

Protestants	...	...	...	...	...	1,086
Roman Catholics	...	...	...	...	...	375
Other Denominations	...	...	...	...	...	2
						<hr/> Total ... 1,463

10. The 243 single women were chiefly of the class of "domestic servants," and although the greater proportion immediately joined their friends and relatives who had sent for them, it is well known that subsequently a large number entered into service. There were, however, a few, namely 27, who preferred to hire from the Depôt. These readily obtained engagements at an average rate of wages of £24 10s. per annum. The larger number of the married people and of the single men left the ships on arrival to join their friends. It was not possible further to trace them, or to ascertain the rate of wages at which they were hired, either as mechanics, tradesmen, or labourers. Of those who arrived by the two last ships there were forwarded by railway and by steamboat into the country districts 40 married couples with their 117 children, and 92 single men.

11. It has been found that a large proportion of those who are nominated in the Colony are either unable or are unwilling to emigrate. The number at present ascertained of those who have not availed themselves of their passage certificates have been 742, out of 2,536 individuals who were nominated under the Immigration Regulations of May, 1873, being nearly 30 per cent.

12. The returns of the arrivals at and departures from this Colony by sea have been furnished to this Department by the Collector of Customs. From these returns the following information is obtained, viz. :—

Arrivals from Great Britain, including 124 children	...	...	650
Departures to Great Britain, including 150 children	...	...	919
Arrivals from New Zealand, the neighbouring Colonies, and from Foreign Ports, including 3,701 children	...	...	30,122
Departures to same, including 1,709 children	...	...	19,974

Independently,

Independently, however, of the arrivals by sea, which are in excess of the departures, there is no doubt that New South Wales annually receives a large influx of overland population from Victoria, South Australia, and Queensland, of which no record can be obtained.

13. Referring, as in former reports, to the emigration from the United Kingdom, given in the returns of the Board of Trade for the year 1875 (the returns for 1876 have not yet been published) the following valuable information is obtained, viz.: The total emigration from the United Kingdom was in—

1873	...	...	...	...	...	...	...	310,612
1874	...	...	...	...	...	...	...	241,014
1875	...	...	...	...	...	...	...	173,809

thus showing a very considerable diminution in the emigration from the United Kingdom.

14. The departures from the United Kingdom in 1875 were:—

To the United States	...	...	...	...	...	...	...	105,046
To British North America	...	...	...	...	...	...	...	17,378
To the Australasian Colonies and New Zealand	...	...	...	...	...	...	...	35,525
To all other places	...	...	...	...	...	...	...	15,860
Total	...	...	...	...	...	...	...	173,809

The emigration to all the Australasian Colonies and New Zealand amounted, as shown in the above table, to 35,525. It was distributed as follows:—

To New Zealand	...	...	...	...	...	...	...	18,763
Victoria	...	...	...	...	...	...	...	5,673
Queensland	...	...	...	...	...	...	...	5,482
South Australia	...	...	...	...	...	...	...	2,819
New South Wales	...	...	...	...	...	...	...	2,157
Western Australia	...	...	...	...	...	...	...	629
Tasmania	...	...	...	...	...	...	...	2
Total	...	...	...	...	...	...	...	35,525

15. The total emigration from the United Kingdom for the 61 years ending 1875, has amounted to 8,236,720.

The emigration during the ten years ending 1875 has averaged annually 238,521.

I have, &c.,

GEORGE F. WISE,

Agent for Immigration.

[Enclosure.]

Colonial Secretary's Office,
Sydney, 19th September, 1876.

HIS Excellency the Governor, with the advice of the Executive Council, directs the publication of the following Regulations for the promotion of Immigration, in lieu of those dated the 16th May, 1873, viz.:—

1. All immigrants from Great Britain and other parts of Europe shall be approved by the Agent General, or by such persons as he may appoint for the purpose. And the Agent General is hereby authorized to make all necessary appointments, and otherwise to carry out all duties to ensure the efficiency of the Immigration Service under these Regulations and under instructions from the Colonial Secretary.

2. All such immigrants, other than those nominated by residents in the Colony, shall be selected by the Agent General, or by some other officer duly authorized in that behalf.

3. Approval of such immigrants from the United Kingdom shall be limited to such persons between the ages of twelve years and fifty years as shall pay, or for whom there shall have been paid, a deposit of £2; and for children coming with their parents, between the ages of three years and twelve years, the sum of £1, and younger children without charge. In approving of immigrants, regard will be had to the relative numbers of the population of the Colony from the three Kingdoms, according to the latest Census. Payments in the Colony to be made to the Agent for Immigration in Sydney, and in the Country districts to the Clerks of Petty Sessions, or in London to the Agent General.

4. Similar immigrants from the Continent of Europe may be in like manner approved on payment being made in each case to any officer duly authorized in that behalf, of an amount to be fixed, with reference to the different rates of passage thence to the Colony, so that the Colony shall pay no more passage money for them than the average rate from the United Kingdom: Provided that not more than one-eighth of the funds authorized by Parliament shall be so expended.

5. In like manner, and under similar regulations, immigrants may be approved from the eastern portion of the United States, by an agent to be appointed by or with the approval of the Colonial Secretary: Provided that not more than one-fourth of the funds authorized by Parliament shall be so expended, and provided that none of such immigrants be Asiatics, and that such immigrants shall pay towards their passage not less than immigrants from Great Britain.

6. The persons to be introduced shall be of sound mental and bodily health and of good moral character, and shall consist of mechanics, miners, domestic servants, farmers, vinedressers, and any other descriptions of labourers suitable for country pursuits, and to be chosen with a special view to the promotion of the industrial pursuits of the Colony.

7. Married people, with their children, and unmarried men shall be allowed to remain on board four clear days after the ship anchors in Port Jackson, and unmarried women shall be received into an Immigrants' Home, and shall be allowed to remain there for eight clear days under the control of the Agent for Immigration.

8. Immigrants desiring to proceed, within three clear days of their arrival, to the country districts, will be allowed free passages by railway and steambout.

9. Immigrants from the United Kingdom must be brought out in ships subject to the Regulations under the Queen's Order in Council, dated February 25, 1856, prescribing rules for preserving order, promoting health, &c., on board passenger ships, and the additional regulations provided by the Board of Emigration in England; also, under such further regulations as the Agent General may make and prescribe for their moral and sanitary condition during the passage, and those from the Continent of Europe and from the United States, subject to such regulations as may be determined by the Agent General or other officer duly authorized in that behalf. No allowance will, under any circumstances, be made in favour of any person taking a cabin or intermediate passage.

10. In the event of any person for whom a deposit has been paid for a passage declining to emigrate or not being able to comply with the conditions required by these regulations, or in case the amount deposited shall exceed that required for the number of immigrants actually introduced, the amount deposited, or the amount in excess, as the case may be, will be returned to the depositor by the Agent General, in London, on satisfactory proof being shown to justify such course, or by the Agent for Immigration, in Sydney, on return of the passage certificate, and upon the receipt of the Agent General's report.

11. Persons who make deposits, or for whom deposits are made, will, on approval, receive a passage certificate, which certificate will be available for one year only from the date thereof.

JOHN ROBERTSON.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION.

(PETITION FROM CHAIRMAN OF A PUBLIC MEETING AGAINST THE PRESENT SYSTEM.)

Ordered by the Legislative Assembly to be printed, 14 June, 1877.

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

The Petition of the undersigned, on behalf of one of the largest public meetings of the Working
Classes, held at the Masonic Hall, on Tuesday, May 29th, at which hundreds were unable to
gain admission, for the purpose of considering the indiscriminate system of Emigration now
being carried out by the Government,—

HUMBLY SHOWETH:—

That the importation of numbers of labourers both skilled and unskilled into New South
Wales, belonging to trades and callings which from the authentic returns from the different Societies affiliated
to the Trades and Labour Council, under whose auspices the meeting was convened, are stated to be already
over-crowded and that numbers of their members are unable to find employment, and many in consequence
being obliged to gladly take work however menial at whatever remuneration may be offered; this, together
with the fact that your Honorable House have voted the large sum of £100,000 for the purpose of bringing
to this country a large influx of labour, which if done will most unmistakeably depress and lower the status
of the working classes and be highly injurious to them and a wrong to those who are induced by misrep-
resentations of the state of the labour market to emigrate to New South Wales, and such as a resolution
being carried unanimously at the aforesaid public meeting to be signed by the Chairman for them: your
Petitioner would therefore humbly pray your Honorable House to take the circumstances herein set
forth into your earnest consideration, with a view to prevent our being injured in our various trades and
callings.

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

WILLIAM NUNN,

President of the Trades and Labour Council, Chairman of the Meeting

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMMIGRATION.

(PETITION AGAINST—MARTIN GUEST, CHAIRMAN OF A PUBLIC MEETING OF MECHANICS AND LABOURERS OF SYDNEY.)

Ordered by the Legislative Assembly to be printed, 26 June, 1877.

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

May it please your Honorable House that the humble petition of a large number of between two and three thousand mechanics, labourers, and working people, electors, and citizens of Sydney, in public meeting assembled,—

RESPECTFULLY SHOWETH:—

That your Petitioners have learned with alarm and regret that one hundred thousand pounds has been voted by your Honorable House out of the people's money to bring immigrants into this Colony, for the purpose of competing in the labour market with those already here—the state of the labour market at present in no way justifying such a large expenditure of public money, hundreds of persons in Sydney and throughout the Colony being in great distress owing to their being unable to obtain employment.

Your Petitioners object to the sum voted as involving a principle of protection, at variance and antagonistic to the principles and professions of a "Free Trade Parliament," by protecting the employers of labour against the working classes, thereby fostering one class at the loss and cost of another class, which policy your Petitioners believe to be the very essence of protection and which a Free Trade Parliament should not allow or adopt.

Your Petitioners would respectfully submit that, while they are prepared to admit immigration of European origin at their own expense, they will avail themselves of every constitutional means to express their disapproval and their opposition to one single penny—under the present circumstances of the labour market of the Colony—of the people's money being spent for that purpose.

Trusting your Honorable House will take these premises into consideration and at once discountenance any more immigration at the public expense, and thus grant the reasonable demand of a large section of the people of this Colony.

Therefore your Petitioners humbly pray that your Honorable House will take the premises into your favourable consideration, and give them such relief as your Honorable House may deem meet.

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

Signed on behalf of the Meeting,—

MARTIN GUEST,
Chairman.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION.

(PETITION AGAINST—RESIDENTS OF ANVIL CREEK, GRETA, AND NEIGHBOURHOOD.)

Ordered by the Legislative Assembly to be printed, 11 July, 1877.

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

The Petition of the undersigned Residents of the townships of Anvil Creek, Greta, and the surrounding districts,—

HUMBLY SHOWETH:—

That your Petitioners most respectfully protest against the motion tabled by the Honorable Sir Henry Parkes, and passed by your Honorable House, for the appropriation of one hundred thousand pounds sterling for immigration purposes, as your Petitioners consider that such expenditure would be most injurious to the working classes in the Colony. And in support of this protest your Petitioners would respectfully submit the following reasons:—

- 1st.—That from the present overcrowded state of the labour market and the difficulty of obtaining employment even at a low rate of remuneration, the introduction of a large number of people, whose sole means of obtaining support would be derived from employment afforded by others, would have a tendency to still further diminish the chances of obtaining employment, and would inevitably reduce the rate of wages, and thus bring about a state of pauperism altogether undesirable in a new country.
- 2nd.—That your Petitioners entirely disagree with a line of policy that would compel them to contribute towards bringing out a number of people to this Colony, when it is to be taken into consideration that a large youthful population is springing up who will require employment, which from the scarcity of manufacturing and industrial pursuits will (it is feared) be hard to be obtained.

Your Petitioners would therefore most sincerely pray that your Honorable House will take such measures as are necessary to prevent the expenditure of this money.

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

[Here follow 219 signatures.]

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

IMMIGRATION.

(PETITION AGAINST--RESIDENTS OF MINMI AND SURROUNDING DISTRICTS.)

Ordered by the Legislative Assembly to be printed, 25 July, 1877.

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

The humble Petition of the undersigned residents of Minmi and surrounding districts,—

HUMBLY SHOWETH:—

That your Petitioners have heard with alarm and regret that your Honorable House has voted the sum of £100,000 (one hundred thousand pounds) for the purpose of introducing immigrants to this Colony.

That your Petitioners would be seriously affected thereby as the importation of large numbers of people is likely to unduly affect the wages earned by your Petitioners.

Your Petitioners would therefore humbly pray your Honorable House to take such steps as your wisdom may deem fit to prevent the evil your Petitioners complain of.

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

[*Here follow 416 signatures.*]

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION.

(PETITION AGAINST—MARTIN GUEST, CHAIRMAN OF A MEETING OF THE WORKING MEN'S DEFENCE ASSOCIATION, SYDNEY.)

Ordered by the Legislative Assembly to be printed, 18 July, 1877.

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

May it please your Honorable House, the humble Petition of the members of the Working Men's Defence Association,—

RESPECTFULLY SHOWETH:—

That your Petitioners are deeply impressed with the serious and momentous consequences to their material interests by the recent vote of your Honorable House on the subject of immigration to this Colony, and therefore desire to submit its important bearings for reconsideration.

That your Petitioners utterly fail to perceive any pressing necessity or demand for the introduction of augmented numbers to the wage-earning classes at the present time and under the existing circumstances of the industrial market, beyond the simple and temporary requirements of the railway works, which are of an exceptional and peculiar character.

That your Petitioners gravely apprehend that the action of your Honorable House will be fraught with lamentable evils to the working classes, inclusive of immigrants forthcoming, from the absolute lack of occupation for their services which must inevitably ensue from the supply becoming so much in excess of the demand, and the absence of all encouragement to prospective industries which might be capable of absorbing surplus population in active pursuits.

That your Petitioners entertain solemn doubts of the propriety of appropriating the vote passed by your Honorable House in favour of increased immigration, and respectfully solicit the suspension of its operation.

That your Petitioners are furthermore respectfully of opinion that your Honorable House would greatly subserve the public interests by taking into its early consideration the expediency of legislation upon an Electoral Law having for its basis the representation of Constituencies formed upon population, and the adoption of the principle of payment of Members of Parliament, for without it we apprehend the interests of the working classes can never be properly represented; the enactment of a liberal and comprehensive scheme of reform in the Land Laws of the Colony, which requires such immediate legislation as will settle the Land question and its conflicting interests upon an equitable basis and stimulate the people to take up land and make homes for themselves; the necessity of fostering colonial manufactures and industries to promote the stability and well-being of the people; the initiation and passing of an Act to legalize mining and the search for minerals on private property; and that your Honorable House will consider the propriety of voting annually a sum of money from the public revenue for the purpose of more efficiently prospecting and developing the Gold Fields of this Colony; and lastly, until such reforms as the above are carried into law, your Petitioners would respectfully suggest to your Honorable House the advisability of postponing any public question of a vexed nature which would be likely to imperil or interfere with the successful accomplishment of the above much needed reforms.

That your Petitioners humbly pray that your Honorable House will take the premises into its favourable consideration, and grant them such relief as in your wisdom you may deem meet.

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

MARTIN GUEST,
Chairman, on behalf of the Meeting.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION.

(PETITION AGAINST—GEORGE WALLACE, CHAIRMAN OF PUBLIC MEETING, NEWCASTLE.)

Ordered by the Legislative Assembly to be printed, 21 June, 1877.

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

The Petition of the working men and others resident in Newcastle and surrounding districts,—

HUMBLY SHOWETH :—

That a mass meeting was called by advertisement and held on the 16th day of June instant in Newcastle and was one of the largest and most influential ever held in the Northern Districts of the Colony.

That the Mayor of Newcastle was chairman of the said meeting.

That at the said meeting the following resolutions were unanimously adopted :—

1. That this meeting is of opinion that the present indiscriminate system of Immigration now being carried on from America and England is highly injurious to the working classes of the country, and a wrong to those induced by false representations to emigrate to New South Wales.
2. That the first resolution should be embodied in a memorial and presented to Parliament by Angus Cameron, Esq., M.L.A., and that the chairman of the meeting sign the Petition on behalf of the meeting.

Your Petitioners therefore pray your Honorable House will take such action for preventing the expenditure of the £100,000 sterling voted for the purpose of Immigration as to your Honorable House shall seem meet.

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

Signed on behalf of the Petitioners,—

GEORGE WALLACE,
Mayor, Newcastle.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

IMMIGRATION.

(PETITION AGAINST—RESIDENTS OF PLATTSBURG AND WALLSEND.)

Ordered by the Legislative Assembly to be printed, 22 June, 1877.

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

The Petition of the undersigned residents of the Townships of Plattsburg and Wallsend, in the County of Northumberland, Colony of New South Wales,—

RESPECTFULLY SHOWETH :—

1. That in the opinion of your Petitioners the action of your Honorable House in empowering the Government to expend an additional £100,000 for Immigration purposes during the present year is premature and uncalled for, and if carried into effect can only entail misery on a large proportion of those who may be induced to immigrate, and will seriously affect the interests of the present Colonists, as there is at the present time a large portion of the adult population of the Colony who cannot obtain more than casual employment.

2. Your Petitioners are fully aware of the advantages of a rapidly increasing, thriving, and industrious population, but are also fully convinced that until the Parliament have by offering inducements succeeded in establishing permanent and thriving industries for the employment of labour, the present annual increase of the population is sufficient for the requirements of the Colony.

Your Petitioners would therefore respectfully and earnestly pray your Honorable House to cancel the authority given to the Government to expend the sum of £100,000, for the purposes of Immigration.

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

[Here follow 1,047 signatures.]

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS ALIENATION ACT OF 1861.

(ADDITIONAL REGULATIONS UNDER.)

Ordered by the Legislative Assembly to be printed, 12 December, 1876.

Department of Lands,
Sydney, 27 September, 1876.

HIS Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following additional Regulations under the Crown Lands Alienation Act of 1861, and the same are now published for general information.

THOMAS GARRETT.

CONDITIONAL PURCHASES.

PRIORITY OF SELECTIONS MADE ON THE SAME DAY.

1. Whenever the same land shall be applied for on the same day by two or more applicants, that applicant who shall first have tendered to the Land Agent an application in due form, accompanied by the prescribed deposit for the land, shall be declared the purchaser, but in the event of the applications being tendered simultaneously, or so nearly together that the Land Agent shall be in doubt as to which may have been first tendered, the right to the land shall be determined by lot, in accordance with the regulations heretofore subsisting, as soon as the same can conveniently be done.

2. Should there be reason to anticipate extraordinary competition for land on any land office day, it shall be within the discretion of the Minister for Lands to instruct the Land Agent to deal with all applications that may be found upon examination to be conflicting, and upon the clear priority of which he has doubt, tendered on that day between such hours or periods as he may prescribe, as applications having been made simultaneously: Provided that such instructions shall be limited to the day or days therein specifically mentioned.

3. In the event of its being found, at any time subsequently to the receipt of applications for conditional purchase, that the same land has been applied for, wholly or in part, by two or more persons, a day may be fixed, of which due notice shall be given by the Land Agent to the several applicants, and the right to the land shall then be determined by lot as already provided.

APPRAISEMENT.

COURT OF APPRAISEMENT.

The Appraiser or Appraisers, having made the declaration prescribed by the Act, and appointed (except in the case of a sole Appraiser) an umpire thereunder, shall appoint a time and place for holding a Court of Appraisement at some convenient place in the district; and shall give not less than fourteen (14) days' notice in writing thereof to the parties interested, and to the umpire, if any.

HOW APPRAISEMENT TO BE CONDUCTED.

The Appraisement shall be made in open Court, and upon due inquiry and consideration of any evidence, documentary or otherwise, which may be laid before the Appraiser or Appraisers by the claimant, or at the instance of the Government, or which may have been produced at their own instance.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LANDS ACTS AMENDMENT ACT OF 1875.

(OPINIONS OF ATTORNEYS GENERAL RESPECTING THE 31ST CLAUSE, WITH PLANS, &c.)

Ordered by the Legislative Assembly to be printed, 17 July, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 17th July, 1877, That there be laid upon the Table of this House,—

“ All Papers, Plans, &c., upon which the late and present Attorney General have given any Opinion as to the legal meaning of the 31st clause of the Lands Acts Amendment Act; and also a copy of the said “ Opinions.”

(Mr. Garrett.)

SCHEDULE.

NO.	PAGE.
1. Application for the purchase of 80 acres Crown Lands, under 31st clause of Lands Acts Amendment Act of 1875, by Lachlan M'Bean, with tracing. 11 April, 1876	2
2. Minute of Mr. Secretary Garrett, asking for opinion of Attorney General on L. M'Bean's application. (Tracing.) 29 September, 1876	2
3. Opinion of Mr. Attorney General Dalley on L. M'Bean's application. 29 September, 1876	2
4. Mr. M. Fitzpatrick, M.P., to Secretary for Lands, protesting <i>v.</i> the practice laid down on the opinion of the late Attorney General respecting 31st clause applications. 11 May, 1877	3
5. Messrs. Wilson and Ranken on behalf of Messrs. Angus Robertson and Bros., for reconsideration of decision given and course of action now taken by the Government respecting their applications under the 31st clause. (Minutes thereon.) 11 June, 1877	4
6. Crown Solicitor, returning papers relating to 31st clause applications. (Mr. Attorney General Windeyer's opinion enclosed herewith.) 6 July, 1877.....	4

LANDS ACTS AMENDMENT ACT OF 1875.

No. 1.

Application for purchase of Crown Lands.

B.—Lands Acts Amendment Act—1875.

APPLICATION for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Received by me with a deposit of £80, this 11th day of April, 1876.

£4 subdivision fee. J. A. BROUGHTON,
Agent for Sale of Crown Lands at Deniliquin.

Sir, Windouran, Moulamein, 11 April, 1876.

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the Lands Acts Amendment Act, 1875, the Crown Land described hereunder, on which I intend to erect the improvements detailed below, and I herewith tender the sum of £80, being a deposit of £1 per acre on the area for which I apply.

I have, &c.,

LACHLAN M'BEAN.

The Crown Lands Agent, Deniliquin.

Description of land.

Name of run, Windouran, leasehold, county of Wakool, parish of Baldon, 80 acres, on measured portion No. 60 on the Box Creek.

Describe intended improvements in detail.

Excavated dam of 1,200 cubic yards and wire fence cattle-proof, close to the Mando Stock Route, south of J. P. L. M'Bean, 100 acres measured portion No. 61.

Minutes on No. 1.

Referred to Occupation Office for name of lessee and estimated area of run.—3rd May, 1876.

Windouran Run, district of Murrumbidgee, Lachlan M'Bean, lessee. Estimated area, 70,400 acres.—G.M.

Occupation of Lands, 13th May, 1876.

No. 2.

Minute of Mr. Secretary Garrett.

I DESIRE the Honorable the Attorney General's opinion upon the following point:—The "Lands Acts Amendment Act of 1875," clause 31, provides for the preemptive right provisionally to purchase lands intended to be improved within twelve months from the date of application, in quantities from 40 acres to 640 acres, in proportion to the area under lease to the applicant.

The proviso to the clause is to this effect:—"Provided also that no such application to purchase as aforesaid shall be made for more than 1 square mile *within each block of 5 miles square* out of each lease, or a proportionate quantity out of any holding of less area." Now, the question is whether it is absolutely legally necessary that the lessee should hold in one block of 5 miles square leasehold land from the Crown to entitle him to make an application, and to require that it be received, for a portion of land, under the 31st clause of the Act in question, of the area named therein; or, in other words, if there should not be a block of land of 5 miles square upon his run, is the lessee debarred from exercising the power to purchase under the 31st clause of the Act named?

I send herewith plans* showing applications already made to purchase areas under the 31st clause out of runs of which there is not 5 miles square of leasehold land in one block.

My colleague would oblige by giving his opinion immediately if convenient.

T.G.,
29/9/76.

Also, if there is any alienation out of the block of 5 miles square, can an application to purchase under the 31st clause be entertained for a portion of land within such square?

T.G.

See memo. on Attorney General's opinion.—T.G., 10/10/76.

No. 3.

Opinion of Mr. Attorney General Dalley.

In re applications for the purchase of Crown Lands, in virtue of intended improvements by the holder thereof, under a lease, or promise of lease, for pastoral purposes.

By section 31 of 39 Victoria No. 13 (the Lands Acts Amendment Act of 1875), it is provided that if any person holding Crown Lands under lease, or promise of lease, for pastoral purposes, shall apply for liberty, by reason of improvements intended to be made thereon, to purchase any area of such land, not exceeding 640 acres nor less than 40 acres, and shall set forth the intended improvements, describe the land,

land, and pay to the Land Agent one pound per acre on the area applied for, such land shall for a year from the date of the application be held to be land lawfully contracted to be granted in fee-simple, and as such not open for conditional sale, and upon the completion of the improvements to the value of one pound per acre on the land so applied for, a grant shall issue.

In this clause there are two provisions. The first (with which I am not concerned) is as to the forfeiture of twenty-five per cent. of the deposit if the improvements shall not be made. The second requires that the application shall be limited to one square mile within each block of five miles square, out of each lease, or of proportionate quantity out of any holding of less area. In my opinion there must be, in the first case, to entitle any one to the preemptive right provisionally to purchase land intended to be improved to the extent of one square mile, these conditions in existence:—

First, that the person applying holds as lessee of a block of land for five miles square, within which area the land which he applies to purchase is situate; in other words, that his application must be a single one, and that it must be within a block of five miles square.

In the second place, that his application must be for a proportionate quantity out of any holding of less area.

A rough tracing has been sent with these papers showing the application of Mr. Lachlan M'Bean, Appendix C. and the position of the land which he has applied to purchase, and other applications are also forwarded with rough tracings showing the positions of the land.

I am of opinion that none of them are applications which can be made under the section of the Act alluded to.

Crown Law Offices, 29 September, 1876.

WILLIAM B. DALLEY,
Attorney General.

The opinion here given by the Attorney General should be applied to all cases of applications under the 31st clause.—T.G., 10/10/76.

No. 4.

M. Fitzpatrick, Esq., M.L.A., to The Secretary for Lands.

Sir,

251, George-street, Sydney, 11 May, 1877.

A few days back I had the honor of an interview with you upon the subject of the curious interpretation put by the late Government on the 31st clause of the Lands Acts Amendment Act of 1875; and, encouraged by your kind reception, I now submit in writing, as you suggested, my earnest protest against the practice laid down on the opinion of the late Attorney General.

The intention of this clause is too obvious to need much comment. It was to enable the lessee to secure land on which he intended to construct improvements, and of course it limited him, in plain English, to one selection not exceeding 1 square mile out of every five and twenty square miles. This limit the Act adopted from the 7th clause of the Alienation Act of 1861, and the language used is almost identical. The Act of 1875 says, "Provided also that no such application to purchase as aforesaid shall be made for more than one square mile within each block of five miles square out of each lease or a proportionate quantity of any holding of a less area."

Now for long years during which this clause of the Act of 1861 was in force, no doubt was ever thrown on the meaning, or if there were any doubt, it was at once removed by Ministerial decision.

The clause was held to mean what everybody knew it was intended to mean, namely, to limit these non-competitive purchases to a given proportion of the area of the run, viz., 1 square mile out of 25 square miles, or 640 acres out of 16,000 acres. Recently, however, Mr. Dalley gave an opinion, the exact term of which not being before me, I cannot quote; but on the strength of this opinion the late Government announced in every case the astounding decision that no such purchase was legal unless the land applied for was in a block of 5 miles square, and hence, no matter what the area of the run was, no purchase of the kind could be sustained unless situated in an exact square whose sides were 5 miles long. This extraordinary decision had the effect of rendering the 31st clause of the Act simply nugatory so far as regarded purchases of 640 acres, because I need not inform you that there is not perhaps in the whole Colony a run forming an exact square with its sides 5 miles long; but, with a marvellous inconsistency, it was at the same time held that in case of a lesser area than 5 miles square the application was sustained, no matter what the shape of the run was.

To give a practical illustration, as well of the hardship of the decision as of its inconsistency, I may mention that some twelve months ago Sir James M'Culloch took up a selection of 50 acres on his "Illilawa" Run, paying £50, and thereafter making improvements thereon to the value of £80.

Six months after, a selector, who had got scent of the decision of the late Government, selected or purported to select the same land, and warned Sir James M'Culloch's people off the land which he had improved.

I am informed that the run contains something little short of 100,000 acres, but there may not be, probably is not on this large run an exact block of 5 miles square; hence if the practice of the Lands Department be upheld the selection will be declared void. Now notice the consistency of the decision: If the area of the run had fallen short of 5 miles square the selection would have been sustained.

I think in all my experience I never knew of a decision said to be based on a legal opinion which does such violence to the plain intention of the Act.

Does any one in his sober senses doubt that the intention of the Act was to allow the lessee to purchase 640 acres out of every 16,000 acres which the run contained, and in the like proportion for areas less than 16,000 acres?

I submit this case to you with the full conviction that, either with or without legal advice (for I do not conceive that you need legal advice), you will see your way to reverse the practice of your department, and give to the law its plain meaning, thus doing justice to many who have been, in my humble judgment, deprived of what the law clearly promised them.

I have, &c.,

M. FITZPATRICK.

Mr. Attorney General Dalley's opinion is herewith.—E.B., 18 May, /77. Submitted.—L.G.T., 18/5/77. The Minister for Lands has instructed me to forward these papers to the Crown Solicitor, with the view of obtaining the opinion of the Attorney General.—B.C., 22 June, /77, W.W.S.

No. 5.

Messrs. Wilson & Ranken to The Minister for Lands.

Sir, 227, George-street, Sydney, 11 June, 1877.
 In the month of October, 1876, Messrs. Angus Robertson & Bros. made an application to select, under the provisions of the 31st clause of the amended Act, on the Bingegong Run, Murrumbidgee District, which application Mr. Moriarty, acting as Land Agent, refused, a memo. having at the time of application been made by him to the following effect:—"Amount tendered, money returned; not being within a block of 5 miles square."

This land has since been selected by a person named Brennan, and the lessees, having obtained the opinion of leading counsel to the effect that they are legally entitled to this land, are determined to uphold their rights in the Law Courts; but before doing so, we, on their authority, beg respectfully to request that you will be pleased to consider the decision given, and the course of action now taken by the Government in such cases, so that justice may be done to the applicants and expensive litigation avoided.

We have, &c.,

WILSON & RANKEN.

I refused to receive Messrs. Robertson's applications in accordance with the opinion of the late Attorney General (herein submitted), the land applied for not being within "a block of 5 square miles" out of the lease.—A.O.M., 14/6/77. Inform Messrs. Wilson & Ranken.—R.D., 18/6/77. Forwarded by direction of the Minister for Lands for the perusal of the Attorney General, with reference to separate letter (herewith) from Mr. Fitzpatrick, M.P., of the 11th May, 1877, and on which an opinion has been asked for.—B.C., 22 June, 1877, W.W.S.

No. 6.

The Crown Solicitor to The Under Secretary for Lands.

Sir, Crown Solicitor's Office, 6 July, 1877.
 I have the honor to return herewith the papers forwarded to me relating to the 31st section of the Lands Acts Amendment Act of 1875, and to state that I have submitted same to Mr. Attorney General, a copy of whose advising thereon will be found on the other side.

I have, &c.,

JOHN WILLIAMS.

[Enclosure to No. 6.]

Opinion of Mr. Attorney General Windeyer.

I AM of opinion that the words "five miles square" in the 31st section of the Lands Acts Amendment Act of 1875 must be taken to mean five miles squared in the arithmetical sense of the term, or in other words twenty-five square miles. There can be no reason why the block should be a geometrical figure five miles square to entitle the run-holder to exercise the right given under the 31st section; and the privilege to select a proportionate quantity out of any holding "of less area" shows that the intention of the Legislature was to determine the right of selection under this section by the size or area of the run, and not to make it in any way depend on its geometrical configuration. Any other interpretation of the words would, moreover, exclude a large majority of run-holders from partaking of the rights given under the section, and the Legislature could never have intended to give exceptional privileges to a few persons accidentally holding runs of a certain shape. The policy of the Legislature, as indicated in this section, is, I believe, the same as that indicated in the 7th section of the Crown Lands Alienation Act of 1861, where the more appropriate words "twenty-five square miles" are used. The difference in the language of the amending Act has, I take it, simply arisen from careless drafting, and not from any intention to give effect to a different policy, in defence of which no valid argument can, it appears to me, be advanced.

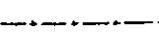
W. C. WINDEYER,
 Attorney General.

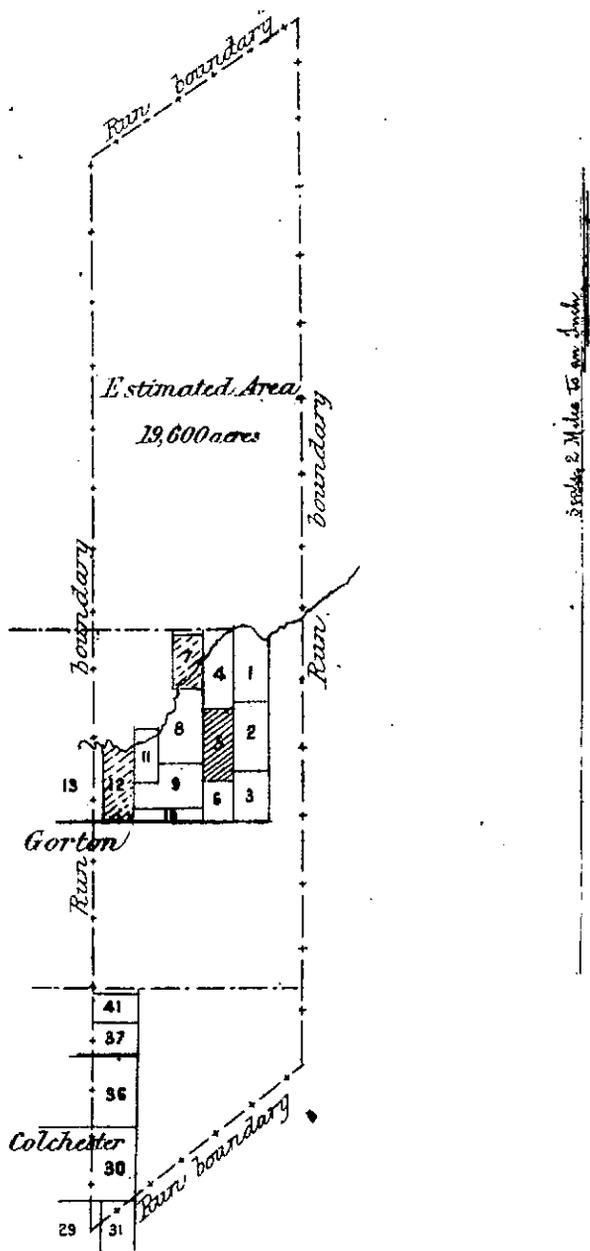
4-7-77.

[Three plans.]

SKETCH

Showing land applied for under 31st clause of C.L. Act of 1875.

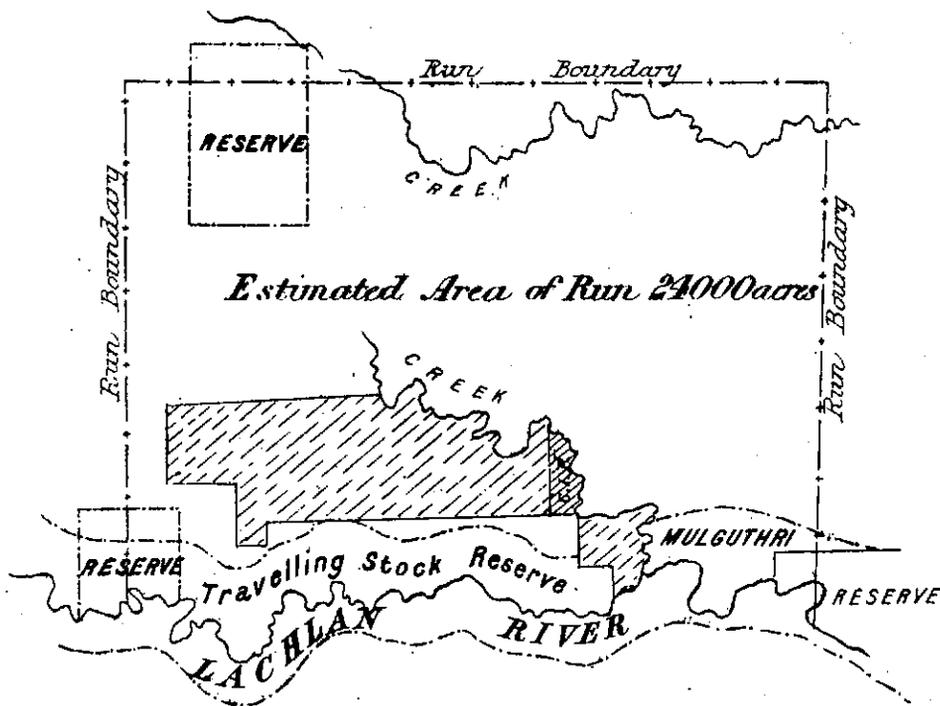
Land applied for shown thus 
 „ alienated „ „ 
 Run boundary „ „ 



SKETCH
SHOWING THE 5 MILE TEST

Land applied for as C.I.P. shown thus	
„ alienated	„ „ 
„ reserved	„ „ 
Run boundary	„ „ 

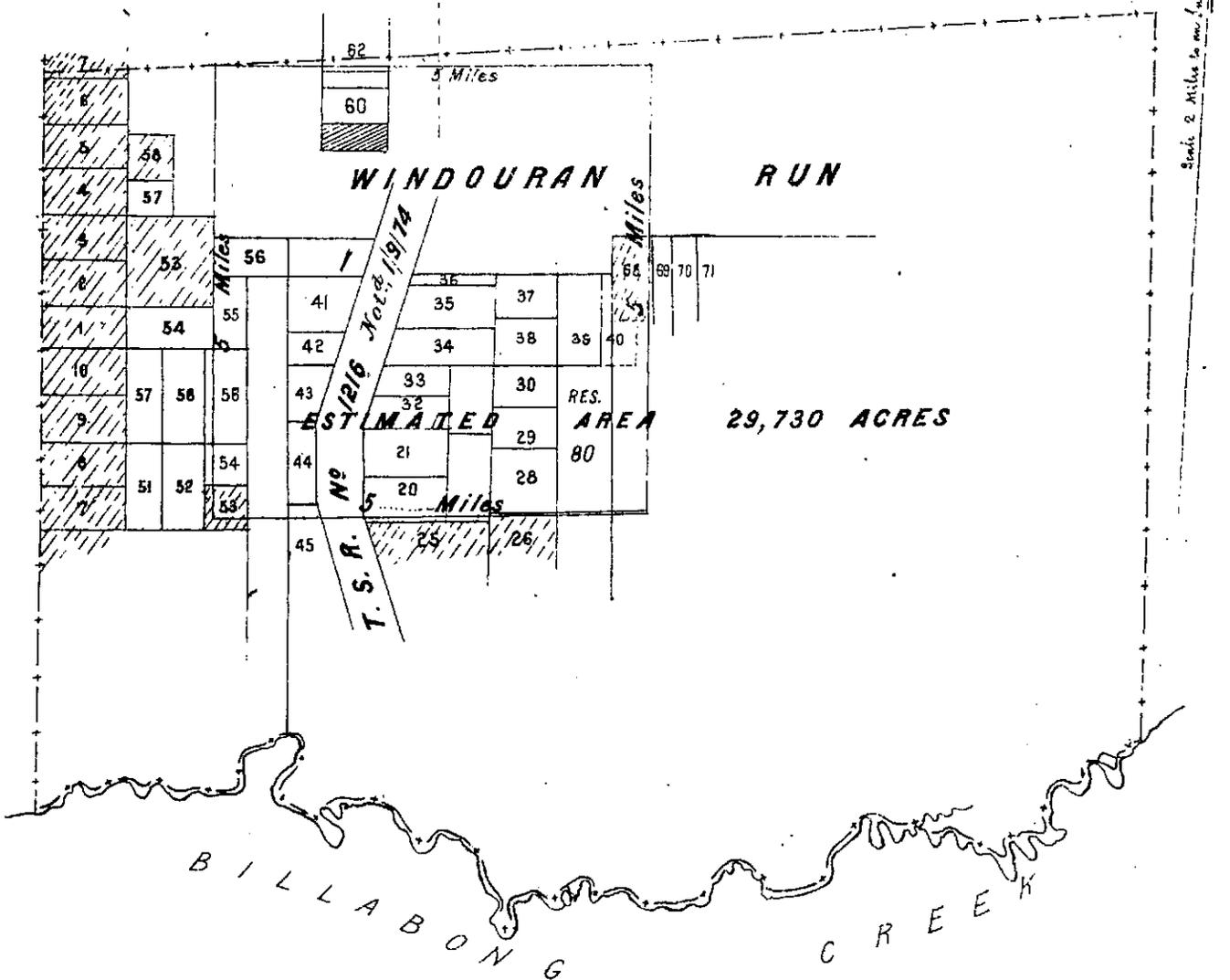
Scale 2 Miles to an Inch



(Sig. 466)

Land applied for shown thus 
 " alienated " " 
 Run boundary " " - - - - -
 " " is approximate

A.B. 27 Nov, '76



(Sig. 466)

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LANDS ACTS AMENDMENT ACT OF 1875.

(FURTHER CORRESPONDENCE RESPECTING THE 31ST CLAUSE.)

Ordered by the Legislative Assembly to be printed, 31 July, 1877.

FURTHER RETURN of Correspondence relative to the legal meaning of the 31st clause of the Lands Acts Amendment Act; laid on the Table of the House in accordance with the reply given by the Colonial Secretary to Mr. Garrett's question in reference thereto on the 25th July, 1877.

SCHEDULE.

NO.	PAGE
1. Application by Mr. Richard Blackwood, by his agent, Mr. S. M'Fadzean, for the purchase of Crown Land under the 31st clause of the Lands Acts Amendment Act of 1875, county of Townsend, parish of North Currabungung, with description and minutes. 17 October, 1876	2
2. Under Secretary for Lands to Richard Blackwood, Esq., informing him that his application cannot be entertained. 27 October, 1876	2
3. Same to Land Agent, Deniliquin, notifying him to same effect as to Mr. Blackwood's application. 27 October, 1876	2
4. Same to Under Secretary for Finance and Trade, requesting the refund to Mr. Blackwood of the deposit paid on his application. 27 October, 1876	3
5. Messrs. Wilson & Ranken to the Secretary for Lands, on behalf of Mr. Blackwood, declining to receive the refund, and requesting the completion of the sale of the 453 acres (see No. 1), and minutes thereon. 11 December, 1876	3
6. Under Secretary for Lands to Messrs. Wilson & Ranken, in reply to No. 5. 8 March, 1877	3
7. Messrs. Wilson & Ranken to the Secretary for Lands in reply, requesting a reversal of the decision in Mr. Blackwood's case, with minutes thereon. 30 May, 1877	3
8. Under Secretary for Lands to Messrs. Wilson & Ranken in reply, stating that the question involved in their letter has been submitted for the opinion of the Attorney General. 10 July, 1877	4

LANDS ACTS AMENDMENT ACT OF 1875.

No. 1.

Application by Mr. R. Blackwood.

Crown Lands Office, Deniliquin, No. 55.

APPLICATION for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Received by me with a deposit of £453, this 17th day of October, 1876.

J. A. BROUGHTON,

Agent for Sale of Crown Lands at Deniliquin.

Sir,

Hartwood, Conargo, 17 October, 1876.

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the Lands Acts Amendment Act, 1875, the Crown Land described hereunder, on which I intend to erect the improvements detailed below, and I herewith tender the sum of £453, being a deposit of £1 per acre on the area for which I apply.

I have, &c.,

RICHARD BLACKWOOD,

By his Agent, S. M'FADZEAN.

The Crown Lands Agent, Deniliquin.

Description.

453 acres in North Currabunganung, county of Townsend, parish of North Currabunganung: Starting from the north-west corner of portion No. 51; thence by a line south about 60 chains; thence by a line west; thence by a line north to the south-east corner of pre-emptive purchase No. 1; thence along that boundary to the Yanko Creek; thence east along said creek, to point of commencement, to take in the above area.

Improvements—Sheep-drafting yards, fencing, &c.

Minutes on No. 1.

North Currabunganung Run, district of Murrumbidgee—Richard Blackwood lessee, estimated area, 20-438 acres. Date of last appraisalment, 15th October, 1875.—G.M., Occupation of Lands, 26 October, 1876.

This application appears to have been made in virtue of North Currabunganung Run, on which alienation has so largely taken place that the 5-mile test cannot be applied. This has already been reported to the Lands Department by the Surveyor General's B.C., 11th October, 1876, under which the action suggested could have been taken in Lands, as the application is not made in virtue of pre-leased land.—F.W.R. (for Surveyor General), 26th October, 1876.

Approved.—T.G., 27/10/76.

No. 2.

The Under Secretary for Lands to R. Blackwood, Esq.

Sir,

Department of Lands, Sydney, 27 October, 1876.

No. 1.

Referring to your application of the 17th instant to purchase, under the 31st clause of the Lands Acts Amendment Act of 1875, 453 acres in the parish of North Currabunganung, county of Townsend, on the North Currabunganung Run, I am directed to inform you that, as the land applied for is not situated within a block of land 5 miles square, wholly under lease, your application cannot be entertained.

See No. 4.

2. The Treasury has been authorized to refund to you, or upon your order, the deposit of £453 which accompanied the application in question.

I have, &c.,

W. W. STEPHEN.

No. 3.

The Under Secretary for Lands to The Land Agent, Deniliquin.

Applicant, Richard Blackwood.

Department of Lands,

Sir,

Sydney, 27 October, 1876.

See No. 1.

Area, 453 acres.

Date of selection, 17 October, 1876.

Run, North Currabunganung. County, Townsend.

Parish, North Currabunganung.

I am directed to inform you that the application under the 31st clause of the Lands Acts Amendment Act of 1875, of which particulars are given in the margin, has been refused, and I am to request that you will be good enough to erase the notation from the office map and note the refusal in the register in which the application is recorded.

I have, &c.,

W. W. STEPHEN.

No. 4.

No. 4.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.
Revenue refunded.

Sir,

Lands Department, Sydney, 27 October, 1876.

I am directed to request that you will be good enough to refund to Mr. Richard Blackwood, or upon his order, of Hartwood, Conargo, the sum of £453, credited at the Treasury on the 23rd October, 1876, being the deposit paid on an application made by him at Deniliquin, on the 17th instant, to purchase, under the 31st clause of the Lands Acts Amendment Act, 453 acres in the parish of North Currabunganung, county of Townsend, on the North Currabunganung Run, which has been refused.

I have, &c.,

W. W. STEPHEN,
Under Secretary.

No. 5.

Messrs. Wilson & Ranken to The Secretary for Lands.

Sir,

227, George-street, Sydney, 11 December, 1876.

On behalf of Mr. Richard Blackwood, lessee of North Currabunganung Run, Murrumbidgee District, we beg to acknowledge receipt of your letter of 27th October, 1876, relative to his selection, under the 31st clause, of 453 acres in the parish of North Currabunganung, on the North Currabunganung Run, in which you state that the application cannot be entertained, and that the Treasury has been authorized to refund to Mr. Blackwood the deposit of £453, and beg respectfully to state that, as all the conditions of sale have been fulfilled by Mr. Blackwood, he declines to receive the refund, and begs respectfully to request that the sale to him of the 453 acres may be completed with as little delay as possible.

We have, &c.,

WILSON & RANKEN.

Minutes on No. 5.

Submitted in connection with the decision upon the enclosed conditional improved purchase:—
E.B., 21 December, 1876.

No reason is given for the reconsideration of the decision.—22.

Cannot be complied with. If the land is not on a reservation, the lessee can apply under the improvement clause of the law.—JOHN R.

No. 6.

The Under Secretary for Lands to Messrs. Wilson & Ranken.

Department of Lands, Sydney, 8-March, 1877.

Gentlemen,

Conditional improvement purchase, 1,068.
Date, 17th October, 1876.
Applicant, Richard Blackwood.
County, Townsend.
Parish, North Currabunganung.
Run, North Currabunganung.
Area, 453 acres.

With reference to your letter of the 11th December last, No. 5. stating that Mr. Blackwood declined to receive the refund of his deposit paid on the application particularized in the margin, and requested that the sale to him of the land applied for might be completed, I am directed to inform you that no reason appears to be given for the reconsideration of the decision, and that the request cannot be complied with.

I am to add that, if the land in question is not situated upon a reservation, the lessee can apply to purchase it under the 2nd clause of the Lands Acts Amendment Act of 1875.

I have, &c.,

W. W. STEPHEN.

No. 7.

Messrs. Wilson & Ranken to The Secretary for Lands.

Sir,

227, George-street, Sydney, 30 May, 1877.

In answer to the letter of the Under Secretary for Lands, dated 8th March, 1877, relative to the conditional improved purchase of 453 acres made by Mr. Richard Blackwood on his North Currabunganung Run, Murrumbidgee District, on the 17th October, 1876, and our letter of the 11th December, 1876, in which we, on behalf of Mr. Blackwood, declined to receive the refund of the deposit paid by him, and the request that the sale may be completed with as little delay as possible, in which it is stated, "that as no reason has been given for the reconsideration of the decision, that the request cannot be complied with,"—we beg respectfully to state that the reason why we, on behalf of Mr. Blackwood, decline to accept the decision of the Minister for Lands, is that the selection has been made strictly in accordance with the provisions of the Lands Acts Amendment Act, and the reasons given for the cancellation of the selection are not valid, as the law does not require that the selection shall be within a block of "5 miles square," but that it shall be within an area of 16,000 acres under lease to the applicant.

We respectfully submit that the interpretation put on the expression by the Minister used in the 31st clause, "each block of 5 miles square," is a forced one, not warranted by the provisions and spirit of the Act. These are the grounds on which we, on behalf of Mr. Blackwood, again request a reversal of the decision arrived at.

We have, &c.,

WILSON & RANKEN.

Mr. Thompson,—This is a protest against the decision as to the "5-mile test."—C.O., 11/6/77. Specially submit.—12/6/77. This question is under reference to present Attorney General—must await reply.—W.W.S., 24/6/77. Inform, 29.

No. 8.

The Under Secretary for Lands to Messrs. Wilson & Ranken.

Gentlemen,

Department of Lands, Sydney, 10 July, 1877.

No. 7.

C.L.P., No. 1,068,
17 Oct., 1876.

Referring to your letter of the 30th May last, making, on behalf of Mr. Richard Blackwood, a further request for the reversal of the decision in the case of your client's application to purchase, under the 31st clause of the Lands Acts Amendment Act of 1875, 453 acres on the Currabunganung Run, I am directed to inform you that the question involved in the letter above referred to has been submitted for the opinion of the present Attorney General, and that upon receipt of it a further communication will be addressed to you.

I have, &c.,

W. W. STEPHEN.

 Sydney: Charles Potter, Acting Government Printer.—1877.

[37.]

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LANDS ACTS AMENDMENT ACT OF 1875.

(NUMBER OF APPLICATIONS UNDER THE 31ST CLAUSE.)

Ordered by the Legislative Assembly to be printed, 8 August, 1877.

31ST CLAUSE C. L. A. AMENDMENT ACT OF 1875.

1.	No. of applications rejected without reference to Survey Office before 1st October, 1876	...	...	...	...	...	...	...	...	251
2.	No. of applications rejected by Survey Office before 1st October, 1876	...								30
3.	" sent to surveyors									430
4.	" " after "									70
5.	" awaiting statutory declarations	...	...	...	...	...	...	...	...	249
6.	" dated from passing of Act to 1st October, 1876.							Total		1,030
7.	" received up to the present date, 26 July, 1877	...	...	...	...	...	...	...	...	1,461

NOTES.

Of item 3, 140 applications have been rejected on Mr. Dalley's opinion and many for other reasons.

" 4, 9

This item 5 refers to applications which were forwarded to the Lands Department to await statutory declarations. The average of applications that must be rejected on Mr. Dalley's opinion will probably be the same as that of the previous items (3 & 4) but cannot be definitely known until the return of the papers from Lands.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS ACTS AMENDMENT ACT OF 1875.

(APPLICATIONS UNDER THE 31ST CLAUSE.)

Ordered by the Legislative Assembly to be printed, 9 August, 1877.

No. 1.

B.—Lands Acts Amendment Act—1875.

444.—28 March, 1876.

Crown Lands Office, Grenfell, No. 8.

APPLICATION for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Received by me with a deposit of £50, this 10th day of March, 1876.

W. F. PARKER,

Agent for Sale of Crown Lands at Grenfell.

Former applications:—

C.I.P.	Area.
118	40
443	50

Total ... 90 ac.

Sir,

Ki Kiama, Grenfell, 10 March, 1876.

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the Lands Acts Amendment Act, 1875, the Crown Land described hereunder, on which I intend to erect the improvements detailed below; and I herewith tender the sum of £50, being a deposit of £1 per acre on the area for which I apply.

I have, &c.,

The Crown Lands Agent, Grenfell.

PATRICK WALSH.

Description of land. (See Regulations Nos. 7 and 8.)

Name of run or nature of holding, Ki Kiama Run, county of Monteagle, parish unknown; commencing at a point about 2 miles west of P. Walsh's provisional pre-emptive purchase No. 7 on Young side of Sandy Creek, thence by lines south-west, north and east to the starting point; there is a tree marked 2-74 near the west corner of the above, at a spot near the creek.

Intended improvements.

Large water tank and a hut of the value of £50 sterling.

Minutes on No. 1.

Kikiamah Run, district of Lachlan, Patrick Walsh, lessee. Occupation of Lands, 11th April, 1876.

Estimated area, 35,000 acres.—A.O.P. Mr. E., 18. Copy to Mr. Long, 26th May, 1876.

[See Plan No. 1.]

Purchases in virtue of intended Improvements.

REGULATIONS.

5. Applications for the purchase in virtue of improvements intended to be placed thereon of land held by the applicant under any pastoral lease should be in the form B, appended hereto, and should be delivered to the Land Agent of the district.

6. The applicant will be required to pay to the Land Agent, at the time of application, a deposit equal to £1 per acre on the area applied for, which must not be less than 40 nor more than 640 acres.

7. Every application must set forth the improvements intended to be effected, and must contain a clear description of the locality and boundaries of the land applied for, referring to the nearest conspicuous natural feature, or some known or determined point on the nearest frontage or measured portion, and describing, so as to admit of ready identification, the starting point, together with the direction and approximate length of the respective boundaries; which, with the exception of the frontage, if any, must be directed to the cardinal points by compass.

8. Land measured by the authority of the Government must be taken in portions as measured, but application for part of a portion may, subject to the approval of the Minister for Lands, be made on payment, in addition to the price of the land, of the estimated cost of subdivision. Measured land, if having frontage to any river, creek, road, or intended road, shall, within the First Class Settled Districts, have a depth of not less than 20 chains, and if in the Second Class Settled or Unsettled Districts, of not less than 60 chains; but no boundary shall exceed 80 chains in a direct line.

9. The Minister for Lands may cause the boundaries of any such purchase to be modified on measurement so as to be approximately at right angles to any frontage, and may cause necessary roadways and water reserves to be excluded.

10. No application can be made for more than one portion not exceeding 640 acres, within each block of 5 miles square, of the applicant's leasehold, or a proportionate quantity out of any holding of less area.

No. 2.

B.—Lands Acts Amendment Act—1875.

775.—6 July, 1876.

Crown Lands Office, Forbes, No. 76/33.

APPLICATION for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Received by me with a deposit of £40, this 21st day of June, 1876, at 3.20 p.m.

STEPHEN FREEMAN,
Agent for Sale of Crown Lands at Forbes.

Former application :—

C.I.P.	Area.
774	40 ac.

Sir,

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the Lands Acts Amendment Act, 1875, the Crown Land described hereunder, on which I intend to erect the improvements detailed below; and I herewith tender the sum of £40, being a deposit of £1 per acre on the area for which I apply.

Wongagong, Forbes, 21 June, 1876.

I have, &c.,
CHARLES EDW. PEARSON.

The Crown Lands Agent, Forbes.

No. 2.

Description of land.

Name of run, Wongagong Run, county of Forbes, parish of Branlin, 40 acres, the centre of the selection to be three-quarters of a mile due south of the 40 acres applied for by me this day as No. 1, my said No. 1 application being described as $\frac{3}{4}$ of a mile S.W. of the N.W. corner of reserve 737.

Intended improvements.

Excavation (dam).

MEMO.—In this case I drew applicant's attention to the fact that he had not complied with the requirements of Regulation No. 7.—S.F.

Minutes on No. 2.

Wongagong Run, Lachlan District, the Trust and Agency Company of Australasia, limited, lessees. Estimated area, 19,788 acres. Run last appraised, 18th November, 1875.—Geo. M. Occupation of Lands, 11th July, 1876.

Applicant informed that this application will be treated as if made on behalf of the lessees. 24 July, 1876. For copy. Copy to Mr. Long, 22/8/76.

[See Plan No. 2.]

[Similar Regulations to those printed after No. 1.]

No. 3.

C.I.P. 928, 6 Sept., /76.

Land Office, Hay, No. 75.

Received this 18th day of August, 1876, with the sum of £150.

CHARLES OLIVER,
Acting L.A.

Former application :—

C.I.P.	Area.
927	640 ac.

Sir,

We beg to apply to purchase, under the 31st clause of the Lands Acts Amendment Act of 1875, the portion of land hereunder described, and herewith tender the sum of

We have, &c.,
HASTINGS CUNNINGHAM.
JOHN KANE SMYTH.

The Land Agent, Hay.

per Agents, Wm. Tomkins & Co.,
Hillsten.

Description

3

Description of land.

On south Merrowee Run, county of Nicholson, 150 acres, situated as follows: Commencing at the south-west corner of J. Smith's freehold of 200 acres, thence east to main road from Willalio to Lane's Bridge, thence along the western side of the said road until an area of 150 acres is included between road and Lachlan River.

Intended improvements.

House, yard, dam, fencing, &c.

Minutes on No. 3.

South Merrowee run, district of Lachlan, Hastings Cunningham & John Kane Smyth, lessees. Estimated area, 20,760 acres. Date of last appraisalment, 24 August, 1875.—G.M. Occupation of Lands, 23 September, 1876.

For copy, 30. Copy to Mr. Long, 3/11/76. Sent to L.-S. Burgess, 21 Dec., /76.

[See Plan No. 3.]

No. 4.

748. B.—Lands Acts Amendment Act—1875.

APPLICATION for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Received by me with a deposit of £40, this 16th day of June, 1876.

CHAS. W. WEEKES,

Agent for Sale of Crown Lands at Gundagai.

Sir,

Bethungra, 16 June, 1876.

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the Lands Acts Amendment Act, 1875, the Crown Land described hereunder, on which I intend to erect the improvements detailed below; and I herewith tender the sum of £40, being a deposit of £1 per acre on the area for which I apply.

I have, &c.,

MATHEW SAWYER.

The Crown Lands Agent, Gundagai.

Description of land.

Name of run, Lease of the Ironbong Run, county of Clarendon, parish of Ironbong, 40 acres; commencing about 25 chains south of measured portion No. 16, at a spot known as "Turvey's Fall."

Intended improvements.

Substantial dam and tank to be used in connection with the working of the Ironbong Run.

Minutes on No. 4.

Ironbong Run, district of Lachlan, the Australian Joint Stock Bank, lessees. Estimated area, 32,000 acres.—G.M. Occupation of Lands, 5 July, 1876.

Applicant informed that this application will be treated as if made on behalf of the lessee. 14 July, 1876. For copy. Copy to Mr. Long, 22/8/76. Lic.-Sur. Commis, 29 Aug., /76. Transferred to L.-S.F. Cowley, 25 Sept., /76.

[See Plan No. 4.]

[Similar Regulations to those printed after No. 1.]

No. 5.

B.—Lands Acts Amendment Act—1875.

547.—29 April, 1876.

Crown Lands Office, Molong, No. 15.

APPLICATION for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Received by me with a deposit of £80, this 19th day of April, 1876.

JOHN H. NISBETT,

Agent for Sale of Crown Lands at Molong.

Former application:—

C. I. P.	Area.
546	50 ac.

Sir,

Murga, 19 April, 1876.

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the Lands Acts Amendment Act, 1875, the Crown Land described hereunder, on which I intend to erect the improvements detailed below; and I herewith tender the sum of £80, being a deposit of £1 per acre on the area for which I apply.

I have, &c.,

CHARLES ICELY.

The Crown Lands Agent, Molong.

Description

Description of land.

Name of run or nature of holding, leasehold, Wilandra, county of Ashburnham, parish of Moura, 80 acres, situated at Sandy Creek Spring; commencing 1 chain above the spring, the spring being in the centre of the block, running below the end of the spring; situated about a quarter of a mile from Sandy Creek sheep station hut, in the direction of Gilgilbey.

Intended improvements.

Fencing, building, dam, and clearing.

Minutes on No. 5.

Willondra Run, district of Wellington, Charles Icely, lessee. Estimated area 25,600 acres.—G.M. Occupation of Lands, 13th May, 1876. Copy to Mr. Long, 14/6/76.

[See Plan No. 5.]

[Similar Regulations to those printed after No. 1.]

No. 6.**B.—Lands Acts Amendment Act—1875.**

432.—28 March, 1876.

Crown Lands Office, Wagga Wagga, No. 10.

APPLICATION for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Received by me with a deposit of £160, this 8th day of March, 1876.

F. KORFF,

pro Agent for Sale of Crown Lands at Wagga Wagga.

Former applications:—

C. I. P.	Area.
247	320
316	200

Total ... 520 ac.

Sir,

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the Lands Acts Amendment Act, 1875, the Crown Land described hereunder, on which I intend to erect the improvements detailed below; and I herewith tender the sum of £160, being a deposit of £1 per acre on the area for which I apply.

I have, &c.,

WILLIAM PITT FAITHFULL.
JEREMIAH ROGERS.

The Crown Lands Agent, Wagga Wagga.

Description of land.

Name of run, Bréwarrina, county of Mitchell, parish of Bréwarrina. To start from a point about 15 chains south-west of W. P. Faithfull's portion No. 23, then to run south to the boundary line of water reserve No. 352; thence west along said reserve; thence north, thence east to point of commencement.

Intended improvements.

Fencing and ringing timber:

Minutes on No. 6.

Brewarrina Run, District of Murrumbidgee, W. P. Faithfull, lessee. Estimated area, 64,960 acres.—A.O.P. Occupation of Lands, 11th April, 1876.

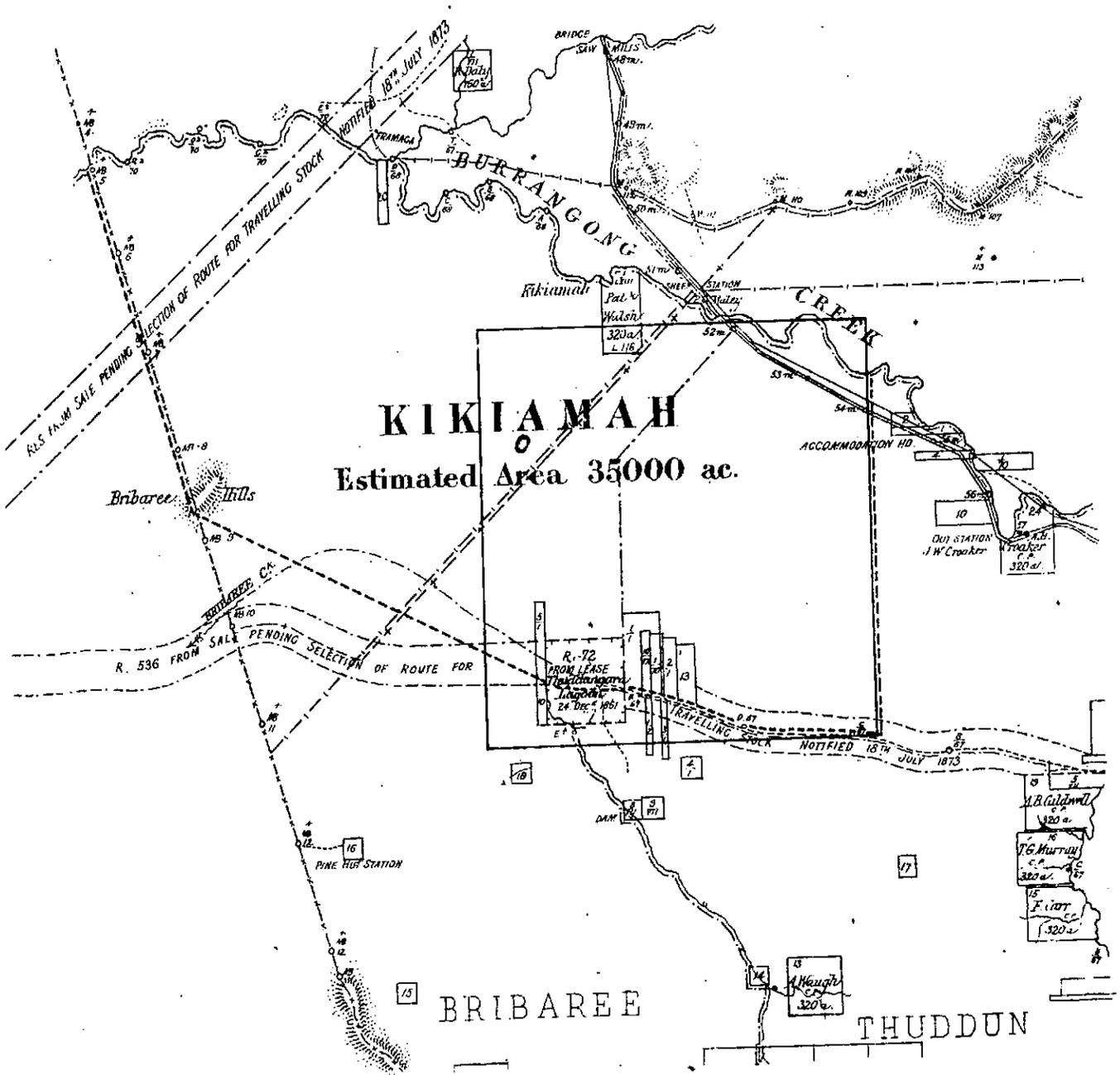
Messrs. Faithfull and Rogers informed that application would be dealt with as if made on behalf of Mr. Faithfull. 21 April, /76. Mr. E. Copy to Mr. Long, 20th May, 1876.

[See Plan No. 6.]

[Similar Regulations to those printed after No. 1.]

[Six plans.]

Plan No 1



Note - Run Boundaries shewn thus -----

(Sig. 516)
J #

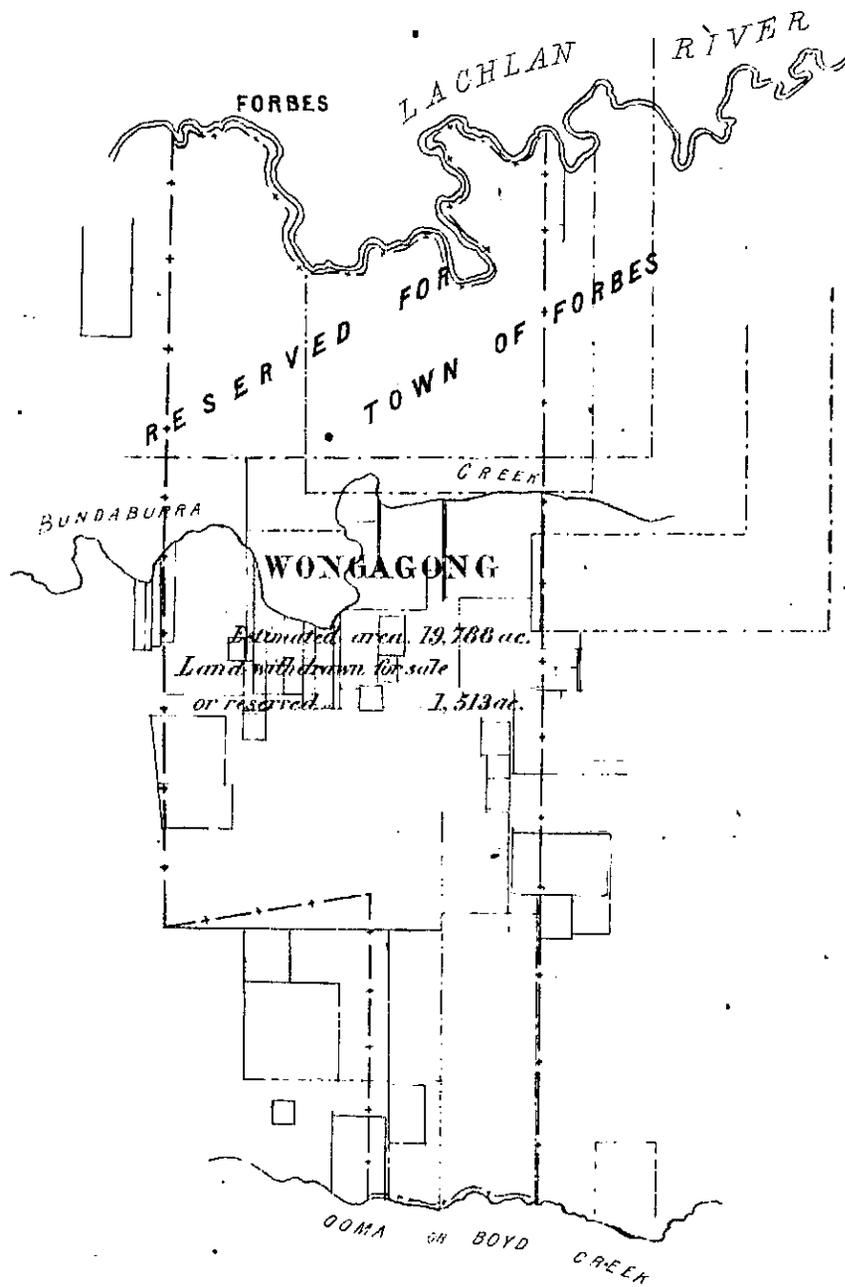
Plan No. 2.

Plan showing

WONGAGONG RUN,

LACHLAN DISTRICT, COUNTY OF FORBES.

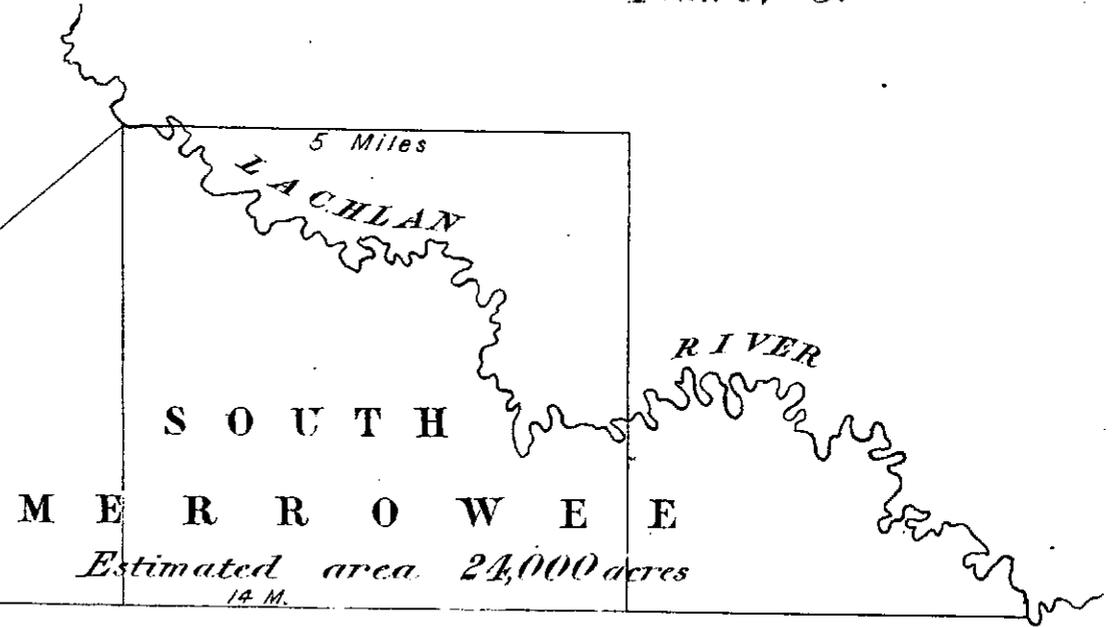
Scale 2 Miles to an Inch.



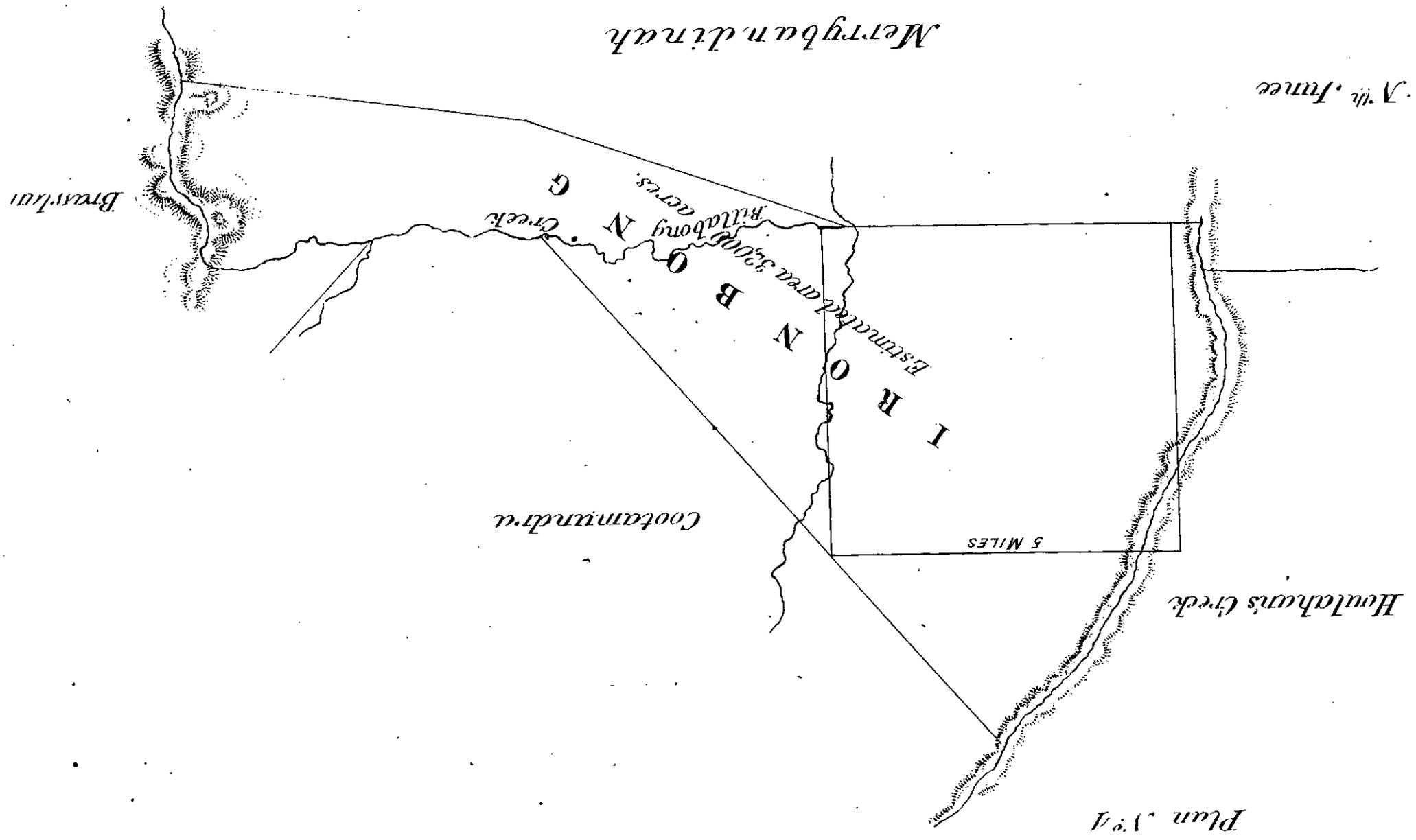
(Sig. 516)

Plan N^o 3.

BELLINGERAMBIL,

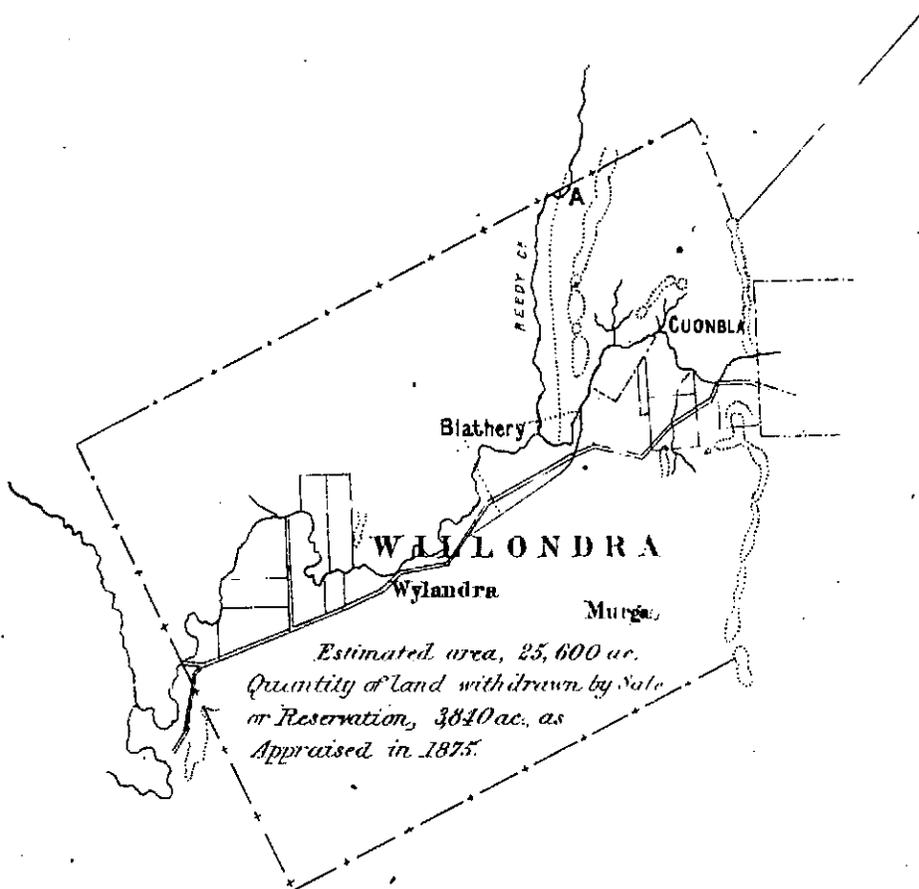


7th June



Plan N^o 5.

Scale, 2m. to 1in.



*Boundaries of Run shown approximately only,
being in conflict with those of adjoining Runs.-
Described as 8m. by 5m.*

(Sig. 516)

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(ABSTRACT OF SITES FOR CITIES, TOWNS, AND VILLAGES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 4.

ABSTRACT of all sites for Cities, Towns, and Villages, declared under the 4th section of the Act
25 Victoria No. 1.

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which published.
Town of Goangra	About 524 acres...	About 1,408 acres	County of Baradine, at Goangra, Namoi River.	23 September, 1876.
Village of Piallamore...	" 47 " ...	" 90 "	County of Parry, parish of Gill, at Piallamore.	7 October, 1876.
Village of Bundella ...	" 135 " ...	" 166 "	County of Pottinger, parish of Lawson.	7 November, 1876.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(SITES FOR CITIES, TOWNS, AND VILLAGES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of all sites for Cities, Towns, and Villages, declared under the 4th section of the Act
25 Victoria No. 1.

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which published.
Village of Gulgong.....	315 acres.....	335 acres.....	County of Phillip, parish of Guntawang, at Gulgong.	13 April, 1877.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(SITES FOR CITIES, TOWNS, AND VILLAGES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of all sites for Cities, Towns, and Villages, declared under the 4th section of the Act
25 Victoria No. 1.

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which published.
Village of Marsden	350 acres (about)..	695 acres (about)..	County of Bland, parish of Berrigan, on Bland or Yeo Yeo Creek.	20 June, 1877.
Village of Wallendbeen.	191½ „ „ ...	422 „ „ ...	County of Harden, parish of Wal- lendoon.	„
Village of Murrumboolla	515 „ „ ...	810 „ „ ...	County of Harden, parish of Mur- rimboolla.	„
Extension of suburban lands of Village of Gul- gong.	.....	2,000 „ „ ...	County of Phillip, parishes of Gun- tawang and Gulgong.	27 June, 1877.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(SITES FOR CITIES, TOWNS, AND VILLAGES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of all Sites for Cities, Towns, and Villages, declared under the 4th section of the Act
25 Victoria No. 1.

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which published.
Village of Colombo	117 acres (about)..	284 acres (about)	County of Auckland, parish of Colombo.	8 August, 1877.
Town of Forbes (Suburbs)	.....	504 " "	County of Forbes, parishes of Forbes and Wangajong.	"
" "	.....	1,530 " "	" "	"
" "	.....	2,070 " "	" "	"
" "	.....	390 " "	" "	"
Town of Balranald	256 acres (about)..	1,549 " "	County of Cairn, parish of Balranald, at Balranald.	"
Town of Bingara (Suburbs).	.....	57½ " "	County of Murchison, parish of Bingara.	"
Village of Rockley	368 acres (about)..	496 " "	County of Georgiana, parish of Rockley.	"

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(SITES FOR CITIES, TOWNS, AND VILLAGES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of all Sites for Cities, Towns, and Villages, declared under the 4th section of the Act
25 Victoria No. 1.

City, Town, or Village.	Area for City, Town, or Village.	Area for Suburbs.	Locality.	Government Gazette in which published.
Village of Delegete.....	About 345 acres...	About 340 acres...	County of Wellesley, parish of Delegete.	15th Sept., 1877.
Town of Howlong	About 810 acres...	About 860 acres...	County of Hume, parish of How- long.	26th Sept., 1877.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Armidale	Sandon	Part of section 46		Town of Armidale	About 7 2 24	Site for Hospital	Ms. 76-6,561	A. 1,354
Bathurst	Bathurst	35		City of Bathurst	9 3 24	Public Recreation	5,156	B. 162-824
Do.	do.	38		do.	9 3 17	do.	5,156	B. 153-824
Do.	do.	41		do.	8 1 37	do.	5,154	B. 154-824
Do.	do.	59		do.	9 3 23	do.	5,153	B. 155-824
Do.	do.	90		do.	5 0 1	do.	5,152	B. 156-824
Do.	do.			do.	2 0 7	do.	5,152	B. 156-824
Do.	do.			do.	1 2 5	do.	5,152	B. 156-824
Do.	do.	103		do.	8 2 39	do.	1,082	B. 156-824
Ball's Head Bay	Cumberland			Parish of Willoughby, Ball's Head Bay.		Water Supply Public Purposes	206	C. 720-690
Bell's Creek	St. Vincent	Portion 476		Parish of Araratuen	2 0 0	Public School	4,018	P. 286-1,978
Bendella	Caonden	216		Parish of Burrawang	2 0 0	do.	6,540	P. 295-1,978
Binalong	Harden	1 and 2	40	Town of Binalong	1 2 0	Presbyterian Church and Manse	3,565	C. 545-1,984
Binda	Forbes	Portions 3 and 4		Parish of Binda	1 2 0	Church of England Church and Parsonage.	75-0,495	C. 442-1,984
Booligal	Nicholson	2 and 3	6	Town of Booligal	1 2 0	do.	76-5,494	C. 548-1,984
Do.	do.	1 and 7	6	do.	2 0 0	Public School		P. 298-1,978
Burrowa	Monteagle			Parish of Jeecullalong	About 18 0 0	Camping Ground	5,471	M. 5-1,780R
Bourke	Cowper	1	5	Town of Bourke	0 2 0	Mechanics' Institute	9,502	B. 7-1,821
Do.	do.	Por. 1, allot. 4, sec. 15		do.	1 2 0	Church of England Church and Parsonage.	3,542	C. 378-1,984
Bullock Island	Northumber- land.	7 and 8A	43	On Bullock Island	0 3 0	Roman Catholic Church and Presbytery.	75-7,900	C. 218-1,984
Do.	do.	3 and 8A	32	do.	0 3 0	Church of England Church and Parsonage.	76-7,440	C. 522-1,984
Burns' Bay	Cumberland			At Burns' Bay	1 0 0	Public Recreation	206	C. 991-690
Casino	Richmond	Portion 73		Parish of East Casino	2 0 0	Public School	5,606	P. 287-1,978
Cessnock	Northumber- land.			Parish of Pokolbin	3 2 32	General Cemetery	6,004	C. 523-1,984
Collector	Argyle	1 and 2	8	Town of Collector	1 2 0	Wesleyan Methodist Church and Minister's Residence.	2,290	C. 583-1,984
Condobolin	Glpps			Parish of Condobolin	386 0 0	Stock Route and Camping	4,442	G. 235-1,871
Cudal	Ashburnham	0, 7, and 8	11	Village of Cudal	1 0 0	Church of England Church and Parsonage.	498	C. 626-1,984
Deniliquin	Townsend			Parish of South Deniliquin	321 0 0	Racecourse	3,197	T. 1,747-1,803
Dungowan	Parry	1 and 2	17	Town of Dungowan	1 2 0	Wesleyan Church and Minis- ter's Residence.	901	C. 527-1,984
Elsmore	Gough	Portion 209		Parish of Anderson	4 0 0	Public School	5,736	P. 276-1,978
Emu	Cook			At Emu Plains	2 0 0	do.	6,977	P. 292-1,978
Eurongilly	Clarendon	Portions 85 and 86		Parish of Eurongilly	1 2 0	Church of England Church and Parsonage.	75-8,123	C. 495-1,984
Forbes	Ashburnham	2	79	Town of Forbes	0 1 0	School of Arts	76- 499	F. 31-1,830
Glen Innes	Gough	Portion 156		Parish of Glen Innes	24 0 0	For the purposes of the Central New England Pastoral and Agricultural Association.	906	G. 7-1,761
Gundy	Brisbane			Parish of Alma	3 3 0 1	General Cemetery	2,620	G. 534-1,984
Hargraves	Wellington	Portion 119		At Hargraves	6 0 0	Recreation Ground	75-9,238	W. 648-2,091
Howlong	Hume	7, 8, and 9	48	Town of Howlong	1 2 0	Wesleyan Church and Minis- ter's Residence.	76-5,854	H. 1-1,691
Ironbarks	Wellington	Portions 69 and 70		Parish of Ironbarks	1 2 0	Roman Catholic Church and Presbytery.	4,082	C. 490-1,984
Jacob & Joseph Creek	Euckland	Portion 171		Parish of Coepolly	2 0 0	Public School	3,184	P. 267-1,978
Kangaroo River	Camden	188		Parish of Wallaya	2 0 32	do.	5,067	P. 291-1,978
Macquarie Plains	Roxburgh	148		Parish of Mielrose	3 3 20	do.	3,142	P. 268-1,978
Mandagery	Ashburnham	68-5		Parish of Duiladerry	2 0 0	do.	501	P. 280-1,978
Manton Creek	King			Parish of Bango	2 0 0	do.	75-0,009	P. 250-1,978
Maryland	Buller	2 and 3	9	Village of Maryland	1 2 0	Church of England Church and Parsonage.	8,571	C. 509-1,984
Merinda	Wellington	Portion 35		Parish of Merinda	2 0 0	Public School	76-4,937	P. 251-1,978
Micketymulga	Lincoln	174		Parish of Micketymulga	2 0 0	do.	2,787	P. 263-1,978
Molonglo	Murray	121		Parish of Molonglo	0 2 0	Wesleyan Church	1,935	C. 528-1,984
Morebringer	Hume	306		Parish of Howlong	2 0 0	Public School	73-3,130	P. 288-1,978
Moree	Couralle	123		Parish of Moree	5 0 0	Show Grounds	76-1,488	C. 315-1,880

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Morven	Hume	4, 5, 6, and 7	10	Village of Morven	a. r. p. 2 0 0	Public School	Ms. 76-1,612	P. 281-1,978
Mudgee	Wellington	1, 2, 3, and 4	04	Town of Mudgee	2 0 0	Hospital	5,005	M. 41-1,009
Murwillumbra	Rous	Portions 43 and 44		Parish of Murwillumbra	1 2 0	Wesleyan Church and Minister's Residence.	2,334	C. 532-1,984
Nowra	St. Vincent	11	26	Village of Nowra	0 2 0	Mechanics' Institute	75-2,245	N. 5-1,489
Off Flats	Westmoreland	Portion 150		Parish of Antonio	2 0 0	Public School	7,291	P. 261-1,978
Onybigamlah (Bullock Island.)	Northumberland.	8	37	On Bullock Island, near Newcastle.	0 0 24	Extension to Public School Site	76-1,167	P. 279-1,978
Orange	Wellington	Portion 132		Parish of Orange	50 0 0	For the purposes of the Yass Pastoral and Agricultural Association.	75-0,524	W. 050-2,091
Pinto	Gordon	Portions 12A and 13A.		Parish of Terrabilla	1 2 0	Wesleyan Church and Minister's Residence.	75- 98	C. 449-1,984
Quat Quatta	Hume	Portions 96 and 97		Parish of Quat Quatta	1 2 0	Church of England Church and Parsonage.	0,782	C. 518-1,984
Robertson	Camden	4, 5, and 6	11	Village of Robertson	1 2 0	Presbyterian Church and Manse	76-3,516	C. 325-1,984
Round Swamp	Roxburgh	Portion 91		Parish of Airley	2 0 0	Public School	3,902	P. 260-1,978
Springfield	Phillip	43		Parish of Galimoine	2 0 0	do.	4,620	P. 271-1,978
Springside	Bathurst	257		Parish of Benerea	4 0 0	do.	6,000	B. 403-2,000
Tanja	Dampier	Portions 38 and 39		Parish of Tanja	1 2 0	Wesleyan Church and Minister's Residence.	74-3,549	C. 406-1,984
Toogong	Ashburnham			Parish of Toogong	7 2 0	General Cemetery	76-4,313	C. 543-1,984
Tooleybuc	Wakool			Parish of Tooleybuc	8 3 38	do.	75-2,826	C. 482-1,984
Uarby	Bligh	Portions 83, 84, 85, 86, 87, 88, and 89.		Parish of Uarby	7 2 0	do.	3,608	C. 474-1,984
Do.	do.	Portion 116		Parish of Nandoura	2 0 0	Public School	4,714	P. 255-1,978
Upper Pyramul	Wellington	Portions 35 and 36		Parish of Toolamanong	1 2 0	Church of England Church and Parsonage.	0,228	C. 512-1,984
Urabalong	Darling	Portion 41		Parish of Wilson	2 0 0	Public School	5,085	P. 254-1,978
Wagga Wagga	Wynyard		15	Town of Wagga Wagga	About 8 3 8	Public Recreation and Traveling Stock.	76-1,388	
Do.	do.			do.	55 0 0	do.	1,388	
Do.	do.		85	do.	12 0 18	Murrumbidgee Pastoral Association Show Grounds.	1,388	W. 48-1,945
Wandello	Dampier	Portions 121 and 122		Parish of Wandello	1 2 0	Church of England Church and Parsonage.	75-8,305	C. 502-1,984
Wardell	Rous			At Wardell	7 2 0	General Cemetery	76- 601	C. 524-1,984
Warrie	Lincoln	Portion 181		Parish of Warrie	2 1 0	do.	6,443	C. 511-1,984
Wilcannia	Young	4, 5, and 6	26	Town of Wilcannia	1 2 0	Church of England Church and Parsonage.	562	C. 525-1,984
Winduella	King	Portion 200		Parish of Winduella	2 0 0	Public School	6,340	P. 275-1,978
Wolgan Valley	Cook			At Wolgan Valley	7 2 0	General Cemetery	527	C. 444A-1,984
Wollongong	Camden			At Wollongong	0 2 0	Independent Burial Ground	2,594	C. 530-1,984
Woolomin	Parry	Portion 143		Parish of Woolomin	2 0 0	Public School	273	P. 270-1,978
Woomargama	Goulburn	1 and 2	5	Town of Woomargama	1 2 0	Church of England Church and Parsonage.	3,260	C. 540-1,984
Yarraman	Brisbane			Parish of Yarraman	3 3 0	General Cemetery	75-7,636	C. 503-1,984

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Bargo	Camden	Portion 111		Parish of Couridjah	a. r. p.	Public School	Ms. 76-5,737	P. 302-1,978
Brewarrina	Clyde	1	10	Town of Brewarrina	2 0 0	Church of England Church ..	75-7,905	B. 2-1,329
Broke	Northumber- land.	1, 2, 3, and 4	19	Village of Broki	2 0 0	Public School	76-11,137	N. 225-2,111
Brundah (parish of) ..	Monteagle ..	Portions 210 and 211		Parish of Brundah	1 2 0	Presbyterian Church and Manse	10,824	C. 503-1,984
Concord	Cumberland..	Portions 9, 10, and 11.		Parish of Concord	33 0 0	Reserve for Recreation	9,528	
Do.	do.	Portion 81 A		do.	6 0 38	Reserve for Water Supply	9,523	
Cootamundry	Harden	Allotment 11 and 12, section 46.		Village of Cootamundry ..	1 0 0	Primitive Methodist Church and Minister's residence.	8,245	C. 7-1,772 R.
Darlington	Cumberland..	.....		Parish of Petersham	0 1 6	Addition to Town Hall Site ..	75-9,668	C. 675-090
Glen Innes	Gough	Section 29.		Town of Glen Innes	10 0 0	Hospital Site	2,900	G. 1-1,484
Parramatta, South ..	Cumberland..	.....		Parish of St. John	0 0 93	Extension of Public School Site.	76-7,842	P. 810-1,978
Tamworth	Inglis	8, 9, and 10	45	Town of Tamworth	1 2 0	Police Station	73-5,246	T. 39-1,393 R1.

Sydney : Charles Pottor, Acting Government Printer.—1877.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Bega	Auckland			Parish of Bega	a. r. p. 200 0 0	Reserve for Recreation and Racecourse.	Ms. 77- 972	
Bargo	Camden	Portion 111		Parish of Couridjah, at Bargo.	2 0 0	Public School.	76- 5,737	P. 302-1,978
Bowenfels	Cook	1	1 A	Village of Bowenfels	0 0 24	Church of England Church	1,600	C. 528-1,984
Brewarrina	Clyde	1	10	Town of Brewarrina	0 2 0	do.	75- 7,965	B. 2-1,829
Broke	Northumberland	1, 2, 3, and 4	19	Village of Broke	2 0 0	Public School.	76-11,137	N. 225-2,111
Brundah	Monteagle	portions 210 and 211		Parish of Brundah	1 2 0	Presbyterian Church & Manse	10,824	C. 508-1,984
Concord	Cumberland	9, 10, and 11		Parish of Concord	33 0	Reserve for Recreation	9,528	
Do.	do.	portion 81 A		do.	6 0 36	Reserve for Water Supply	9,528	
Coonamble	Leichhardt	7, 8, and 9	18	Town of Coonamble	1 2 0	Wesleyan Church & Minister's Residence.	76- 8,138	C. 11-1,749
Cootamundry	Harden	11 and 12	46	Village of Cootamundry	1 0 0	Primitive Methodist Church & Minister's Residence.	76- 8,245	C. 7-1,772 R.
Currawong	do.	portion 164		At Currawong	2 0 0	Public School.	11,597	P. 313-1,978
Darlington	Cumberland			Parish of Petersham	0 1 6	Addition to site for Town Hall	75- 9,666	C. 675- 690
Deniliquin, South	Townsend			Parish of South Deniliquin	1,000 0 0	Permanent Pasturage Reserve	76- 3,202	T. 1745-1,803
Dungowan	Parry			Parish of Dungowan	7 2 0	General Cemetery	1,236	C. 463-1,984
Glen Innes	Gough	section 20		Town of Glen Innes	10 0 0	Site for Hospital	75- 2,900	G. 1-1,484
Hford (Keen's Swamp)	Roxburgh	portion 15		At Keen's Swamp	5 0 4	Public School	76-11,723	R. 79-1,496
Nangus	Clarendon	portions 88 and 90		Parish of Nangus	1 2 0	Church of England Church & Parsonage.	75- 4,818	C. 484-1,984
Parramatta, South	Cumberland			At South Parramatta	0 0 93	Extension of site for Public School.	76- 7,842	P. 310-1,978
Tamworth	Inglis	8, 9, and 10	45	Town of Tamworth	1 2 0	Police Station	73- 5,246	T. 39-1,393
Do.	do.	part of section 54		do.	3 0 0	Public School	76- 9,243	P. 297-1,978
The Springs	Buckland	portion 120		At the Springs, parish of Quirindi	2 0 0	do.	6,982	P. 296-1,978
Turi	Parry	portions 158 and 159		Parish of Turi	1 2 0	Church of England Church & Parsonage.	11,301	C. 498-1,984

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Binalong	Harden	1 and 2	22	Town of Binalong	a. r. p. 1 2 0	Church of England Church and Parsonage.	Ms. 76- 3,564	C. 544-1,984
Canonba	Gregory .....	.....	.....	Village of Canonba	1 0 0	Church of England Church ..	10,012	C. 559-1,934
Do	do .....	.....	.....	do	2 0 0	Public School	10,011	P. 318-1,978
Coorambung	Northumber- land .....	.....	.....	Parish of Coorambung ..	.....	Reserve for Wharf	9,196	N. 640-1,501
Kinchela	Macquarie ..	.....	.....	Parish of Arakoon, at Kinchela.	0 3 37	Primitive Methodist Church..	71- 2,107	KI. 2,034
Mandelong	Northumber- land .....	.....	Portion 43.	Parish of Mandelong	2 0 0	Public School	77- 1,893	P. 320-1,978
Do	do	Portions 42A and 42B.	.....	do	1 2 0	Roman Catholic Church and Presbytery.	76-11,354	C. 561-1,984
Mongarlowe	St. Vincent ..	.....	.....	Parish of Budawang	33 2 0	Public Recreation Reserve....	8,647	V. 289- 787
Mudgee	Wellington ..	5 and 6	55	Town of Mudgee	0 1 30	Town Hall	10,374	M. 42-1,609
Murrumboola	Harden .....	.....	.....	Parish of Murrumboola, at Murrumboola.	110 1 0	Public Recreation Reserve....	77- 1,325	.....
Spring Grove	Bathurst .....	.....	.....	Parish of Graham, at Spring Grove.	0 0 10	Independent Burial Ground ..	76-10,509	C. 562-1,984
Woodburn	Richmond ..	7 and 8	25	Village of Woodburn	1 2 0	Church of England Church and Parsonage.	9,796	C. 557-1,984

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

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ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Adelong	Wynyard	8 and 3	11	Town of Adelong	a. r. p.	Public School	Ms. 76-10,530	A. 1-1,644 (roll)
Bryan's Gap	Clive	Portion 220		Parish of Tentorfield	1 0 0	do.	5,679	P. 301-1,978
Bullah Delah	Gloucester	2 and 3	41	Village of Bullah Delah	2 0 0	do.	11,517	P. 326-1,978
Cathcart	Wellesley	7 and 8	31	Town of Cathcart	1 2 0	Wesleyan Church and Minister's Residence.	77-1,152	C. 375-1,984
Clybucca (parish of) ..	Dudley	Portion 110		Parish of Clybucca	1 0 0	Primitive Methodist Church ..	76-5,892	C. 550-1,984
Duke's Springs	Wellesley	112		Parish of Nelson	2 0 0	Public School	11,241	P. 304-1,978
Ginninderra (parish of)	Murray	Portions 116 and 117		Parish of Ginninderra	1 2 0	Wesleyan Church and Minister's Residence.	7,760	C. 505-1,984
Jindalee	Harden	Portion 352		Parish of Jindalee	2 0 0	Public School	77-1,414	P. 311-1,978
Kangyangy	Northumberland.	38		Parish of Ourimbah	2 0 0	do.	76-10,601	P. 321-1,978
Lawrence	Clarence	Portions 2 and 3		At Lawrence	1 2 0	Presbyterian Church and Manse	77-189	C. 572-1,984
Moree	Courallie	9 and 10	32	Town of Moree	1 2 0	Church of England Church and Parsonage.	254	C. 571-1,984
Mount Victoria	Cook	Portions 260 and 267		Parish of Hartley	1 2 0	Roman Catholic Church and Presbytery.	76-11,799	C. 574-1,984
Mutton's Falls	Westmoreland.	Portion 58		Parish of Kindale	3 0 20	Public School	10,292	W. 96-1,502
Nimmitabel	Wellesley	3, 4, and 5	28	Town of Nimmitabel	1 2 0	Church of England Church and Parsonage.	6,558	C. 551-1,984
Springfield	Pottinger	Portions 152 and 153		Parish of Springfield	1 2 0	Wesleyan Church and Minister's Residence.	11,142	C. 567-1,984
Wilcannia	Young	1, 2, and 10	28	Town of Wilcannia	1 2 0	Roman Catholic Church and Presbytery.	2,867	C. 537-1,984

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

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ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria, No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Paddington.....	Cumberland	Parish of Alexandria	About 12 acres.	Site for a Cricket Ground	Ms. 76-11,561	C. 594-690

1876-7.

NEW SOUTH WALES.

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Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Cudgel Creek	Monteagle ..	Portions 82 and 83.		Parish of Burrumunda....	a. r. p. 1 2 0	Site for Presbyterian Church and Mansc.	76-10,429	C. 541-1,964
Downside	Clarendon ..	Portion 98.		„ Bulgan	2 0 0	„ Public School	6,491	P. 283-1,978
Forbes	Ashburnham.	30, 31, 32	9	„ Forbes	0 0 38	„ Town Hall	77- 2,716	F. 82-1,830
Mulwala.....	Denison			„ Mulwala	7 2 0	„ General Cemetery....	76- 9,835	C. 556-1,984
Runnymede	St. Vincent..	Portion 101.		„ Goba	2 0 0	„ Public School.....	11,242	P. 293-1,978

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

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ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Bayley (Parish of)....	Phillip	Portions 275 and 276		Parish of Bayley	a. r. p. 1 2 0	{ R. Catholic Church & Presby- tery	77-4,491	C. 560-1,084
Candelo	Auckland ..	.....	.....	Town of Candelo	7 2 0	General Cemetery.....	77-1,243	C. 575-1,964
Coonabarrabran	Gowen	1	37	Town of Coonabarrabran..	0 2 0	Site for Mechanics' Institute..	77-1,292	C. 11-1,704
Forster.....	Gloucester ..	1, 2, & 3	12	Village of Gloucester	1 0 4	Site for School of Arts	77-2,850	F. 6-2,035
Kangaloon	Camden .....	.....	.....	Parish of Kangaloon	3 1 29½	General Cemetery.....	77-2,231	C. 591-1,994
Murrumboola	Harden.....	.....	.....	Town of Murrumboola.....	2 0 0	Site for a Public School	77-3,654	P. 315-1,978
Wombat	Do.	Parish of Wilkie	7 2 0	General Cemetery.....	77- 423	C. 500-1,984

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

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ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Ashford	Arrawatta ..	.....	.....	Parish of Ashford, at Ashford.	a. r. p. 7 2 0	General Cemetery.....	Ms. 77- 5,822	C. 603-1,984
Barton	Ashburnham	Portions 159 and 160.		Parish of Barton	1 2 0	Church of England Church and Parsonage.	76-11,878	570-1,984
Berebangalo Creek ..	King	Portion 101		Parish of Mundoonen	2 0 0	Public School.....	77- 3,998	P. 339-1,978
Brocklehurst	Lincoln	1 and 2	4	Village of Brocklehurst ..	1 2 0	Wesleyan Church and Minister's Residence.	1,591	C. 583-1,984
Bruceedale	Clarendon ..	Portion 433		Parish of North Wagga Wagga.	2 0 0	Public School.....	3,224	P. 272-1,978
Canowindra (near) ..	Ashburnham	Portions 75-5 and 75-6		Parish of Collett, near Canowindra.	1 2 0	Church of England Church and Parsonage.	76-10,787	C. 435-1,984
Eunanoreenya	Clarendon ..	Portion 164		Parish of Eunanoreenya ..	2 0 0	Public School.....	77- 4,115	P. 323-1,978
Frogmore	King	Portion 99		Parish of Alton	2 0 0	Do.	76-11,291	322-1,978
Garryowen	Goulburn....	8 and 9	16	Village of Garryowen	1 2 0	Presbyterian Church and Manse	77- 2,450	C. 505-1,984
Merrigulah	Pottinger ..	Portion 53		Parish of Bomera	5 0 0	Public School.....	76-10,416	P. 277-1,978
Murrumboola	Harden.....	.....	.....	Parish of Murrumboola ..	2 0 0	Do.	77- 9,904	315-1,978
Nangus	Clarendon ..	Portion 97		Parish of Nangus	2 0 0	Do.	76-10,076	290-1,978
Sydney	Cumberland	.....	.....	Parish of St. Phillip	abt 6 perchs.	Public thoroughfare	Rs. B.76- 2,304	.....
Timberbongio	Narromine ..	Portion 1-1		Parish of Buddah	2 0 0	Public School.....	Ms. 77- 3,862	P. 305a-1,978
Wallendbeen (near) ..	Harden.....	Portions 450 and 451		Parish of Cullinga	1 2 0	Wesleyan Church and Minister's Residence.	1,359	C. 506-1,984
Wallendoon	Do.	Portions 250 and 251		Parish of Wallendoon	1 2 0	Church of England Church and Parsonage.	4,120	504-1,984
Weromba	Camden	Portion 201		Parish of Weromba	2 0 0	Public School.....	3,378	P. 343-1,978
Woodhouselee	Argyle	Portion 84		Parish of Wayo	2 0 0	Do.	2,062	317-1,978
Young	Monteagle ..	Portions 1,304 & 1,305		Parish of Young	1 2 0	Primitive Methodist Church and Minister's Residence.	76-10,403	C. 539-1,984

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO RELIGIOUS AND PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 5.

ABSTRACT of Crown Lands authorized to be dedicated to Religious and Public Purposes, in accordance with the 5th section of the Act 25 Victoria No. 1.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Bulli Mountain	Cumberland.	Portion 200		Parish of Southend	a. r. p. 2 0 0	Public School	Ms. 77-5,764	P. 363-1,978
Burgundy	Arrawatta ..	Portions 104 and 105		Parish of Burgundy	1 2 0	Presbyterian Church and Manse	4,099	C. 600-1,984
Cargo	Ashburnham	Portion 25		Parish of Cargo	2 0 0	Public School	875	P. 379-1,978
Condonblin	Cunningham			Parish of Condonblin	7 2 0	General Cemetery	2,383	C. 531-1,984
Conjola	St. Vincent..	Portion 253		Parish of Conjola	2 0 0	Public School	9,383	P. 374-1,978
Coolac	Harden.....	Part of 10		Village of Coolac	1 2 0	Roman Catholic Church and	1,370	C. 570-1,984
Currabubulu	Buckland....	6, 7, and 8	13	Town of Currabubulu	1 2 0	Presbytery. Do.	3,050	C. 597-1,984
Kangaloon	Camden	Portions 250 and 251		Parish of Kangaloon.....	1 2 0	Church of England Church and	2,230	C. 590-1,984
Killawarra	Macquarie	Portion 80		Parish of Killawarra.....	2 0 0	Parsonage. Public School	6,358	P. 364-1,978
Lauricton	Do.	Portion 4		Parish of Camden Haven	2 0 0	Do.	8,011	P. 366-1,978
Mittens Creek	Monteagle	Portion 441		Parish of Brundah	2 0 0	Do.	9,204	P. 362-1,978
Moree	Couralle ..	Portions 21, 22, 25, 180, 186, and 187		Parish of Moree	84 0 16	Public Recreation and Race- course.	256	C. 434-1,880
Morumbateman	Murray.....	Portions 68 and 68 A.		Parish of Morumbateman	1 2 0	Church of England Church and	3,460	C. 577-1,984
Do.	Do.	5, 6, and 7	5	Parish of Nanima	1 2 0	Parsonage. Do.	1,203	.....
Narrabri	Nandewar ..	Part of 19		Town of Narrabri	1 2 0	Wesleyan Church and Minis- ter's Residence.	3,246	C. 593-1,984
Owen's Gap	Brisbane ..	Portion 49		Parish of Manbus	2 0 0	Public School	6,587	P. 375-1,978
Port Macquarie	Macquarie ..			Town of Port Macquarie..	1 0 0	Do. (Additional Site)	6,986	P. 365-1,978
Pyramul	Wellington ..	Portion 42		Parish of Toolamanang	1 0 36½	Do. do.	2,509	P. 334-1,978
Randwick	Cumberland	2	2 A.	Parish of Alexandria	1 2 24	Public Recreation	10,897	C. 772-690 Roll
Rydal	Cook	Part of 9		Town of Rydal	1 2 0	Church of England Church and	656	C. 573-1,984
Sandy Creek	Hardinge....	Portion 24		Parish of Skinner	2 0 1	Parsonage. Public School	5,821	P. 372-1,978
Toogong	Ashburnham	1, 2 3, & 4	10	Village of Toogong	2 0 0	Do.	4,930	T. 1-2,021
Wingham	Macquarie ..	1	20	At Wingham	2 0 0	Do.	3,754	P. 316-1,978

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY, OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.	
Ms. 75-4689	1278	County of Wakool, parish of Bookit.....	240 acres	4 Aug., 1876 ...	2988	
	extension.					
Aln. 75-33796	46	County of Murray, parish of Barnet, portion 93.	40 "	15 Aug., 1876 ...	3167	
15919	579	County of Stapylton, parish of Cook	480 "	" " " "	"	
	extension.					
Ms. 76-4106	1031	County of Monteagle, parish of Illunie	640 "	" " " "	"	
Aln. 76-14967	1032	County of Harden, parish of Harden, on Jugiong Creek, being portion 100	61 "	" " " "	"	
Ms. 76-4315	1033	County of Clarendon, parish of Nangus, portion 107	40 "	" " " "	"	
Aln. 76-15104	550	County of Harden, parish of Mylora, on Illalong Creek	about 11 "	" " " "	"	
	southerly extension.					
14586	309	County of Dampier, parish of Tanja, on road from Bega to Barinda Lake	" 14 "	" " " "	"	
Ms. 76-4255	1616	County of Goulburn, parish of Germanton, at Picnic Gully Spring	10 "	" " " "	"	
Aln. 76-16575	1617	County of Selwyn, parish of Greg Greg	12ac. 39p.	" " " "	"	
	1618	County of Townsend, parish of Jung Jung.....	132 ac.	" " " "	"	
Aln. 76-20404	1619	Do. do.	356ac. 1r. 24p.	" " " "	"	
Ms. 76-4185	465	County of Arrawatta, Bonshaw's Run	about 2,560 acres	" " " "	"	
	extended.					
"	466	Do. do.	" " "	" " " "	"	
	extended.					
Aln. 76-16651	741	County of Ashburnham, near Mendagery Creek.	3½ "	" " " "	3168	
	201	County of Wellesley, parish of Jettiba.....	20 "	" " " "	"	
Aln. 76-15918	333	County of Stapylton, parish of Merriwa	about 132 ac.	" " " "	"	
	extension.					
"	608	Do. parishes of Mayne and Merriwa	" 158 "	" " " "	"	
Ms. 76-3489	1027	County of Gipps, parish of South Gulgo, on the Lachlan River.....	185 "	" " " "	"	
	1028	County of Gipps, parish of South Gulgo.....	9ac. 4p.	" " " "	"	
3490	}	Do. do. on the Lachlan River	363 acres	" " " "	"	
14445		1029	County of Forbes, parish of Molongla, on Neila Creek	150 "	" " " "	"
3488		1030	County of Wellesley, parish of Heyden.....	350 "	22 Aug., 1876 ...	3293
14445		492	County of Sandon, parishes of Farnham and Sandon	about 300 "	" " " "	"
3861	493	Do. parish of Sandon	" 616 "	" " " "	"	
Aln. 76-21443	494	County of Inglis, parish of Bendemere	" 130 "	" " " "	"	
	23	County of Roxburgh, parish of Duramana	" 12 "	" " " "	3294	
Ms. 76-8120	269	County of Young, Mount Murchison Run	about 666 "	" " " "	"	
Aln. 75-33898	289	County of Napier, parish of Morven	180 "	" " " "	"	
	southerly extension.					
Aln. 76-16155	277	County of Richmond, parish of Bundock.....	about 155 "	" " " "	"	
Ms. 76-3656	278	County of Clarence, parish of Lavadia	76ac. 1r.	" " " "	"	
Aln. 76-18282	604	County of Courallie, parish of Greenbah	about 2½ sq. m.	" " " "	"	
35657	605	County of Benarba, parishes of Wolongimba and Krui	" 3 "	" " " "	"	
	606	County of Courallie, parish of Biniguy.....	960 ac.	" " " "	"	
	607	Do. do.	about 1½ sq. m.	" " " "	"	

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76-4636	608	County of Burnett, parish of Biniguy	about 240 acres	22 Aug., 1876	3294
4580	1011	County of Urana, parish of Yathong, Colombo Creek	" 280 "	" "	" "
Aln. 76-18278	1633	County of Goulburn, parish of Germanton	" 10 "	" "	" "
9791	1634	County of Hume, parish of Goombargana	" 40 "	" "	" "
21886	1634	County of Townsend, parish of Bowna	about 800 "	" "	" "
Ms. 76-1513	1635	County of Cadell, parishes of Caldwell and Wer-rigan	" 10½ sq. m.	" "	" "
9661	1638	County of Denison, parish of Turamia, on road from Mulwala to Corowala	" 400 acres	" "	3295
Ms. 76-3739		County of Denison, parish of Boomanoomana	" 400 "	" "	" "
Aln. 76-14548	609	County of Burnett, parish of Strathmore	" 16½ "	" "	" "
19945	611	Do. do.	" 60 "	" "	" "
Ms. 76-3779	270	County of Gresham, parish of Buccarumbi	" Sac. 2r. 35p.	" "	" "
4156	280	County of Richmond, parish of Bungawalbin	" 200 acres	" "	3296
Aln. 76-17968	639	County of Lincoln, parish of Dubbo, Dubbo Run	" 40 "	" "	" "
17970, 17975	610	County of Courallie, parish of Biniguy	" 120 "	" "	" "
Ms. 76-4636		495	County of Sandon, parish of Sandon	" 57 "	" "
5302	496	Do. do.	" 48 "	" "	" "
5342		278	County of Wyndeyer, parish of Popilla Run	about 4 sq. m.	" "
21443	612	Parish of Courallie, parish of Greenbah	" 60 acres	" "	" "
75-3627	203	County of Richmond, parish of South Codrington	" 33 "	" "	" "
Aln. 76-18282	1636	County of Hume, parish of Broeklesby	" 65 "	" "	3297
17575	31	County of Wellington, parish of Towac	" 1,800 "	" "	" "
Ms. 76-4001	1637	County of Waradgery, near Oxley	" 300 "	" "	" "
3884	630	County of Lincoln, parishes of Murrungundie and Narran	about 7 sq. miles	" "	3298
4225	35	County of Cook, near the Blue Mountain Railway Platform	360 acres	" "	3302
2746		36	Do. do. do.	480 "	" "
.....	37	Do. near Henderson's Railway Platform	about 150 "	" "	" "
.....	38	Do. do. do.	" 50 "	" "	" "
.....	39	Do. parish of Strathdon	" 125 "	" "	" "
.....	40	Do. do. do.	" 234 "	" "	" "
.....	41	Do. on the Main Western Road, near Mount Victoria	" 280 "	" "	" "
.....	42	Do. parish of Strathdon	" 67 "	" "	" "
.....	1621	County of Cadell, parish of Moanna	about 3½ sq. miles	" "	" "
.....	1034	County of Bourke and Bland	" 21 "	" "	" "
Ms. 76-6288	1620	County of Cadell, parish of Moanna	" 1,500 acres	" "	3303
.....	64	Do. do.	" 95 "	" "	" "
.....	1622	Do. do.	about 10½ sq. miles	" "	" "
Ms. 76-6288	511A	On the Ninia Run, Bligh District	640 acres	29 Aug., 1876	3400
Ms. 74-2050	512A	On the Wallagambone Run, Bligh District	640 "	" "	" "
"	513A	Do. do.	640 "	" "	" "
"	522A	On the Ninia, Bligh District	640 "	" "	" "
"	523A	On the Ninia and Wallagambone Runs, Bligh District	640 "	" "	" "
Aln. 76-20373	52	County of King, parish of Crosby	34 "	30 Aug., 1876	3425
Ms. 76-4161	640	County of Lincoln, parish of Barbial	640 "	" "	" "
3730	281	County of Fitzroy, parish of Bardool	160 "	" "	" "
5065	282	County of Clarence, parish of Maryvale	about 20 "	" "	" "
3632	613	County of Murchison, parish of Wyndham	" 640 "	" "	" "
"	614	Do. do.	" 960 "	" "	" "
"	615	Do. parish of Bangheet	" 280 "	" "	3426
"	616	Do. do.	" 960 "	" "	" "
5363	11	County of Forbes, parish of Warrungong	" 648 "	" "	" "
.....	1041	County of Montegle, parish of Willawong	" 210 "	" "	" "
Ms. 76-5365	1042	Do. parish of Kikiamah	" 1,560 "	" "	" "
5362	1043	County of Bland, parish of Brisbane, on Burrangong Creek	" 1,850 "	" "	" "
"	1044	County of Forbes, parish of Braula	640 "	" "	" "
5364	1045	Do. parish of Thurungle, on Ooma Creek	about 148 "	" "	" "
Aln. 75-34721	1043	County of Pottinger, parishes of How's Hill and Calala	" 6,360 "	" "	" "
Ms. 76-2536	1654	County of Hume, parish of Bulgandry	51a. 1r. 29p.	" "	" "
Aln. 76-23695	1655	County of Townsend, parish of Wononga	40 acres	" "	" "
18679	497	County of Clive, parish of Barney Downs	about 32 "	" "	" "
19951	498	County of Sandon, parish of Enmore	202 "	" "	" "
R.S.B.&F 76-1013	1653	County of Waradgery, parish of Thellangering	about 1,040 "	" "	3427
Ms. 76-1854	742	County of Ashburnham, parishes of Parkes and Goobang	" 800 "	" "	" "
"	743	Do. parish of Mugincoble	" 400 "	" "	" "
"	744	Do. parish of Parkes	" 25 "	" "	" "
2673	745	County of Canbelego	about 30 sq. miles	" "	" "
Aln. 76-19455	44	County of Camden and Wanganderry	" 20 acres	" "	" "
Aln. 74-24347	641	County of Bligh, parish of Terraban, on the road from Denison Town to Coolah	" 11 "	" "	" "
Ms. 76-5361	1038	County of Forbes, parish of Braula, on the road from Cowra to Grenfell	" 520 "	" "	" "

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76- 4449	1037	County of Gipps, parish of Trigalana	287½ acres	30 Aug., 1876	3427
Aln. 75-34721	134	County of Forbes, parish of Thurungle.....	about 368 "	"	3428
	westerly extension.				
	1036	Do. do.	" 124 "	"	"
Ms. 76- 5301	499	County of Sandon, parish of Sandon	" 200 "	"	"
6706	47	County of Murray, parish of Carwoola, Molonglo River, on the road from Queanbeyan to Hoskingtown	" 640 "	"	"
4754	1039	County of Bland, parish of Bimbella, at the junction of Bland or Yeo Yeo and Black Creeks	306 "	"	"
5189	1040	County of Gipps, parish of Goobothery, on Lachlan River.....	" 1,256 "	"	"
Aln. 76-20448	1035	County of Bland, parish of Bimbella, on Bland Creek	about 140 acres	"	"
16644	32	County of Wellington, parish of Galwadgere ..	" 136 "	"	3429
19563	311	County of Wallace, parish of Coorulantra	" 12 "	"	"
Ms. 76- 3019	312	County of Dampier, parish of Narira	2r. 25p.	"	"
	1046	County of Forbes, parish of Cudgelong.....	about 2 sq. miles	1 Sept., 1876	3458
Ms. 75- 8727	710	County of Ashburnham, parishes of Boobidgle and Tarragong.....	80 acres	8 Sept., 1876	3543
	150	County of Cudell, parish of Moama	about 95 "	9 Sept., 1876	3570
	westerly extension.				
	1652	Do. parish of Moira	" 960 "	"	"
Ms. 76- 2002	1064	Murrumbidgee District, Red Hill Forest	about 12 sq. miles	12 Sept., 1876	3596
1522	16	County of Westmoreland.....	" 24 "	"	"
4630	1627	County of Urana, parish of Douglas	" 35 acres	16 Sept., 1876	3721
	1651	Do. parish of Cockelgedong.....	" 500 "	"	"
	1629	Do. near Narringa, at the junction of Atkin's and the Billabung	640 "	"	"
Aln. 76-25536	1626	Do. parish of Colombo.....	about 1,100 "	"	"
Ms. 76- 7483	1658	Do. parish of Cockelgedong.....	" 20 "	"	3723
	1624	Do. parish of Douglas	" 31 "	"	"
Aln. 76-25536	1625	Do. parish of Colombo and Douglas	" 62 "	"	"
	1649	Do. parish of Colombo.....	about 760 "	"	"
Ms. 76- 6085	1643	Do. parish of Wilson	" 2½ sq. miles	"	"
6227	1650	Do. parish of Howell	" 180 acres	"	"
Aln. 73- 9155	1646	Do. parish of Bolton.....	" 5½ sq. miles	"	"
	1648	Do. parish of Broome	" 2½ "	"	"
Ms. 73- 3041	1647	Do. parish of Wood	" 6 "	"	"
Aln. 74-25577	1642	Do. parish of Bundure.....	" 11 acres	"	3724
	1628	Do. parish of Yathong, portion 12	141a. 2r. 26p.	"	"
Ms. 76- 5657	1632	Counties of Mitchell and Urana, parishes of Yarrabee, Cuddell, Corobrinalla, Waugh, Marundah, Morunda South, and Widgielwa	about 3 sq. miles	"	"
4628	1645	County of Urana, parishes of Kendall and Colombo	" 2,230 acres	15 Sept., 1876	"
4629	1644	Do. parish of Kendall	3½ sq. miles	"	"
	1630	Counties of Mitchell, Boyd, and Urana.....	about 400 acres	"	"
	1631	Counties of Mitchell and Urana	" 64 "	"	"
Ms. 76- 7690	746	County of Ashburnham, parish of Bowman.....	" 640 "	19 Sept., 1876	3745
	619	County of Courallie, parish of Minnaminane ..	" 320 "	23 Sept., 1876	3811
	620	Do. do.	2 sq. miles	"	"
	621	Do. parish of Combadello	about 135 acres	"	"
	622	Do. parish of Nepickallina	" 115 "	"	"
	623	Do. parish of Wallanott	" 596 "	"	"
Ms. 76- 6698	1058	County of Franklin, on Wallandra, Billabong Creek	" 1,440 "	"	"
Aln. 76-26582	584	County of Bland, parish of Berrigan	" 97 "	"	3812
	s.-westerly extension.				
	26401	County of Gipps, parish of Trigalana	290½ "	"	"
Ms. 76- 6850	1060	County of Monteagle, parish of Maringo North, on Stony Creek	640 "	"	"
3289	1014	County of White, parish of Wee Waa, Wee Waa South Run	about 755 "	"	"
	397	Do. parish of Garleigh, do.	" 840 "	"	"
	1045	Do. parish of Wee Waa do.	" 1,350 "	"	"
6706	1641	County of Cairn, parish of Benongal	640 "	"	"
6705	1640	Do. parish of Tararie	2 sq. miles	"	"
6670	1683	County of Denison, parish of Nangunia and Kilgua, No. 901, northerly extension.....	940 acres	"	"
6700	200	County of Finch, Back of Gemabah Run.....	640 "	"	"
	259	County of Narran, Mildool Run.....	640 "	"	"
Ms. 76- 6701	260	Do. do.	640 "	"	"
	291	County of Finch, Barbar Run	640 "	"	"
	292	Do. do.	640 "	"	"
Ms. 76- 6699	293	Do. do.	640 "	"	"
Aln. 76-18793	47	County of Argyle, parish of Pegar	8 "	"	3813
24711	48	Counties of Murray and Ginninderra, and Wallaroo	about 150 "	"	"
Ms. 76- 5904	478	County of Gregory, Nerrybone Run	" 2,420 "	"	"
5633	479	County of Leichhardt, Tooloora Run, to include Gooradine Lagoon	" 1,280 acres	"	"
5295	480	Do. parish of Munna Munna.....	640 "	"	"
5293	481	Do. do.	800 "	"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76- 5750	482	County of Leichhardt, Warree, and Baronne Runs, to include Gilgudry Waterhole.....	about 930 acres	23 Sept., 1876...	3813
Aln. 76-19967	617	County of Burnett, parish of Gravesend	" 40 "	" " " "	" "
Ms. 76- 5188	1048	County of Bland, parish of Belimebung	640 "	" " " "	" "
"	1049	Do. do.	1,440 "	" " " "	" "
4446	1050	County of Harden, parish of Mylora, on Bush-ranger's Creek	about 68½ "	" " " "	" "
Occu. 67- 954	1051	County of Forbes, parish of Morangla, on Lachlan River	" 640 "	" " " "	" "
.....	1675	County of Naradgery	" 4 sq. miles	" " " "	" "
.....	1676	Do.	" 3½ "	" " " "	3814
.....	1680	Do.	" 3 "	" " " "	" "
.....	1681	Do.	" 4 "	" " " "	" "
.....	1321	County of Urana, parish of Howell, Reedy Water-hole	9½ sq. miles	" " " "	" "
.....	extended.	County of Finch, Collarindabri Run	about 132 acres	" " " "	" "
.....	282	Do. do.	" 608 "	" " " "	" "
.....	283	Do. do.	" 176 "	" " " "	" "
.....	284	Do. Bundabarina and Collarindabri	" 288 "	" " " "	" "
.....	285	County of Finch, Bundabarina Run	" 704 "	" " " "	" "
.....	286	Do. do.	" 800 "	" " " "	" "
.....	287	Do. do.	" 3 sq. miles	" " " "	" "
Ms. 76- 2833	288	County of Yanda	" 11 "	" " " "	" "
6212	289	County of Ewenmar, parish of Killendoon	" 45 acres	" " " "	" "
Aln. 76-22625	483	Do. do.	" 24 sq. miles	" " " "	" "
"	484	County of Courallie, parish of Nepiecallina	" 125 acres	" " " "	" "
"	399	Do. parish of Smart	" 280 "	" " " "	" "
"	southern extension.	Do.	" 95 "	" " " "	3815
Aln. 76-19946	618	County of Burnett, parish of Oregon	" 1½ sq. mile	" " " "	" "
Ms. 76-4393	1052	County of Cooper, parish of Bolaro	about 60 acres	" " " "	" "
4447	1053	County of Harden, parishes of Bobbara and Nurang	" 375 "	" " " "	" "
Aln. 76-12410	1054	County of Gipps, parish of South Mickabil, on Wallaroi Creek	" 103 "	" " " "	" "
12410	1055	Do. do. do.	" 345 "	" " " "	" "
12410	1056	Do. do. do. on Lachlan River	" 517 "	" " " "	" "
12410	1057	Do. do. do. on Wallaroi Creek	" 1,280 "	" " " "	3816
.....	1677	County of Buccleugh	1,280 "	" " " "	" "
Ms. 76-4980	1678	Do. do.	about 720 "	" " " "	" "
Aln. 76-21331	642	County of Ewenmar, parish of Wambianna	" 640 "	" " " "	" "
21331	643	Do. do.	2,400 "	" " " "	" "
Ms. 76-6367	1061	County of Bland, parishes of Moonbucca, Carumbi, and Yarran, on Bland or Yeo Yeo Creek	la. 1r.	" " " "	" "
2233	281.	County of Rous, parish of North Codrington	about 250 acres	" " " "	" "
6775	282	Do. do. do.	15 "	" " " "	" "
3958	14	County of Georgiana, parish of Kiamma	360 "	" " " "	3817
Aln. 75-33930	991	County of Urana, parish of Callivel, portions 3 and 4	40 "	" " " "	" "
33992	extended.	Do. do. do. portion 8	about 1,600 "	" " " "	" "
Ms. 76-2862	501	County of Arwatta, parish of Buckley	123 "	" " " "	" "
70	502	County of Gough, parish of Ben Lomond	862 "	" " " "	" "
.....	1046	County of Baradine, parishes of Mercbene and Wangan	80 "	" " " "	" "
5939	313	County of Wellesley, parish of Meringah	about 65 "	" " " "	" "
5940	314	Do. parish of Quidong	" 70 "	" " " "	3818
6088	10	County of Macquarie, on No. 2 or Rowley's River	3 "	" " " "	" "
Aln. 76- 4233	45	County of Camden, parish of Burrawang	about 812 "	" " " "	" "
Ms. 76-6609	624	County of Burnett, parish of Gravesend	3 sq. miles	" " " "	" "
6691	294	County of Gunderbooka, Melbourne Run	20 acres	" " " "	" "
7527	36	County of St. Vincent, parish of Bundawang, portion 120	about 530 "	" " " "	" "
4349	752	County of Gipps, parish of Moora Moora, on Lake Cowal	40 "	" " " "	" "
1387	westerly extension.	County of Clarendon, parish of Bulgan, portion 97	about 100 "	" " " "	3819
.....	1047	County of Wellesley, parish of Burnima and Crewah, at Jones' Corner	" 33 "	" " " "	" "
Aln. 76- 2532	503	County of Gough, parish of Elsmore	" 9 "	" " " "	" "
Ms. 76-6906	500	County of Sandon, parish of Saltash, on the Rocky River	181a. 3r.	" " " "	" "
Aln. 76-12547	53	County of King, parish of Gunning, portions 40a, 43a, 44a	about 640 acres	" " " "	" "
Ms. 75-5501	1679	County of Wakool, parish of Gonn	" 11 "	" " " "	3820
Aln. 74-24347	41	County of Bligh, parish of Terraban	40 "	" " " "	" "
76-24597	28	County of Phillip, parish of Grovce	about 4½ "	" " " "	" "
14548	625	County of Stappilton, parish of Harvey	" 170 "	" " " "	" "
Ms. 76-6118	626	Do. parish of Boggabilla	60 "	" " " "	" "
Aln. 76-26401	1062	County of Gipps, parish of Marsden	about 646 "	" " " "	" "
Ms. 76-5969	1063	County of Forbes, parish of Thurungle	" 1,050 "	" " " "	" "
75-5346	626	County of Courallie, parish of Boo Boo and Windoondilla	" " "	" " " "	" "

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76-3965	1047	County of Baradine, at Goangra.....	247 "	"	3821
76-7455	1674	County of Urana, parishes of Bingegong and Merunda South, portions 109 and 39	237 acres	26 Sept., 1876	3834
7171	1682	Do. parish of Bingegong	about 640 "	"	"
Aln. 76-31207	1684	Counties of Boyd and Urana, parish of Howell...	" 250 "	"	"
32323	1685	County of Townsend, parish of Wononga	" 132 "	"	"
Ms. 76-2505	295	Warrego District	640 "	"	3835
7034	47	County of Argyle, parish of Cookbundoon	137a. 2r. 38p.	7 Oct., 1876	4045
Cat. G. 79-1907	644	County of Gregory, parish of Collyburl.....	5 acres	"	"
Ms. 76-6726	131	Parra Run, Darling District	about 2 sq. miles	"	"
6702	1064	County of Forbes, parishes of Whcogo and Mandry, on Pinnacle Creek	640 acres	"	"
881	1065	County of Gipps, parish of Kilingan	640 "	"	"
5942	1066	Do. parish of Marsden, to include the Gun Swamp.....	5,396 "	"	"
7353	1068	County of Harden, parish of Talmo, on the Chain of Ponds Creek	960 acres	"	4046
5633	1049	County of Leichhardt, Tooloora Run, to include Gooradine Lagoon	about 1,280 "	"	"
Ms. 75- 6215	1657	County of Goulburn, parish of Mitchell	10 "	"	"
76- 6144	747	County of Ashburnham, parishes of Beargamil, Kamandra, Goobang, and Currajong	600 "	"	"
6232	748	County of Ashburnham, parish of Bunbury.....	about 720 "	"	"
"	749	Do. parishes of Beargamil and Bindogandri.....	640 "	"	"
"	750	Do. parish of Bunbury	about 800 "	"	"
7618	753	Do. parish of Currajong	640 "	"	"
"	279	County of Tara, North Ana Branch Run	3 sq. miles	"	"
6718	280	County of Wentworth, Moorpah Run	about 3 sq. miles	"	"
6574	1694	County of Goulburn, parish of Albany	20 acres	"	4047
8522	504	County of Buller, parish of Ruby	22a. 2r. 5p.	"	"
6232	751	County of Ashburnham, Bindogandri	960 acres	"	"
4837	627	County of Murchison, parish of Anderson	1 sq. mile	"	"
7762	37	County of St. Vincent, parish of Tallaganda.....	about 175 acres	"	"
7725	60	County of Anckland, parish of Gunpah.....	" 352 "	"	"
	northern extension.				
7619	316	County of Beresford, parish of Jillimatong, on the road from Cooma to Kiandra	" 124 "	"	"
7747	629	County of Cadell, parish of Bunnaboo	" 860 "	"	"
	southerly extension.				
5189	1040	County of Gipps, Goobothery, on Lachlan River	" 1,256 "	"	4048
Aln. 74-25577	1663	County of Urana, parish of Bundare	226 "	"	"
Ms. 76- 6573	1656	County of Denison, parish of Turramina.....	about 1,350 "	"	"
	1669	County of Cairn, parish of Tuerundy	" 3½ sq. miles	"	"
	1670	Do. do.	" 5 "	"	"
7740	1672	County of Cairn, parish of Derinum	about 5 sq. miles	"	"
	1671	Do. parish of Nimning	" 5 "	"	"
Aln. 76-27068	1067	County of Gipps, parish of South Borambil.....	99 acres	"	"
Ms. 76- 6364	200	Do. parishes of Cadlow and Ina	2 sq. miles	"	"
	southerly extension.				
7180	1050	County of Denham, parish of Terrible	4 sq. miles	"	"
4564	752	County of Gregory, parish of Northcote	about 400 acres	"	4049
6703	1695	County of Urana, Brooking Forest Reserve	7½ sq. miles	"	4051
3890	47	County of King, parish of Dixon, on the road from Gundaroo to Gunning	748 acres	13 Oct., 1876	4095
7634	1665	County of Urana, parish of Howel, portions 70, 171, 172	442 "	17 Oct., 1876	4146
7596	1664	Do. parish of Douglas, portions 34, 35	242 "	"	"
9142	1698	County of Cadell, parish of Thule	about 1,120 "	"	"
"	1697	Do. parish of Tantarum	9 sq. miles	"	"
3447	1449	County of Goulburn and Wynyard	640 acres	20 Oct., 1876	4203
"	1450	County of Wynyard, parishes of Tarcutta and Yaven	640 "	"	"
"	1451	County of Goulburn, parish of Woonargama	about 144 acres	"	"
"	1452	Do. parish of Little Billabong..	" 320 "	"	"
Ms. 75- 7867	437	County of Gough, parish of Inverell, on the road from Inverell to Bundarra.....	" 22 "	"	"
Aln. 74-17269	1691	County of Townsend, parish of Hartwood	" 200 "	21 Oct., 1876	4251
Ms. 76- 8522	1690	County of Urana, parish of Yanko	" 2,752 "	"	"
6342	33	County of Wellington, parish of Tambaroora, town of Hill End, Gold Mining Lease, Nos. 49 and 924	2a. 1r. 19p.	"	"
Aln. 76- 142	77	County of Durham, parish of Colonna	about 320 acres	"	4252
Ms. 76- 6720	280	County of Menindie, Winteriga and Corego Runs, Malta Lake	6½ sq. miles.	"	"
6608	645	County of Leichhardt, Unawilkie, and Unawilkie West Runs	640 acres	"	"
Aln. 76-25528	283	County of Richmond, parish of Latham	about 168½ "	"	"
Ms. 76- 6709	285	County of Wentworth, Tapio Run	" 10 sq. miles	"	"
6710	282	Do. Tapio and Tilton Runs	" 1 sq. mile	"	"
6708	283	Do. Tapio Run	1 "	"	"
7621	1076	County of Franklin, Wanoo Run	about 4 sq. miles	"	"
"	1077	Do. on Gonowlia Creek	" 2,160 acres	"	"
6717	1078	County of Bland, parish of Euroka	640 "	"	"
7298	1079	Do. do.	2,880 "	"	"
"	1080	Do. do.	640 "	"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76- 4105	1081	County of Monteagle, parish of Illunie, at the head of Illunie Creek	640 acres	21 Oct., 1876 ...	4252
Aln. 76- 3682	1082	County of Bourke, parish of Murrulebale.....	40 "	" " " "	"
Ms. 76- 6716	1083	County of Gipps, parish of Ungarie, on Yuglo or Humbug Creek	about 3,360 "	" " " "	"
"	1084	County of Gipps, parish of Bimbeen	2,560 "	" " " "	4253
6856	1085	County of Nicholson, to include Muckerumba Swamp	2,560 "	" " " "	"
"	1086	" parish of Mulla Mulla, to include 2 waterholes in Cabbage Garden Crk.	960 "	" " " "	"
"	1087	County of Nicholson, at the Sheep Station, Box Swamp	960 "	" " " "	"
Aln. 76-22328	1704	County of Hume, parish of Buckeringah	about 600 "	" " " "	"
Ms. 76- 7405	1668	County of Mitchell, parish of Ashcroft	" 5 sq. miles	" " " "	"
Aln. 76-29086	420	County of Urana, parish of Urana and North Gumsambil.....	" 1,040 acres	" " " "	"
Ms. 76- 6883	1660	County of Wynyard, parish of Kcajura.....	" 82 "	" " " "	"
.....	261	County of Finch, Milrea Run	" 180 "	" " " "	"
.....	262	Do. do.	" 720 "	" " " "	"
Ms. 76- 6715	263	Do. do.	" 360 "	" " " "	"
7428	754	County of Kennedy, Fifteen-mile Waterhole Run, to include the Red Hole in Cocopoi Creek ...	640 "	" " " "	"
7429	755	County of Kennedy, Coradgery Run	640 "	" " " "	"
7430	756	Do. Weridgery Run, to include the Gum Holes on the Bogan River.....	640 "	" " " "	"
Aln. 76-23908	629	County of Stapylton, parish of Morella	114 "	" " " "	4254
7016	1088	County of Monteagle, parish of Murringo, north	about 1,950 "	" " " "	"
10401	1089	County of Harden, parish of Mylora	" 70 "	" " " "	"
24360	1090	County of Forbes, Baulin on Bundaburrah Creek	" 44 "	" " " "	"
9668	1662	County of Cairn, parish of Kia, portion 21.....	" 526 "	" " " "	"
R.S.B. 76- 206	1701	County of Townsend, parish of Kerranakoon ...	" 54 "	" " " "	"
206	1702	Do. do.	" 24 "	" " " "	"
206	1703	Do. do.	" 120 "	" " " "	"
Aln. 76-24944	1659	County of Hume, parish of Castlestead	" 400 "	" " " "	"
23928	628	County of Benarba, Courralic, Denham, and Jamieson	" 2,288 "	" " " "	4255
2515	1051	County of Pottinger, parish of Bundulla.....	" 96 "	" " " "	"
R.S.B. 76-1545	1052	County of Buckland, parish of Currabubula, Werrie, and Clift, on the road from Quirindie to Currabubula	1,600 "	" " " "	"
Mis. 76- 7604	46	County of Camden, parish of Yarrunga	about 240 "	" " " "	"
20722	1666	County of Waradgery, parish of Nerang, portion 8	241 acs. 3 rds.	" " " "	"
7127	274	Parish of Yanda, Jandra Run	about 5½ s. miles	" " " "	4256
Aln. 76-28139	1667	County of Cairn, parish of Nap Nap.....	40 acres	" " " "	"
"	646	Counties of Pottinger, Napier and Bligh, at Brennan's Gap	6,720 "	" " " "	"
Mis. 75- 4865	1449	Counties of Goulburn and Wynyard.....	640 "	24 Oct., 1876...	4273
"	1450	County of Wynyard, parishes of Tarcutta and Yaven	640 "	" " " "	"
"	1451	County of Goulburn, parish of Woomargama....	about 144 "	" " " "	"
"	1452	Do. parish of Little Billabong	" 320 "	" " " "	"
7867	437	County of Gough, parish of Inverell, on the road from Inverell to Bundara	" 22 "	" " " "	"
Mis. 76- 3513	.....	County of Townsend, parish of Corronulla, extension of the Murray River Forest Reserve	320 "	27 Oct., 1876...	4336
3513	.....	Do. do.	640 "	" " " "	"
Aln. 76- 3508	1016	County of Monteagle, parish of Baxter, on Stony Creek	about 3 roods	" " " "	"
"	1700	County of Wakool, parish of Toolon	" 640 acres	31 Oct., 1876...	4421
Ms. 76- 9512	1706	County of Wynyard, parish of Wood	" 23,000 "	" " " "	"
Aln. 76-25132	1709	County of Urana, parish of Muera	" 360 "	" " " "	"
19426	1093	County of Monteagle, parish of Willawong.....	1 ac. 2r. 2 per.	" " " "	4422
Mis. 76- 9512	1705	County of Wynyard, parish of Murrugaldrie ...	about 7,500 acres	" " " "	"
9810	485	County of Leichhardt, Brewon Run	" 2 sq. miles	" " " "	"
"	486	Do. do.	" 3½ "	" " " "	"
.....	487	Counties of Clyde and Leichhardt, Brewon and Grandool Runs	" 2½ "	" " " "	"
Mis. 76- 9858	1708	County of Cowley, parish of Goodradigbee.....	640 acres	" " " "	"
"	1707	County of Buccleugh, parish of West Goodradigbee	about 1,280 "	" " " "	"
9856	142	County of Gordon, parishes of Eurimbula and Burrawong	320 "	" " " "	"
6232	749	County of Ashburnham, parishes of Bearganil and Bindogandri.....	640 "	3 Nov., 1876...	4454
2233	281	County of Rous, parish of North Lismore	1 ac. 1 rd.	7 Nov., 1876...	4510
6725	270	County of Landsborough, parish of Dunlop, North-west and Mere Runs	about 3½ sq. miles	11 Nov., 1876...	4589
"	271	County of Landsborough, parish of Dunlop, South-west Run	" 3½ "	" " " "	"
"	272	Do. do.	" 3¼ "	" " " "	"
Mis. 75- 227	505	County of Sandon, parish of Arding.....	60 acres	" " " "	"
.....	314	County of Yanda, Woolawoola Run, Darling River	5 sq. miles	" " " "	"
.....	315	County of Yanda, Gum Hall Run, Darling River	5 "	" " " "	"
.....	316	Do. do.	5 "	" " " "	"
Mis. 76- 7932	1711	County of Goulburn, parish of Mullangandra....	about 60 acres	" " " "	4590
6884	1661	County of Wynyard, parish of Tywong	30 "	" " " "	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Aln. 76-29459	1673	County of Selwyn, parish of Manuses	26 ac. 2 rds.	11 Nov., 1876...	4590
Mis. 76- 8065	1687	County of Hume, parish of Corowa	195 a. 3 r. 29 p.	" " " "	"
6362	1094	County of Clarendon, parish of Boree	40 acres	" " " "	"
"	1095	Do. parish of Merrybundinah.	40 "	" " " "	"
"	1096	Do. do.	80 "	" " " "	"
"	1097	Do. parish of Boree	40 "	" " " "	"
"	1098	Do. parish of Billabong	40 "	" " " "	4591
Aln. 76- 9508	1016	County of Monteagle, parish of Baxter, on Stony Creek	about 3 rds.	14 Nov., 1876...	4596
Aln. 76- 2532	503	County of Gough, parish of Elsmore	" 33 acres	" " " "	"
Ms. 76- 1572	1587	County of Wakool, parish of Danbury	" 1960 "	" " " "	"
74- 6345	1101	County of Waljeers, parish of Bungary, Lake Bungary	" 3852 "	17 Nov., 1876...	4676
6294	1102	Do. parish of Pimpara	2585 "	" " " "	"
74- 6775	1105	Do. parish of Corong	about 4½ sq. miles	" " " "	"
3337	1103	Do. parish of Pimpara	6 "	" " " "	"
Aln. 76-20636	1103	County of Wynyard and Selwyn	68 "	" " " "	"
Ms. 76- 2576	1712	County of Durham, parish of Broughton	29 ac. 2r. 25 p.	20 Nov., 1876 ...	4741
7173	38	County of Hunter, parish of Tomalpin	about 170 acres	" " " "	"
"	22	Do. parish of Baerambi	" 40 "	" " " "	"
"	23	County of Ewenmar, parish of Umangla	" 290 "	" " " "	"
76- 8230	652	Do. parish of Killendoon and Wambianna	" 790 "	" " " "	"
8119	653	Do. Do.	" 90 "	" " " "	"
"	654	County of Gresham, parish of Oakwood	160 "	" " " "	4742
76- 3899	234	County of Drake, parish of Yarrealkarna	about 46 "	" " " "	"
8790	285	County of Clarence, parish of Julmarrad at the Big Waterhole	40 "	" " " "	"
7758	286	County of Courallic, parish of Nepicallina	640 "	" " " "	"
"	630	County of Burnett, parish of Goulonga	about 31 "	" " " "	"
76- 8260	631	County of Harden, parish of Cungegong	" 28½ "	" " " "	"
Aln. 76- 2552	1116	County of Monteagle, parish of Bingalong	about 3 sq. miles	" " " "	"
Ms. 76- 7682	1117	County of Harden, parish of Eubindal	" 16½ acres	" " " "	"
Aln. 76-26627	424	County of Gipps, parish of Ungarie	600 "	" " " "	"
"	westerly extension.	" " " "	" " " "	" " " "	"
882	947	County of Parry, parish of Dungowan	about 360 "	" " " "	"
"	westerly extension.	Do. Do.	" 960 "	" " " "	"
"	1062	County of Darling, parish of Warrabah, Stony- batter Run	640 "	" " " "	"
Ms. 76- 7687	1063	County of Townsend, parish of Kurabunganung and Blackwood	" 5½ sq. miles	" " " "	"
5341	761	Do. parish of Dalwilly, par. 13.	100 acres	" " " "	"
Aln. 76-31938	1692	County of Nandewar	about 350 "	" " " "	4743
"	1053	Do. parish of Burburgate	" 140 "	" " " "	"
Ms. 76-7189	1054	Do. parish of Wallah	" 1060 "	" " " "	"
"	1055	Do. parish of Theribury	" 1838 "	" " " "	"
"	1056	Do. parish of Bogabri and Brenbry	" 740 "	" " " "	"
"	1057	Do. parish of Brenbry	" 160 "	" " " "	"
"	1058	Do. Do.	" 130 "	" " " "	"
"	1059	Do. parish of Brenbry and Burburgate	" 1160 "	" " " "	"
Ms. 76- 7987	1686	County of Hume, parish of Goonbagaina	160 "	" " " "	"
75- 6303	1065	County of Pottinger, parish of Tamba, Bunda Run	20 "	" " " "	4744
Aln. 75-31046	1693	County of Townsend, at South Deniliquin	about 240 "	" " " "	"
76- 8047	647	County of Leichhardt, Back Polly Brewang Run	640 "	" " " "	"
8408	648	Do. Do.	about 1920 "	" " " "	"
"	8409	Do. Colomy Run	" 1920 "	" " " "	"
"	8413	Do. Carwell No. 3 Run	" 640 "	" " " "	"
"	8412	Do. Trilmon Run	about 1920 "	" " " "	"
"	8411	Do. Güingungulla Run	" 1920 "	" " " "	"
"	8410	Do. Kidgar Run	" 1920 "	" " " "	"
8364	317	County of Yanda, Munwango Run	" 5 sq. miles	" " " "	"
6667	299	County of Finch, Garrilly Run	about 2½ sq. miles	" " " "	"
6663	300	County of Narran, Willbillbill Run	" 1½ "	" " " "	"
6665	296	Do. Tumberga Run	" 5 "	" " " "	"
6668	298	County of Finch, East Inbergee Run	" 4½ "	" " " "	"
6664	297	County of Narran, Cumblecumbah Run	" 5½ "	" " " "	"
7172	39	County of Durham, parish of Darlington	" 80 acres	" " " "	4745
8790	287	County of Clarence, parish of Clifden, at Moleville	" 800 "	" " " "	"
8159	277	County of Cairn, parish of Yarrywal	" 15 "	" " " "	"
"	esterly extension.	Do. Do.	" 180 "	" " " "	"
"	277	Do. parish of Paika	" 760 "	" " " "	"
6819	281	County of Auckland, parish of Wyndham	" 15 "	" " " "	"
7724	318	County of Harden, parish of Cullinga	" 120 "	" " " "	"
Ms. 76- 7336	1111	Do. do. on Cullinga Creek	" 60 "	" " " "	"
"	1112	County of Harden, parish of Cowcumbala, on Cullinga Creek	72 acres 2 roods	" " " "	"
"	1113	County of Harden, parish of Coony	60 acres	" " " "	"
"	1114	County of Harden, parish of Coony	60 acres	" " " "	"

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY, OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 5.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76- 7685	28	County of Gloucester, lying between Walli Lake and Elizabeth Point	about 440 acres	1 Dec., 1876...	4873
"	38	County of Northumberland, parish of Kincaumber, the north head of Broken Bay	" 264 "	" .. "	"
"	39	County of Northumberland, parish of Kincaumber, Bombi Head	" 151 "	" .. "	"
8366	283	County of Narran, at the bridges over the Birie and Bokham Rivers, at Goodooga and Dumble	" 3 $\frac{1}{2}$ sq. miles	" .. "	"
.....	284	County of Narran, at the bridge over the Bokhara River, near the Dumble homestead	" 1 $\frac{1}{2}$ sq. miles	" .. "	"
8782	82	County of Brisbane, parish of Isis	" 590 acres	" .. "	4894
74- 5875	42	County of Bligh, parish of Copo	" 20 "	" .. "	"
"	24	County of Roxburgh, parish of Warranjuing ..	" 7 "	" .. "	"
76- 9605	34	County of Wellington, parish of Tunnabutta ..	" 13 "	" .. "	"
8229	658	County of Ewenmar, parish of Umangla	" 1,600 "	" .. "	"
8116	633	County of Bonarba	" 640 "	" .. "	"
"	634	County of Stapylton	" 1,280 "	" .. "	"
"	635	Do.	" 320 "	" .. "	"
Aln. 76-33032	1074	County of Bland, parish of Dudanman, on Bland or Yeo Yeo Creek	229a. 1r. and 8p.	" .. "	"
8728	1069	County of Walljeers, on Murrumbigal Creek, to include Murrumbigal Swamp	about 1,440 acres	" .. "	"
.....	1071	County of Walljeers, to include a Box Swamp ..	" 2,240 "	" .. "	"
8781	39	County of Dudley, parish of Nulla Nulla	" 90 "	" .. "	"
"	41	Do. parish of Macleay	" 120 "	" .. "	"
"	40	Do. parish of Pudu	" 60 "	" .. "	4875
"	42	Do. parish of Nulla Nulla	" 90 "	" .. "	"
.....	1715	County of Cairn, parish of Windomah	" 2 sq. miles	" .. "	4895
Ms. 76- 7251	506	County of Sandon, parish of Dumaresq, portion 48	15 acres 2 roods	" .. "	"
9076	301	County of Narran, Cobeinda Run	about 960 acres	" .. "	"
9075	302	Do. do.	1 $\frac{1}{2}$ sq. mile	" .. "	"
9074	306	Do. Boganderra west Run	about 640 acres	" .. "	"
7991	275	County of Yanda, back of Back Modina Run ..	1 sq. mile	" .. "	"
"	276	Do. do. do.	"	" .. "	"
7989	279	County of Junderbooka, Multagoona Right and Left and West Warrego No. 10 Runs, Terara Creek	about 11 sq. miles	" .. "	"
7990	278	County of Yanda, Back Jumhall Run, at Frazor's Lake, or Goucorrindra	800 acres	" .. "	"
"	extended 235	County of Yanda, back of Back Woola Run, at Coonalya Creek	800 "	" .. "	"
9072	303	County of Narran, Bunna Bunna West Run ..	640 "	" .. "	"
9037	304	Do. Bogandra East Run	about 1 $\frac{1}{2}$ sq. miles	" .. "	"
9071	305	Do. Mimna Run	" 3 sq. miles	" .. "	"
1628	1588	County of Wynyard, parish of Kiajura	" 640 acres	" .. "	"
2852	501	County of Arrawatta, parish of Buckley	" 1,600 "	" .. "	4896
Aln. 76-34468	322	County of Wellesley, parish of Cathcart	" 160 "	" .. "	"
Ms. 76- 1628	1586	County of Wynyard, parish of Kiajura	" 70 "	" .. "	"
Aln. 76-23776	507	County of Clive, parish of Barney Downs	" 36 "	" .. "	"
1315	1696	County of Hume, parish of Baraja	" 36 "	" .. "	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76- 5295	508	County of Gough and Hardinge, parishes of Clive and Swinston.....	about 2,150 acres	1 Dec., 1876...	4897
8515	281	County of Rankin, parish of Budda Run	5 sq. miles	"	"
"	282	Do. parish of Wallandra Run.....	2½ "	"	"
"	283	Do. do.	"	"	"
"	284	Do. parish of Weelong Run	about 2½ sq. miles	"	"
8607	308	County of Narran, Bunnia Bunnia Run	" 5 "	"	"
"	309	Do. parish of Teriabola Run	" 2½ "	"	"
"	307	Do. parish of Cowga Run	" 5 "	"	"
9606	62	County of Brisbane, parish of Branboy	about 127 acres	"	"
.....	.....	County of Bathurst, parish of Cole, at Fitzgerald's Mount	" 30 "	"	"
Aln. 76-24515	636	County of Courallie, parish of Campbell	" 290 "	"	"
.....	1069	County of Darling, parish of Turpoly, on the road from Manilla to Barraba	" 900 "	"	"
Ms. 76- 8728	1073	County of Walljeers, parish of Matamong, on Lake Bullogall	" 2,400 "	"	4898
"	1072	County of Walljeers	" 2,240 "	"	"
"	1070	Do. do. on Lake Bullogall	about 1,920 "	"	"
10804	321	County of Auckland, parishes of Cobra and Yarramine, at Myrtle Creek	3,000 "	5 Dec., 1876...	4926
Aln. 76-34198	509	County of Hardinge, parish of Elderberry	about 200 "	"	"
Ms. 76- 3571	1075	County of Bourke, parish of Elliot, on Boggy Creek	160 "	8 Dec., 1876...	4958
Aln. 76-29996	1070	County of Buckland, parish of Yarrinambah, Miller's Creek Run	180 "	"	"
8364	317	County of Yanda, Manwango Run	about 5 sq. miles	15 Dec., 1876...	5040
6668	298	County of Finch, East Imbecge Run.....	4½ "	"	"
6664	297	County of Narran, Cumblecubinah Run	about 5½ "	"	"
8786	289	County of Rous, parish of Qucebun	" 340 acres	"	5069
35425	388	County of Jamieson, Tulladuna Run	" 1,680 "	"	"
Ms. 76- 9776	1071	Do. and Denham	" 18 sq. miles	"	"
.....	976	County of Pottinger, parish of Bomera, on the road from Coolah to Tamba Springs	40 acres	"	"
Ms. 76- 9536	323	County of Cowley, parish of Jurrangora	about 760 acres	15 Dec., 1876	4090
"	311	County of Narran, Hospital Run	1 sq. mile	"	"
6767	1072	County of White, parish of Manwon, Yammingbah Run	about 640 acres	"	"
5198	44	County of Dudley, parish of Parobel	160 "	"	"
Aln. 76-32623	757	County of Narramine, parish of Beridoo	1,280 "	"	"
Ms. 76- 8993	312	County of Clyde, on the road from Tarcoon to Lime Kiln, West Bogan, No. 21 Run	1 sq. mile	"	"
9616	40	County of Northumberland, parish of Dora.....	about 69 acres	"	"
"	41	Do. do.	" 49 "	"	"
"	42	Do. parishes of Dora and Coorambong	" 160 "	"	"
10015	1122	County of Monteagle, parish of Burrangong, on Burrangong Creek, at the crossing of the main road from Young to Grenfell	39½ "	22 Dec., 1876...	5173
10546	777	County of Gipps, parishes of South Condooblin and Ujindrie, on Wallarong Creek	about 5 sq. miles	"	"
8999	310	County of Robinson, back of Back Booroomugga A, East Run	640 acres	"	"
10893	35	County of Wellington, parish of Maura, on the road from Mudgee to Gulgong	127 "	29 Dec., 1876	5269
9140	1075	County of Baradine, parishes of Moylevit and Tullaba and Bullerawa Runs	about 1,660 "	"	"
"	1076	County of Baradine, parish of Bullerawa, Bulgair Run	" 2,650 "	"	"
Aln. 76- 4561	512	County of Sandon, parish of Lawrence.....	" 3½ "	"	"
Ms. 76- 7523	513	County of Gough, parish of Ranger's Valley	" 225 "	"	"
Aln. 76-28432	78	County of Durham, parish of Burford.....	" 20 "	"	5270
8725	667	County of Ewenmar, Bandemar and Mullen-gundry Runs	" 1,969 "	"	"
Ms. 76- 5904	668	County of Gregory, Nerribone Run	" 2,420 "	"	"
31106	669	County of Ewenmar, parish of Umangla	" 960 "	"	"
9799	290	County of Clarence, parish of Woombah	" 120 "	"	"
9307	291	Do. parish of Ashby	36a. 1r. 6p.	"	"
9898	638	County of Benarba	640 acres	"	"
"	639	Do.	480 "	"	"
9096	1091	County of Harden, parishes of Talimo and Woolgarlo, to embrace Springs at the Rocky Falls, near the source of the Burnt Hut Creek	640 "	"	"
9944	1104	County of Gipps, parish of South Borambil, on Bongadillan Lagoon	2 sq. miles	"	"
9600	1077	County of Darling, parish of Emur, Glen Riddle Run	28 acres	"	"
637	1078	County of Baradine, Warrena or Ulambic Run.....	about 1,280 "	"	"
Aln. 76- 8983	1710	County of Goulburn, parish of Cumberoona	" 34 "	"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Aln. 7352	1720	County of Townsend, parishes of Palmer and Nyangong.....	1,563 acres	29 Dec., 1876	5270
10447	1721	County of Denison, parish of Warmatta, portion No. 6.....	640 "	"	"
8905	514	County of Dudley, parish of Yarravil	180 "	"	5271
3008	515	County of Arrawatta, parish of Buckulla.....	about 165 "	"	"
76-36494	516	County of Sandon, parishes of Lawrence and East Lake	" 195 "	"	"
"	517	County of Sandon, parish of Lawrence.....	" 144 "	"	"
"	518	Do. do. do.	" 48 "	"	"
7721	758	County of Ashburnham, parishes of Biargamil and Kamandra.....	1,600 "	"	"
"	759	County of Ashburnham, parish of Kamandra	about 800 "	"	"
"	760	Do. parish of Beargamil	" 750 "	"	"
Ms. 76- 9198	761	County of Flinders, at Panjee, Gratway Creek, Hermitage Plains, Block A 1 Run	10 sq. miles	"	"
"	762	County of Flinders, at Gratway Creek, Babindah Run	10 "	"	"
9194	763	County of Kennedy, Genarin Creek, Tolwa and Mangaru West Runs	about 1,626 acres	"	"
9348	764	County of Gordon, parish of The Gap.....	160 "	"	"
6792	666	County of Gregory, parish of Mumblebone	2 "	"	"
9936	313	County of Cowper, forming portion of the Bunga, Maroona, and West Bogan, No. 30, Runs	4 sq. miles	"	"
Aln. 76-21331	670	County of Ewenmar, parish of Wambraina	about 960 acres	"	5272
"	671	Do. do.	800 "	"	"
76-34742	239A	County of Stapylton, parish of Morella	about 50 "	"	"
76-35422	386	County of Jamieson, parish of Tulladunna	258 "	"	"
26080	324	County of Dampier, parish of Narooma	about 13½ "	"	"
36494	519	County of Sandon, parish of East Lake	" 35½ "	"	"
14584	418	County of Inglis, parish of Scott	" 120 "	"	"
12364	520	Do. parish of Muluerindie	" 960 "	"	"
76-12362	482	Do. parish of Congi	" 142 "	"	"
Ms. 76-10898	1716	County of Urana, parish of Walooona	1,280 "	"	"
9522	664	County of Ewenmar, parish of Boborah, on the Castlercagh River, near Gilgandra	about 1,086 "	"	5273
"	665	County of Gowan, parish of Eringaner, near Gilgandra.....	" 850 "	"	"
9849	20	County of Monteagle, parish of Wilton	" 14½ "	"	"
"	20	Do. parishes of Burrangong and Wilton	" 208 "	"	"
"	20	Do. parish of Wilton	" 80 "	"	"
"	20	Do. do.	" 141 "	"	"
6087	997	County of Cadell, parish of Mathoura	" 420 "	"	"
76	637	County of Stapylton, near Whilimil	640 "	"	"
260	287	County of Beresford, parish of Bulgandramine.....	about 2,500 "	"	5274
10050	1648	County of Urana, parish of Broome	about 2½ sq. miles	"	"
3739	1639	County of Denison, parish of Boomawoomana.....	" 400 acres	"	"
6573	1656	Do. parish of Turrana	" 1,350 "	"	"
6703	1695	County of Urana, Brooking Run	7½ sq. miles	"	"
9136	1073	County of Baradine, parishes of Talluba and Pilliga	380 acres	"	"
"	510	County of Clive, parish of Tenterfield	about 1,120 "	"	"
"	511	Do. do.	" 443 "	"	"
Aln. 76-22210	1699	County of Townsend, parish of Bergamil.....	" 560 "	"	5275
9911	660	County of Leichhardt, Mourabu Run	about 5 sq. miles	"	"
9912	661	Do. Yovendah Run	" 4½ "	"	"
9913	662	Do. Mourabu Run	" 5½ "	"	"
9914	663	Do. Yovendah Run	" 5¼ "	"	"
8893	1074	County of Durham, parish of Jerribio, Manilla South Run	1,280 acres	"	"
76-37809	1719	County of Denison, parish of Berigan	69 "	"	"
Ms. 76- 4212	1092	County of Clarendon, parish of Nangus, being portion No. 96.....	10 "	"	"
11220	1722	County of Urana, parish of Broome, portion 113	123 "	"	"
3008	659	County of Lincoln, parish of Sandy Creek	480 "	"	"
Aln. 76- 2556	953	County of Harden, parish of Cungegong	10 "	"	"

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY, OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act, 25 Victoria, No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76- 9941	1138	County of Gipps, parish of South Borambil ...	108ac. 3r. 8p.	5 Jan., 1877 ...	59
10222	1125	Do. parish of Ilgendry	23 acres	" " " "	"
10221	1124	Do. do.	194 "	" " " "	"
10220	1123	Do. parish of South Borambil ...	86ac. 1r.	" " " "	"
10353		County of Narromine, parish of South Dungary	2 sq. m.	" " " "	"
10224	1126	County of Gipps, parish of South Borambil ...	63 acres	" " " "	60
8468	43	County of Cook, parish of Strathdon	about 6 "	13 Jan., 1877 ...	181
9899	640	County of Benarba.....	640 "	" " " "	"
9897	641	Do.	about 1,120 "	" " " "	"
9897	642	Do.	" 1,600 "	" " " "	"
Aln. 76-25098	1130	County of Clarendon, parish of Kimo	40 "	" " " "	"
Ms. 76- 3905	1134	County of Montegle, parish of Dananbilla ...	1ac. 1r. 8p.	" " " "	"
9940	1127	County of Gipps, parish of South Borambil ...	25ac. 2r. 8p.	" " " "	182
9942	1120	Do. do.	60 acres	" " " "	"
9943	1128	Do. do.	20 "	" " " "	"
10014	1133	County of Montegle, parish of Burrangong ...	51½ "	" " " "	"
10223	819	County of Gipps, parish of Ilgendry	about 20 "	" " " "	"
	westerly extension.	Do. do.	" 72 "	" " " "	"
" 10510	231	County of Harden, parish of Mylora	36 "	" " " "	"
	extension.				
Aln. 76-38462	1136	County of Waljeers, parish of Tooralboug ...	" 1,968 "	" " " "	"
" "	1135	Do. parish of Toopruck.....	" 1,560 "	" " " "	"
Ms. 76-10760	232	County of Harden, parish of Talmo.....	" 160 "	" " " "	"
	westerly extension.				
10352	767	County of Gregory	about 5sq. m.	" " " "	"
Aln. 76-39288	768	County of Ashburnham, parish of Borec Cabonne	31 acres	" " " "	"
22614	672	County of Leichhardt.....	about 300 "	" " " "	183
Ms. 76- 9945	287	County of Gipps, parish of Ilgendrie	2sq. m.	" " " "	"
	southerly extension.				
Sb. 76- 2037	1726	County of Gonburn, parish of Albury.....	about 100 "	" " " "	"
Ms. 76-10007	521	County of Gough, parish of Stonehenge	" 544 "	" " " "	"
Aln. 76-34440	522	County of Kennedy, parish of Mungerie	" 400 "	" " " "	"
Ms. 76-10282	1079	County of Denham, parish of Bucklebone	" 1,182 "	" " " "	"
9952	1080	County of Baradine, on Bugaldie and Yearman Runs	4sq. m.	" " " "	"
10013	1132	County of Montegle, parish of Thuddungara...	16½ acres.	" " " "	184
Aln. 76-40334	1139	County of Gipps, parish of South Condoublin...	about 307 "	" " " "	"
Ms. 76-10003	1142	County of Bourke, parish of Walleroobie	" 184 "	" " " "	"
10003	1141	County of Bourke and Cooper	" 1,980 "	" " " "	"
10003	1140	County of Bourke, parishes of Bobelgigbie and Walleroobie	" 2,330 "	" " " "	"
Aln. 76-38462	43	County of Northumberland, parish of Milbrodale	" 617 "	" " " "	"
Ms. 73- 6290	769	County of Waljeers, parish of Tooralboug.....	" 623 "	" " " "	"
	1108	County of Ashburnham, parish of Forbes	" 64 "	" " " "	"
Occ. 76- 3865	765	County of Forbes, parish of Jemalong.....	" 114 "	" " " "	185
	766	County of Clyde	about 3sq. m.	" " " "	"
Ms. 76- 9536	311	Do.	" 3sq. m.	" " " "	"
	283	County of Narran	1sq. m.	16 Jan., 1877 ...	193
	302	Do.	about 3¼ sq. m.	" " " "	"
	308	Do.	1½ sq. m.	" " " "	"
	307	Do.	about 5 sq. m.	19 Jan., 1877 ...	229
		Do.	" 5 sq. m.	" " " "	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76- 5831	1143	County of Forbes, parish of Morongla.....	10sq. m.	20 Jan., 1877 ...	297
Aln. 76-44120	1731	County of Boyd, parish of Coleambally	1,067ac. 2r.	" ...	"
Ms. 76-10799	1718	County of Cadell, parish of Moama.....	about 2½ ac.	" ...	"
10350	673	County of Lincoln	" 1,760 "	" ...	298
10482	674	County of Leichhardt, parish of Eulah.....	" 640 "	" ...	"
10472	283	County of Richmond, parish of Tatham	" 168½ "	" ...	"
10963	1146	County of Harden, parish of Cumbamurra.....	" 77 "	" ...	"
"	1145	Do. parish of Harden	" 194 "	" ...	"
10965	1144	County of Gipps, parish of Wilbetroy.....	160 "	" ...	"
8905	45	County of Dudley, parish of Yarravel	180 "	" ...	"
10762	1729	County of Wynyard, parish of Hindmarsh and Gilmore	about 450 "	" ...	"
9018	770	County of Canbeligo	640 "	" ...	"
"	771	Do.	640 "	" ...	"
11319	1016	Liverpool Plains District—Bungle Gully Run...	about 960 "	" ...	299
10973	325	County of Wallace, parish of Gordon.....	"	" ...	"
Aln. 74- 5347	1730	County of Boyd, parish of Wangabawgal	640 "	" ...	"
Ms. 76- 5592	1732	County of Hume, parish of Walla Walla	about 300 "	23 Jan., 1877 ...	337
Ms. 77- 258	1166	County of Monteaale, parish of Murringo North	44ac. 3r.	" ...	"
"	1727	County of Selwyn, parish of Tumburrumba.....	about 5sq. m.	" ...	"
"	1728	Do. do.	3sq. m.	" ...	"

Sydney: Charles Potter, Acting Government Printer.—1877.

[3d.]

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vict. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act, 25 Victoria, No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 77- 741	287	Counties of Thoulcanna and Irrara, on Paroo River	About 13 sq. m.	2 Feb., 1877...	476
76-10687	54	County of King, parish of Winduella	" 475 acres	3 Feb., 1877...	523
8835	675	County of Leichhardt, Turridgerie Run, to include Little Bandicoot Dam on Bandicoot Creek	640 "	" "	"
	676	County of Leichhardt, Turridgerie Run, to include Jack's Dam and Tank, on the Bald Hill Gully	640 "	" "	"
	677	County of Leichhardt, Turridgerie Run, to include Ryan's Dam and Tank, on the Bringenbah Bywash Creek	640 "	" "	"
	678	County of Leichhardt, Turridgerie Run, to include the Murrumbah Dam, on Murrumbah Creek	640 "	" "	"
	679	County of Leichhardt, Turridgerie Run, to include the Dam on Hunter's Gutter	640 "	" "	524
	680	County of Leichhardt, Turridgerie Run, to include the Dam known as Yellowbank, on Walla Walla Creek	640 "	" "	"
	681	County of Leichhardt, Turridgerie Run, to include the Mad Spring on Bandicoot Plain	160 "	" "	"
	682	County of Leichhardt, Turridgerie Run, to include the Lagoon Dam, on Turridgerie Creek	670 "	" "	"
Ms. 76-11378	49	County of Argyle, parishes of Wayo and Baw Baw, on the road from Goulburn to Tuena	about 910 "	" "	"
76- 9898	638	County of Benarba	640 "	" "	"
	639	Do. do.	about 480 "	" "	"
B. 4- 1790	1082	County of Baradine, at Bugaldi or Gora, Bugaldi Run	" 44 "	" "	"
Aln. 76-10274	362	County of Wellesley, parish of Ashton	" 28 "	" "	"
75-32133	643	County of Staphylton, parish of Boonanga	" 325 "	" "	"
Ms. 76-11028	1081	County of Leichhardt, Euroka Run	" 900 "	" "	525
10686	55	County of King, parishes of Rabnon and Preston	" 250 "	" "	"
77- 49	1170	County of Harden, parish of Bookham, on Deep Creek	" 100 "	6 Feb., 1877...	557
	399	County of Harden, parish of Bookham, on Stony Creek	" 120 "	" "	"
	northerly extension				
	630	County of Courallic, parish of Nepicallina	640 "	13 Feb., 1877...	645
Ms. 77- 589	1743	County of Goulburn, parish of Jerra Jerra and Cookardinia	about 6½ sq. m.	" "	681
	1083	County of Leichhardt, Turridgerie North Run	2 "	" "	"
Ms. 77- 1216	41	County of Bathurst, parish of Milburn	about 1,100 "	" "	682
76-11095	43	County of Bligh, parish of Collieluc	278a. 1r.	" "	"
	44	Do. do.	199a. 1r. 33p.	" "	"
Ms. 77- 680	1744	County of Selwyn, parish of Tambarumba, Burra, Hay, and Nurenmeremong	about 12 sq. m.	" "	"
Aln. 77- 635	1745	County of Urana, parish of Yanko	" 18 "	" "	"
Ms. 76- 5295	508	County of Gough and Hardinge, parishes of Clive and Swinton	" 2,150 "	16 Feb., 1877...	717
76- 9899	640	County of Benarba	" 640 "	" "	"
8020	1714	County of Hume, parish of Gordon	" 2,080 "	" "	"
11344	29	County of Phillip, parish of Wyaldra	" 45 "	26 Feb., 1877...	823
11112	101	County of Wentworth	" 3½ sq. m.	" "	"
	westerly extension.				

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
.....	102	County of Wentworth.....	about 2½ sq. m.	26 Feb., 1877	823
Ms. 76- 9455	w. extension 643	County of Burnett, parish of Gugumburra	" 640 acres	"	"
10845	1150	County of Gipps, parish of Cadow, on Lachlan River	184½ "	"	"
10847	1164	County of Nicholson, parish of Caninganima, on Lachlan River	about 5 sq. m.	"	824
5949	1160	County of Nicholson, parish of Weepool, on Lachlan River	" 5 "	"	"
Aln. 76-44625	1162	County of Waljeers, to include Ryan's Lake	" 945 acres	"	"
39610	327	County of Wellesley, parish of Hayden	121 "	"	"
D. 342- 1618	328	County of Dampier, parish of Shoalhaven	14 "	"	"
Ms. 76- 9207	1724	County of Townsend	2,560 "	"	"
.....	1725	Do.	2,560 "	"	"
.....	1726	Do.	about 1,920 "	"	"
Occu. 76- 4401	523	County of Arrawatta, parish of Bannockburn	" 600 "	"	"
Ms. 76-10845	1152	County of Gipps, parish of Cadow.....	49a. 3r. 3p.	"	"
.....	1149	Do. do. on the road from Condoublin to Forbes	196½ "	"	"
Aln. 76-30597	644	County of Stapylton, parish of Boggabilla	about 697 "	"	825
Ms. 76-10664	1159	County of Harden, parish of Cootamundry and Jindalce, on the road or track from Dinga Dingi to Cootamundry	" 750 "	"	"
.....	1158	County of Bland and Harden, parishes of Yeo Yeo and Jindalce, on the road or track from Dinga Dingi to Cootamundry	" 970 "	"	"
.....	1157	County of Bland, parishes of Stockinbingal and Yeo Yeo, on Yeo Yeo Creek, on the track or road from Dinga Dingi Creek to Cootamundry	" 2,100 "	"	"
.....	1156	County of Bland, parishes of Dinga Dingi and Stockinbingal, on Yeo Yeo Creek, on the road or track from Dinga Dingi to Cootamundry	" 780 "	"	826
Ms. 76-10639	1084	County of Buckland, parish of Wallala	" 54 "	"	"
Aln. 74-21787	707	Do. parish of Coeypolly	14 "	"	"
Ms. 76- 5509	extension 766	County of Jamison, on the Narrabri and Moree Road	about 1,200 "	"	"
Aln. 76-40154	extended 528	County of Clive, parish of Tenterfield	" 190 "	"	"
Ms. 76-10845	1143	County of Gipps, parish of Cadow, on the road from Condoublin to Forbes	4 "	"	"
10845	1147	County of Gipps, parish of Cadow, to include Wallaroo Hill	70 "	"	"
.....	1151	County of Gipps, parish of Cadow	about 245 "	"	"
Aln. 76-34740	684	County of Gowen, parish of Terrabile	" 140 "	"	827
Occu. 76- 4402	397	County of Gough, parish of Ranger's Valley	" 640 "	"	"
Ms. 76- 8328	extended 524	County of Arrawatta, parishes of Wyndham and Bukkulla	" 280 "	"	"
.....	525	County of Arrawatta, parish of Champagne	" 190 "	"	"
Aln. 76-43292	526	County of Sandon, parish of Harnham	" 71½ "	"	"
2533	527	County of Gough, parish of Elsmore	" 27 "	"	"
8502	235	County of Rankin, Weelong Run	" 1½ "	"	"
Ms. 76-11134	635	County of Leichhardt, East Tyrone Run.....	" 640 "	"	"
11430	1155	County of Nicholson, on the Main Hillston track	1 sq. m.	"	"
.....	1154	County of Nicholson, on the main track from Booligal to Hillston	1 "	"	"
Ms. 77- 548	773	County of Flinders, Pange North Run.....	4 "	"	"
Ms. 76-10845	1153	County of Gipps, parish of Cadow, on Island Creek	881 acres	"	828
11011	318	County of Finch, on the road from Walgett to the Narran, to include the Boa or Borak Waterhole	4 sq. m.	"	"
11516	1161	County of Nicholson, parish of Weepool, to include a deep box swamp	about 450 acres	"	"
Ms. 77- 1807	683	County of Leichhardt, near Nugal, on the Castlereagh River	" 3½ sq. m.	27 Feb., 1877	853
1722	1749	County of Farnell	5 "	"	"
Aln. 76-39599	35	County of Northumberland, parish of Tuggarah	about 10 "	"	"

1876-7.

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No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 77- 516	320	County of Wellesley, parish of Boco.....	about 2,600 acres	6 Mar., 1877 ...	934
760	1175	County of Gipps, parish of Cadow	" 1,250 "	13 Mar., 1877 ...	1071
1544	.....	County of Brisbane, parish of Watt	" 2,500 "	" " " "	1072
75- 9877	.....	County of Georgiana, parish of Tuena	" 2,100 "	" " " "	"
76- 9869	55 extended	County of Werunda, Booligal and Wilcannia Road.	4 sq. m.	15 Mar., 1877 ...	1079
3997	296	County of Livingstone, Booligal and Wilcannia Road.	4 "	" " " "	"
10685	686	County of Leichhardt, parish of Bogara.....	about 5 "	" " " "	"
10683	687	Do. do. do.	" 1,200 acres	" " " "	"
11093	688	County of Flinders, at Myal Cowal	640 "	" " " "	"
9899	44 extended	County of Manara, Booligal and Wilcannia Road	4 sq. m.	" " " "	1080
9869	288	Do. at Manara Spring.....	1 "	" " " "	"
9869	45 extended	Do. Mount Manara Well	4 "	" " " "	"
11376	1165	County of Waljeers, Tarrawong Lake	820a. 3r. 8p.	" " " "	"
9869	457	County of Mossgiel, Waiko Run	4 sq. m.	" " " "	"
9869	extended	Counties of Waljeers and Mossgiel, Mossgiel Run.	4 "	" " " "	"
9869	extended	County of Waljeers, Tarrawonga Run	4 "	" " " "	"
10485	774	County of Gregory, Pentagon, Back Grahway, and Half Moon Plain Runs.	1,280 acres	" " " "	"
10485	775	Do. do. do.	640 "	" " " "	"
10486	776	County of Gregory, parish of Bannah Bannah...	about 520 "	" " " "	"
10486	777	Do. parish of Gerar.....	" 1,920 "	" " " "	"
10486	778	Do. parishes of Gerar and Yhababong.	" 1,200 "	" " " "	1081
10731	779	County of Gregory, Mount Forster and New Mount Forster Runs.	" 2,880 "	" " " "	"
11541	780	County of Gordon, parish of Calombal.....	40 "	" " " "	"
10683	689	County of Leichhardt, parish of Bogara	about 890 "	" " " "	"
10683	690	Do. do. do.	" 600 "	" " " "	"
9271	1086	County of Nandewar, parish of Wallah	124 "	" " " "	"
1130	1085	County of Baradine, Bungle Gully Run.....	640 "	" " " "	"
Aln. 76-21955	543	County of Stuart, parish of Bendigo.....	1 sq. m.	" " " "	"
Ms. 77- 658	1180	County of Clarendon, parish of Kimo.....	about 80 acres	" " " "	"
76- 4700	648	County of Benarba, parish of Burrandoon	" 285 "	" " " "	1082
77- 658	1179	County of Clarendon, parish of Kimo	" 18 "	" " " "	"
69- 2779	287	County of Wentgoa, near Wentworth	" 300 "	" " " "	"
76-34064	319	County of Culgoa, Boogendera West Run	about 3 sq. m.	" " " "	"
Aln. 76-19967	43	County of Cook, parish of Strathidon	" 300 acres	" " " "	"
Ms. 76-11225	617	County of Burnett, parish of Gravesend	" 40 "	20 Mar., 1877 ...	1136
77- 138	1087	County of Pottinger, parish of Nombi	640 "	" " " "	"
L.S. 76-16940	1088	Counties of White and Baradiuc	about 520 sq. m.	23 Mar., 1877 ...	1182
529	.....	County of Hardinge, parish of Swinton	" 12 acres	27 Mar., 1877 ...	1253
Ms. 76- 3450	1102	County of Waljeers, parish of Pimpara	" 1,472 "	" " " "	"
Aln. 76-11932	1172	Do. parish of Mossgiel	40 "	" " " "	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 77- 752	44	County of Cook, parish of Falnash	20 acres	27 Mar., 1877 ...	1253
47	1169	County of Harden, parish of Birrema	640 "	"	"
48	1171	Do. parish of Talmo	about 550 "	"	"
76- 5473	1168	County of Cooper, parish of Binja and Yenda...	" 3½sq. m.	"	1254
5473	1167	Do. parishes of Dallas, Hulong, Bringan, Colchester, and Gordon.	" 15 "	"	"
77- 767	649	County of Benarba, Yarrawah Back Block Run	640 acres	"	"
766	650	Do. do. do.	160 "	"	"
389	1088	County of Baradine, Pretty Plains Block A Run	320 "	"	"
Aln. 76-35546	530	County of Sandon, parish of Arding	about 32 "	"	"
45337	1752	County of Urana, parish of Cullivel	" 332 "	"	1256
Ms. 77- 2180	691	County of Ewenmar, North Moona Run	640 "	"	1284
2131	692	Do. do. do.	640 "	"	"
986	781	County of Flinders, Hermitage Plains, Block T, Darouble West, Murrabriger, and Kecnan's Corner Runs.	about 1,600 "	"	"
2536	46	County of Dudley, parish of Tauban	" 760 "	"	"

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No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76-10597	79	County of Durham, parish of Goorangoola.....	1,285 acres	4 April, 1877 ...	1327
77- 1478	1187	County of Mouramba, Cowl Creek Run No. 7...	1,280 "	" "	1328
2419	1196	Do. do. No. 6...	about 640 "	" "	"
686	646	County of Murchison, parishes of Cobbadah, Crawley, Dundee, Horton, Eulourie, Curran-gandi, and Caroda.	" 18 sq. m.	10 April, 1877 ...	1441
596	292	County of Drake, parish of Capnham	" 100 acres	" "	"
676	1178	County of Monteagle, parish of Gungewalla ...	320 "	" "	1442
76- 7894	1734	County of Townsend, parishes of Wureep, Willurah, and unnamed.	" 9½ sq. m.	" "	"
"	1735	County of Townsend, parishes of Wureep and unnamed.	" 5½ "	" "	"
"	1736	County of Townsend, parishes of Wureep and Willurah.	" 4½ "	" "	"
"	1737	County of Townsend, parish unnamed.....	" 2½ "	" "	"
"	1738	Do. parishes of Wureep and Willurah.	" 4½ "	" "	"
"	1739	County of Townsend, parishes of Campbell, Powtreep, and unnamed.	" 11 "	" "	"
"	1740	County of Townsend, parishes of Willurah, Fin-lay, and Coolambil.	" 6½ "	" "	"
"	1741	County of Townsend, parishes of Campbell and Coolambil.	" 2½ "	" "	"
"	1742	County of Townsend, parish of Campbell	" 6½ "	" "	1443
Ms. 77- 596	293	County of Drake, parish of Coombadjah	" 150 acres	" "	"
1093	294	County of Gresham, parish of Kaloe	" 60 "	" "	"
76-10073	513	County of Gough, parish of Ranger's Valley...	" 225 "	17 April, 1877 ...	1512
77- 907	611 s.-w. extension.	County of Gipps, parish of Caragabal, on Lignum or Back Creek, portions 17, 20, 37, 38, and 39.	462ac. 2r.	24 April, 1877 ...	1651
132	320	Counties of Finch and Narran	about 80sq. m.	" "	"
"	321	County of Finch	" 50 "	" "	"
76-11344	29	County of Phillip, parish of Wyaldea.....	" 45 acres	" "	"
77- 1138	1182	County of Harden, parish of Gooramma, on the road from Murringo to Bowring.	41½ "	" "	1652
Aln. 73-21579	531	County of Gough, parish of Severn, portion 140	92 "	" "	"
76-43076	330	County of Auckland, parish of Brogo	about 36 "	" "	"
Ms. 77- 1596	1185	County of Monteagle, parishes of Brundah and Yambira, on Murray's Creek.	640 "	" "	"
3682	1207	County of Cooper, parishes of Mejeum and Bogolong.	2,165 "	25 April, 1877 ...	1681
2606	569 s. extension.	County of Gordon, parish of Terrabella	about 1,280 "	" "	"
1807	1089	County of Leichhardt, near Nugal, on the Castle-ragh River.	" 3½ sq. m.	27 April, 1877 ...	1701

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Ms. 77-1435	288	County of Culpaulin, parishes of Netallie and Woytchugga East Runs.	about 5 sq. m.	4 May, 1877 ...	1784
3229	84	County of Brisbane, parish of Wentworth	" 2,580 acres	"	1785
3263	1780	County of Boyd, parish of Mycotha	4,345 "	"	"
"	1781	Do. do.	640 "	"	"
"	1782	Do. parish of Argoon.....	412½ "	"	"
"	1783	Do. do.	960 "	"	"
"	1784	Do. do.	622 ac. 2r.	"	"
"	1785	Do. do.	693 "	"	"
2693	1090	County of Baradine, parish of Leichhardt	about 7,000 "	"	"
1159	331	County of Wallace, parish of Seymour	" 1,100 "	9 May, 1877 ...	1786
413	694	County of Lincoln, parish of Adelyne	" 150 "	"	1871
10540	85	County of Brisbane, parish of Worondi	" 90 "	"	"
611	697	County of Clyde, parish of Carinda Run	" 1,240 "	"	1872
2153	630 W.	County of Courallie, parish of Nepicallina	" 64½ "	"	"
	extension.				
1173	1186	County of Bland, parish of Yarran	721ac. 1r. 37p.	"	"
1232	1183	County of Gipps, parishes of Cookaburragong and Yarnell.	about 2,100 acres	"	"
Aln. 76-11686	1193	Do. parish of South Condoumlin.	" 325 "	"	"
11377	1746	County of Cairn, parish of Ptarpunga	" 5 sq. m.	"	"
9693	1747	County of Cowley, parish of Taemas	" 640 acres	"	"
10138	1733	County of Wynyard, parish of Werebolders	" 160 "	"	"
77-1187	1748	Do. parishes Oberne and Matc	" 160 "	"	"
1480	703 E.	County of Ashburnham, parish of Nerrungalong	" 30 "	"	"
	extension.				
1293	782	Counties of Narrowmine and Gordop, parish of Dundullunal Run.	" 640 "	"	"
1675	1184	County of Montcagle, parish of Gungewalla ...	" 75 "	"	"
76-33790	1800	County of Wynyard, parish of South Gundagai	" 12 "	"	1873
77-411	695	County of Gowen, parish of Bandalla	" 726 "	"	"
412	696	County of Napier, parish of Biambil	" 560 "	"	"
75-11686	1194	County of Gipps, parish of South Condoumlin...	" 575 "	"	"
77-431	1174	County of Harden, parish of Jindalce	" 30 "	"	"
432	1173	Do. parish of Cootamundry	" 23½ "	"	"
76-10539	86	County of Brisbane, parishes of Worroni and Dangar.	about 40 "	"	1874
77-4411	693	County of Napier, parish of Coolah	" 149 "	"	"
689	1192	County of Dowling, parish of Carilla	" 72 "	"	"
Aln. 76-12547	53	County of King, parish of Gunning	181ac. 3r.	"	"
1836	33	County of Cook, parish of Irvine	about 160 acres	"	"
77-4033	332	County of Wellesley, parish of Bungarby	" 1,280 "	"	"
	80	County of Durham, parish of Brougham	" 6 "	16 May, 1877...	1969
	36 S.-E.	County of Brisbane, Halscot	" 166 "	"	"
	extension.				
410	698	Counties of Gowen and Napier	480 "	"	"
1190	699	County of Clyde, parish of Warran Downs Run	about 640 "	"	"
1190	700	Do. do.	" 960 "	"	"
1190	701	County of Gregory, Do.	" 960 "	"	"
1493	702	County of Napier, parish of Mundooran	" 1,000 "	"	1970
76-11746	703	County of Ewenmar, parish of Killendown	" 3,000 "	"	"
77-595	295	County of Clarence, parish of Rushforth	" 84 "	"	"
1077	1188	County of Harden, parish of Demondrillo	about 9 "	"	"
76-11763	333	County of Wallace, parishes of Jindabyne and Townsend.	1 sq. m.	"	"
77-1289	334	County of Cowley, parish of Gurrangora	about 800 "	"	"
74-25580	931	County of Urana, parish of Hastings	" 1 sq. m.	"	"

No. of Papers.	No. of Reserva.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Aln. 77-1320	783	County of Gordon, parish of Cardington	about 320 acres	16 May, 1877 ...	1970
	784	Do. do.	" 320 "	" " " "	"
	785	Do. do.	" 320 "	" " " "	"
76-8228	786	County of Kennedy, parish of Coradgery Run...	" 640 "	" " " "	"
77-1607	787	County of Gregory, parish of Lower Peelog-warua Run.	5 sq. m.	" " " "	"
	788	Do. parish of Booume	about 1,280 acres	" " " "	1971
	789	Do. parishes of Bannah and Canonba.	" 1,040 "	" " " "	"
1873	56	County of King, parish of Mundoonen	" 58 "	" " " "	"
1664	57	Do. do.	" 58 "	" " " "	"
76-7788	1662	County of Cairu, parish of Kia	" 526 "	" " " "	"
77-2514	1778	County of Selwyn, parishes of Bogandyera and Welaregang.	" 3½ sq. m.	" " " "	"
2514	81	County of Durham, parish of Dungog	10 "	" " " "	"
612	704	Counties Napier and Lincoln	" 3,000 "	" " " "	1972
1551	1191	County of Monteagle, parish of Weddin	about 98 "	" " " "	"
	1190	Do. parishes of Coba, Tyagong, and Coolegong.	" 712 "	" " " "	"
75-33780	532	County of Vernon, parishes of Halloran, Boulton, and Walcha.	" 1,210 "	" " " "	"
76-10734	535	County of Sandon, parish of Dumaresq.....	" 90 "	" " " "	"
77-812	1754	County of Boyd, parish of Argoon.....	1,692½ "	" " " "	1973
813	1757	Do. parish of Mycotha	538 "	" " " "	"
	1756	Do. do.	1,052½ "	" " " "	"
	1755	Do. do.	640 "	" " " "	"
653	335	County of Wallace, parish of The Peak	about 400 "	" " " "	"
76-40466	1195	County of Nicholson, parish of Yandumbin ...	" 528 "	" " " "	"
77-1174	1061 E.	County of Bland, parish of Yarran	" 270 "	" " " "	"
	extension.				
76-39644	1751	County of Goulburn, parish of Mullanjandra....	" 95 "	" " " "	"
25931	1750	County of Wynyard, parish of Twyong	" 30 "	" " " "	"
77-9	30	County of Phillip, parishes of Price and Boto-bolar.	" 8 sq. m.	" " " "	1974
76-11345	706	County of Gowen, parish of Eringinerin	" 160 "	" " " "	"
77-468	47	County of Camden, parish of Weromba	" 300 "	" " " "	1975
1092	296	County of Gresham, parish of Newbold	" 386 "	" " " "	1974
	297	Do. do.	" 204 "	" " " "	"
679	298	Do. do.	" 640 "	" " " "	"
	299	Do. parish of Braylesford	" 57 "	" " " "	"
	300	Do. parishes of Newbold and Braylesford.	" 850 "	" " " "	"
154	47	County of Dudley, parish of Warbro	" 120 "	" " " "	"
76-8395	790	County of Ashburnham, parish of Yarragong...	" 480 "	" " " "	"
77-468	1181	County of Gipps, parish of Moonbia.....	" 200 "	" " " "	1975
76-7306	1000 W.	County of Townsend, parishes of Nyangay and Wanganella B.B. Runs.	" 2 sq. m.	" " " "	"
77-19296	44	County of Northumberland, parish of East Maitland.	" 2½ acres	" " " "	"
76-4564	533	County of Arrawatta, parish of Ashford	" 44 "	" " " "	"
11345	705	County of Gowen, parish of Yalcogrin.....	" 160 "	" " " "	"
77-2070	180	Counties of Selwyn and Buedcleugh, parishes of Selwyn and unnamed.	" 8 sq. m.	" " " "	"
75-5522	1424	County of Hume, parish of Buckarginga.....	" 54 acres	" " " "	"
76-1960	534	County of Hardinge, parishes of Williams, Skinner, and Elderburg.	360 "	" " " "	"
29424	651	County of Courallie, parish of Binguy.....	320 "	" " " "	1976
11484	1176	County of Bland, parish of Moonbucca	about 1,230 "	" " " "	"
77-176	645	County of Stapylton, parish of Boronga	" 360 "	" " " "	"
4512	652	Do. parish of Limebon	" 2 sq. m.	" " " "	"
1090	336	County of Wallace, parish of Cubramurra	about 1 sq. m.	" " " "	"
3663	1206	County of Clarendon, parish of Bunanorunya...	" 146 acres	" " " "	"
191	337	County of Auckland, parishes of Cobra and Yuramine.	1,960 "	" " " "	"
1076	1189	County of Harden, parish of Wambat	41 "	" " " "	1977
27	1753	County of Hume, parish of Gumbargana	29½ "	" " " "	"
3758	1091	County of Jamison, parish of Woolabra Run ...	2 sq. m.	23 May, 1877 ...	2105
79-10597	79	County of Durham, parish of Goorangoola ...	1,285 acres	" " " "	"
77-1642	1198	County of Gipps, parish of Merrimarootherie ...	640 "	" " " "	2106
76-10207	50	County of Argyle, parish of Wayo	8 "	" " " "	"
38774	1197	County of Monteagle, parish of Thuddungara...	about 33 "	" " " "	"
11377	289	County of Cairu, parish of Ptarpunga	5 sq. m.	" " " "	"
77-1608	1199	County of Mouramba, parish of Kangerong Run	640 acres	" " " "	"
	1200	Do. do.	640 "	" " " "	"
76-44515	791	County of Ashburnham, parishes of Cargo and Burrajin.	about 15 "	" " " "	"
8012	38	County of Saint Vincent, parish of Bateman ...	2ac. 3r. 8p.	" " " "	"
77-773	1201	County of Harden, parish of Douglas	18 ac. 2r.	" " " "	2107
76-10763	15	County of Georgiana, parish of Sherwood	8 acres	" " " "	"
75-9375	707	County of Gowen, parish at Coonabarrabran ...	160 "	" " " "	"
76-9668	1662	County of Cairu, parish of Kia	about 526 "	29 May, 1877 ...	2116
3813	647	County of Murchison, parishes of Little Plains, Durham, Myall, Turrawarra, Molroy, and Delmgra.	" 7,200 "	" " " "	"

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE FOR PRESERVATION OF WATER SUPPLY, OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act 25 Victoria No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
77-4428	1222	County of Forbes, parishes of Kangaroooby and Gooloogong.	320 acres	1 June, 1877 ...	2142
4404	1092	County of Leichhardt, parish of Gidginballa W. Rur.	about 525 "	" ... "	"
10	1770	County of Goulbourn, parish of Thurgona	4ac. 3r. 20p.	" ... "	"
76-4348	242	County of Finch	65 sq. m.	" ... "	"
	extended.				
74-6704	1771	County of Denison, parish of Coreen	10ac. 2r. 22p.	" ... "	"
Aln. 77-988	793	County of Flinders, parish of Lower Muddall W. Run.	640 acres	" ... "	"
3933		County of Cunningham, parishes of Mulgathrie, Bombolin, and Wolongong.	about 10 sq. m.	5 June, 1877 ...	2206
2134	81	County of Durham, parish of Dungol	10 acres	8 June, 1877 ...	2246
7725	142 N.	County of Auckland, parish of Gunpah	about 352 "	15 June, 1877 ...	2304
	extension.				
1387	708	County of Leichhardt, parish of Mungery	" 1110 "	" ... "	"
	709	Do. do.	" 890 "	" ... "	"
3288	267	County of Cairn, parishes of Penarie and Yarrowal.	" 4 sq. m.	20 June, 1877 ...	2391
	extended.				
5196	783	County of Gordon, parish of Cardington.....	" 670 acres	" ... "	"
2247	290	County of Tara, parish of Boundary Run.....	2 sq. m.	" ... "	"
8741	1093	Counties of White and Jamison, parishes of Mollee and Galathera.	about 2020 acres	" ... "	2392
2927	48	County of Dudley, parishes of Uralgurra and Nulla Nulla.	" 590 "	" ... "	"
	49	Do. parish of Nulla Nulla	" 240 "	" ... "	"
	50	Do. parishes of Peedee and Nulla Nulla.	" 530 "	" ... "	"
	51	Do. parish of Yarravel	" 252 "	" ... "	"
	52	County of Clarke, parish of Big Hill	" 760 "	" ... "	"
	53	County of Dudley, parish of Peedee	" 450 "	" ... "	"
	54	County of Clarke, parishes of Big Hill and Clifton.	" 970 "	" ... "	"
9606	62 E.	County of Brisbane, parish of Manbub.....	" 127 "	" ... "	"
	extension.				
11693	536	County of Sandon, parish of Sobraon	" 90 "	" ... "	2393
76-21176	317	County of Wallace, parish of The Peak	5 "	" ... "	"
Aln. 77-3765	596	County of Murchison, parish of Stag.....	" 7 "	" ... "	"
	extended.				
2950	932	County of Finch, parish of Wammell Run	" 3 sq. m.	" ... "	"
76-45340	1202	County of Harden, parish of Wallendoon.....	8a. 21p.	" ... "	"
77-1960	1807	County of Selwyn, parishes of Glenkin and Ourance.	about 1500 acres	" ... "	"
1991	1205	County of Clarendon, parishes of South Jewnee and Wantiool.	" 910 "	" ... "	2394
1876	537	County of Clive, parishes of Tenterfield, Clifton, and Glen Lyon.	" 2200 "	" ... "	"
76-5187	1203	County of Bland, parish of Berrigan	61 "	" ... "	"
77-3672		County of Young, parish of Moorabin Run.....	{ 1280 " 3200 "	" ... "	"
251	1204	County of Monteagle, parish of Murringo	31ac. 2r. 38p.	" ... "	"
5409	181	County of Sandon, parish of Arding.....	60 acres	" ... "	"
74-5395	24	County of Roxburgh, parish of Warrangunia ...	about 7 "	" ... "	2395
Aln. 77-3768	291	County of Wentworth, parish of Tiltao	" 2 sq. m.	" ... "	"
3734	36	County of Wellington, parish of Cooper	90 acres	" ... "	"
3668		County of Leichhardt, parish of Kent Run.....	" 1952 "	" ... "	"
2871	.16	County of Georgiana, parish of Belmore.....	5ac. 1r.	27 June, 1877 ...	2501

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
2448	1216	County of Monteagle, parish of Wilton	about 105 acres	27 June, 1877 ...	2502
	1215	Do. parish of Woodonga.....	" 151 "	" " "	"
76-44090	766	County of Denham, parish of Gordon	" 12 "	" " "	"
	11665	extended. County of Selwyn, parishes of Craven and Glenroy.	" 4½ sq. m.	" " "	"
	1769	County of Wynyard, parishes of Kyeamba, Bulalgee, and Murraguldrrie.	" 5 "	" " "	"
	1781	County of Goulbourn, parish of Carabost.....	" 12½ "	" " "	"
		County of Wynyard, parishes of Bugalce, Carabost, and Wood.			
		County of Selwyn, parishes of Craven, Glenroy, Mate, and Tumberumba.			
77-4607	333	County of Cowper, parish of Bourke.....	2 roods	" " "	"
76-10104	39	County of Macquarrie, parish of, in Oxley Island	107 acres	" " "	2503
77-4601	48	County of Camden, parish of Berrima	about 53 "	" " "	"
	31	County of Phillip, parish of Gulgong	" 150 "	" " "	"
	32	Do. do.	" 170 "	" " "	"
761	1020	County of Gipps, parishes of South Gulgo and Merrimurotherie.	" 3700 "	" " "	"
	538	County of Gough, parish of Eden.....	" 132 "	" " "	"
3181	658	County of Bencrba	" 800 "	" " "	"
	659	Do. parish of Collymongool	" 306 "	" " "	"
77-692	358 W. & N. extension.	County of Pottinger, parish of Brigalow	" 1576 "	" " "	"
4605	1093	County of Jamison, parish of Tulladunna	45 "	" " "	"
2517	38	County of Macquarrie, parish of Taree.....	65ac. 3r.	" " "	2504
5799	657	County of Bencrba	about 880 acres	" " "	"
4511	1233	County of Cooper.....	2 sq. m.	" " "	"
4606	795	County of Flinders, parish of Cudduldary Run	" 640 acres	" " "	"
		County of Phillip, parishes of Gunlawang and Gulgong.	" 1050 "	" " "	"
1838	711	County of Leichhardt	" 2080 "	29 June, 1877 ...	2553
	712	Do.	" 2240 "	" " "	"
	713	County of Ewenmar, parish of Bungeabung Run	" 900 "	" " "	"
2362	714	Do. parish of Yaragand Run...	" 960 "	" " "	"
	715	Do. parish of New Bungeabung Run.	" 640 "	" " "	"
2864	716	Do. parish of Upper Bundigo Run.	" 800 "	" " "	"
	717	Do. do.	" 960 "	" " "	"
	718	Do. do.	" 720 "	" " "	2554
2865	719	Do. parishes of Merrigal and Merrigal Back Run.	" 4 sq. m.	" " "	"
2866	720	Do. parish of Narubah Run ...	" 1600 acres	" " "	"
	721	Do. do.	" 480 "	" " "	"
	722	Do. parish of Killendoon	" 350 "	" " "	"
2683	723	Do. parish of Collie Run.....	" 420 "	" " "	"
2863	724	Do. do.	4 sq. m.	" " "	"
1186	796	County of Gregory, parish of Gunnell	about 1600 acres	" " "	"
	797	Do. parish of Graddell	" 1300 "	" " "	"
	555 W. extension.	Do. parishes of Birrimba and Belarbine.	" 2400 "	" " "	"
	203 W. extension.	Do. parish of Birrimba	" 960 "	" " "	"
76-10010	799	Do. parish of Canobar	" 3ac. 15p.	" " "	"
45567	798	Do. parish of Mirrimba	17 acres	" " "	2505
354	710	County of Lincoln, parish of Cobborah.....	354 "	" " "	"
77-867	660	County of Burnett, parish of Tullin Tulla	about 1100 "	" " "	2555
356	231 W. extension.	County of Lincoln, parishes of Boston and Adelyne.	" 320 "	" " "	"
	725	Do. parish of Gamba.....	218 "	" " "	"
1899	87	County of Brisbane, parish of Page	120 "	" " "	"

1876-7.

NEW SOUTH WALES.

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ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
77-4861	1239	County of Franklin, parish of Yarree	175 acres	11 July, 1877 ...	2691
4591	1240	County of Harden, parish of Galong.....	about 141 "	"	"
3233-4	344	County of Finch, Westmead and Llanillo Runs.	4sq. m.	"	"
3724	345	County of Finch, Extremity Back No. 1 Run...	640 acres	"	"
3322	289	County of Werunda, Woytchugga East Run. ...	360 "	"	2692
	290	County of Livingston, do.	about 360 "	"	"
	291	Do. Outer Curranyale Run.....	640 "	"	"
	292	County of Werunda, Outer Woytchugga East Run.	about 13½sq. m.	"	"
	293	County of Livingston, Outer Curranyale Bk. Plains Run.	360 acres	"	"
950	726	County of Gowen, Wollongelong Run	1,280 "	"	"
76-9560	663	County of Burnett, parish of Mandoe	about 420 "	"	"
Aln. 77-4591	1241	County of Harden, parish of Talmo	" 300 "	"	"
2399	1208	County of Bourke, parishes of Coolamon and Kindra.	" 640 "	"	"
76-35559	1279	County of Cadell, parishes of Baina and Moira.	267 "	"	"
Aln 77-405	800	County of Gregory, parish of Gunnell.....	1,600 "	"	"
	801	Do. parish of Graddell	about 880 "	"	"
	802	Do. parish of Gunnell	" 1,600 "	"	2693.
	803	Do. parish of Graddell.....	" 720 "	"	"
4883	334	County of Finch, Collarecumbie and Bundinburra Runs.	640 "	"	"
3722	335	County of Finch, Plumbolah No. 2 Run	640 "	"	"
3401	336	County of Narran, Muckerawa S. Run	about 640 "	"	"
"	337	Do. do.	" 640 "	"	"
3400	338	Do. Big Bend Run	" 640 "	"	"
	339	Do. do.	" 640 "	"	"
3399	340	Do. Warrambool Run	" 640 "	"	"
	341	Do. do.	" 640 "	"	"
3398	342	Do. Muckerawa Run	" 640 "	"	"
	343	Do. do.	" 640 "	"	"
76-10372	850 S. extension.	County of Forbes, parish of Jemalong.....	" 744 "	"	"
77-1239	727	County of Gowen, parishes of Wallamburrawang and Dilly Dilly.	640 "	"	2694.
2235	338	County of Beresford, parish of Jillimatong	44 "	"	"
4124	1780	County of Goulburn, parish of Cumboroona.....	about 70 "	"	"
3725	346	County of Finch, Lower Gingi Back Run.....	640 "	"	"
76-9451	42	County of Bathurst, parish of Shadforth	5 "	"	"
11-767	1213	County of Clarendon, parish of Funanorecny...	about 42 "	"	"
5825	339	County of Auckland, parish of Wolunla	8 "	"	"
77-5036		County of Wellesley, parish of Wellesmore	about 640 "	"	"
4123	347	County of Cowper, parish of Bourke	" 488 "	"	2695.
405	804	County of Gregory, parish of Gunnell	" 403 "	"	"
	805	Do. do.	about 160 "	"	"
76-9915	539	County of Sandon, parishes of Exmouth and Duval.	" 1,000 "	"	"
77-322	251	County of Finch, Wallah No. 3 Run.....	1sq. m.	"	"
5949	1808	County of Hume, parish of Brocklesby.....	about 36 acres	18 July, 1877 ...	2773
	1809	Do. do.	2 "	"	2774
76-10140	1804	County of Buccleugh, parishes of Blowering and Bogong.	about 430 "	"	"
Aln. 77-3661	1243	County of Bland, parish of Tumbleton.....	" 521 "	"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
4421	34	County of Narran.....	800 acres	18 July, 1877	2774
76-40604	1244	County of Franklin, parish of Ina.....	2,833a. 3r.	"	"
Aln. 77-1438	1245	Do. parishes of Marowie and Wyadra.	about 4,600 acres	"	"
Aln. 1300	1246	Do. parish of Florabol.....	" 2½sq. m.	"	"
"	1247	Do. parish of Molesworth	" 5sq. m.	"	"
5562	55	County of Dudley, parish of Warbro.....	about 84 acres	"	2775
4236	45	County of Northumberland, parish of Broke	" 5 "	"	"
77-5347	806	County of Gordon, parish of Buckenbah	" 960 "	"	"
1195	1223	County of Harden, parish of Murrumboola	73ac. 2r.	20 July, 1877	2825
76-9554	342	Wellesley, Bombala Town	10 acres	"	"
76-45952	293	County of Wentworth, parish of Tiltao.....	about 300 "	"	"
77-3159	1210	County of Nicholson, parish of South Marowie.....	80 "	"	"
6696	540	County of Harding, parish of Drummond	640 "	13 July, 1877	2704
	541	Do. parish of Cooper	640 "	"	"
	542	Do. do.	640 "	"	"
77-4216	33 W. extension.	County of Wellington, parish of Tambaroora, at Hill End.	about 26 p.	20 July, 1877	2826
75-33641	82	County of Durham, parish of Colona	" 324 acres	"	"
77-2516	40	County of Macquarie, parish of Landsdowne	17ac. 3r.	"	"
3032	88	County of Brisbane, parish of Gundy Gundy	about 100 acres	"	"
2370	232 N. extension.	County of Leichhardt, Bundy Run	880 "	"	"
1156	728	County of Lincoln, parish of Medaway.....	480 "	"	"
77-2612	80 E. extension.	County of Rous, parish of Rannymede.....	about 95 "	"	"
4151	665	County of Murchison, parish of Eulowrie	" 250 "	"	"
	666	Do. parish of Pallal	" 320 "	"	"
	667	Do. do.	" 380 "	"	"
	668	Do. parish of Rider	" 140 "	"	"
2232	1211	County of Harden, parish of Berrema	" 320 "	"	"
4222	1221	County of Monteagle, parish of Jandra.....	60 "	"	"
76-2821	1249	County of Cooper, parish of Hulong	about 260 "	"	2827
77-128	1095	County of Baradine, parish of Wangan	160 "	"	"
127	1096	County of Jamison, parish of Billaboo.....	640 "	"	"
	1097	County of Jamison, Meerah Run	640 "	"	"
4373	56	County of Dudley, parish of Macleay	about 158 "	"	"
	57	Do. parish of Oreen	" 730 "	"	"
	58	Do. parish of Macleay	" 640 "	"	"
	59	Do. parish of Warbro	" 78 "	"	"
4184	340	County of Wallace, parish of Coolamatong	240 "	"	"
2163	1784	County of Wynyard, parish of Bulageo.....	about 15 "	"	"
2164	1779	Do. parish of Humula	10 "	"	"
3705	33	County of Finch, Cumberah Springs Run.	640 "	"	"
76-9484	43	County of Cook, parish of Strathdon	4ac. 10p.	"	2828
3723	182	County of Finch, Plumbolah No. 1 Run.....	640 acres	"	"
5266	45	County of Cook, parish of Hartley	57 "	"	"
1465	89	County of Brisbane, parish of Scone.....	2r.	"	"
77-659	1212	County of Clarendon, Nangus Run	158 acres	"	"
77-6437 C. S.	33	County of Phillip, parish of Balyly	about 12 "	"	"
76-34134	1777	County of Urana, parish of Wood.....	" 12 "	"	"
77-6509	1810	County of Wynyard, parish of South Wagga Wagga.	" 223 "	"	"
3129	39	County of St. Vincent, parish of Bendowra.....	" 448 "	"	"
76-11095	43	County of Bligh, parish of Collielblue	278ac. 1r.	"	2829
	44	Do. do.	199ac. 1r. 33p.	"	"
77-2860	51	County of Argyle, parish of Eden Forest.....	319ac. 1r. 32p.	"	"
	52	Do. do.	330 acres.	"	"
3266	41	County of Macquarie, parishes of Dawson and Tarce.	640 "	"	"
76-22314	909	County of Pottinger, parish of Gullendaddy	75 "	"	"
32955	734	County of Buckland, parish of Moan	120 "	"	"
77-4157	1098	Counties of Denham and Jamison.....	about 5,280 acres	"	"
76-10404	50	County of Murray, parish of Morumbateman	40 "	"	"
77-3083	90	County of Brisbane, parish of Alma	about 300 "	"	2830
4350	341	County of Wallace, parish of Jimenbuen.....	" 730 "	"	"
3071	731	County of Leichhardt, Bogala Run	" 500 "	"	"
	732	Do. do.	" 500 "	"	"
3298	1217	County of Mouramba	" 5sq. m.	"	"
77-3343	1099	County of Leichhardt, Yarraman N. Run.....	620 acres	"	"
593	1214	County of Nicholson, parish of Moon Moon.....	440 "	"	"
Aln. 2165	1783	County of Wynyard, parish of Humula	about 43 "	"	"
3726	184	County of Finch, Weelwally E. Run	640 "	"	2831
943	729	County of Lincoln, parish of Narran.....	about 140 "	"	"
949	730	County of Gowen, parishes of Yarragrinn and Piangula.	640 "	"	"
75-11151	305	County of Drake, parish of Dandabra	about 263 "	"	"
76-9801	292	County of Wentworth, parish of Tapio.....	" 8½ "	"	"
77-5020	83	County of Durham, parish of Colonna.....	7ac. 2p.	"	"
1547	1218	County of Clarendon, parish of Gobbagomblin.	10 acres	"	"
76-41020	17	County of Georgianna, parish of Leighwood	5 "	"	"
77-4375	1219	County of Gipps, parish Moombis	20 "	"	2832
4151	669	County of Murchison, parish of Pallal	about 150 "	"	"
4472	1220	County of Monteagle, parish of Brundah.....	" 2,640 "	"	"
	1100	County of Pottinger, parish of Bogabri	199 "	"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
4806	543	County of Clive, parish of Tenterfield	about 320 acres	20 July, 1877 ...	2832
195	807	County of Oxley, parish of Ganalgong	" 12 "	" " " " " "	" "
1852		County of Clyde, Werrigal Run	" 2½sq.m.	25 July, 1877 ...	2861
3851		County of Clyde, Bunbundaloo Run	" 640 acres	" " " " " "	" "
1712		County of Lincoln, parish of Terramungamine...	" 640 "	" " " " " "	" "
	574 E.	County of Lincoln, parish of Goonoo.....	320 "	" " " " " "	" "
	extension.				
	574 W.	Do. do.	320 "	" " " " " "	2862
	extension.				
3850		County of Clyde, Wammerawa Run	about 1,600 "	" " " " " "	" "
6700	1248	County of Harden, parish of Cunningham	" 320 "	" " " " " "	" "
6047	"	County of Narromine, Boggy Plains S. Run...	" 3,220 "	" " " " " "	" "
"	"	Do. N. Run...	" 3,220 "	" " " " " "	" "
5652	"	County of Kennedy	640 "	" " " " " "	" "
1712	735	County of Lincoln, parish of Terramungamine...	about 640 "	27 July, 1877 ...	2911
	574 E.	Do. parish of Goonoo	320 "	" " " " " "	" "
	extension.				
	574 W.	Do. do.	320 "	" " " " " "	" "
	extension.				
3850	736	County of Clyde, Wammerawa Run.....	about 1,600 "	" " " " " "	" "
6700	1248	County of Harden, parish of Cunningham	" 320 "	" " " " " "	" "
76-6047	808	County of Narromine, Boggy Plains S. Run.....	" 3,220 "	" " " " " "	" "
	809	Do. N. Run.....	" 3,220 "	" " " " " "	2912
5652	810	County of Kennedy	640 "	" " " " " "	" "
	733	County of Clyde, Werrigal Run	about 2½sq. m.	" " " " " "	" "
	734	Do. Bunbundaloo Run.....	" 640 acres	" " " " " "	" "

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE, FOR THE PRESERVATION OF WATER SUPPLY OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply or other public purposes, in accordance with the 4th section of the Act 25 Victoria, No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazettes in which the description is published.	Folio.
Ms. 77-6430	1759	County of Selwyn, parish of Tooma	about 380 acres	8 August, 1877	3073
"	1760	Do. parish of Hay	160 "	"	"
"	1761	Do. parishes of Burra, Maragle, Tooma, and Tumbarumba.	640 "	"	"
76-11224	1101	County of Inglis, parish of Burdekin	1,960 "	"	"
Aln. 33678	84	County of Durham, parish of Dungog	240 "	"	3074
Ms. 77-1142	294	County of Thoulcanna, parish of Kelly, blocks 1 and 3.	4 sq. m.	"	"
5226	655	County of Stapylton, parish of Limebon	640 acres	"	"
"	656	Do. parish of Boobora	320 "	"	"
4774	1226	County of Nicholson, parishes of Berangerine, Bowerabine, and Honuna.	640 "	"	"
"	1227	Do. parish of Wah Wah	640 "	"	"
"	1228	Do. parish of Corilla	1,280 "	"	"
"	1230	County of Start, at Murphy's Lake	640 "	"	"
"	1231	Do. at Toner's Swamp	640 "	"	"
"	1232	Do. Mia Mia Block C. Run	640 "	"	"
"	1819	County of Mitchell, parish of Yarrabe	1,330 "	"	"
4417	348	County of Warran, Upper Bokhara Run	7sq. m.	"	"
4424	349	Do. Bomangabar Run	960 acres	"	"
76-11659	1780	County of Urana, parish of Yanko South	about 1,256 "	"	3075
77-659	1777	Do. parish of Yanko	952 "	"	"
76-11659	1774	Do. do.	163ac. 3r. Op.	"	"
"	1778	Do. parish of Yanko South	282ac. 1r. Op.	"	"
"	1779	Do. do.	551ac. 3r. Op.	"	"
73-7778	1816	County of Wakool, parishes of Tooleybuc, Bymue, Bungunya, Genoe, Puah, Poon Boon, and Spiewa.	about 28sq. m.	"	"
76-2981	987 E. extension.	County of Nicholson, parish of Mulla Mulla ...	" 544 acres	"	3076
6430	1764	County of Selwyn, parish of Mannus	" 1,680 "	"	"
"	1763	Do. parish of Bogandyem	" 640 "	"	"
"	1762	Do. do.	" 880 "	"	"
"	1758	Do. parish of Tooma	" 380 "	"	"
R. S. B. 77-55	1818	County of Urana, parish of Morundah	" 54 "	"	"
Ms. 77-6430	1765	County of Selwyn, parish of Munderoo	" 40 "	"	"
"	1766	Do. do.	" 270 "	"	"
"	1767	Do. do.	" 300 "	"	"
"	1768	Do. do.	" 880 "	"	"
Aln. 31806	1820	County of Urana, parish of Piney Ridge	91ac. 2r. Op.	"	"
Ms. 77-4344	672	County of Courallie, parish of Biniguy	about 140 acres	"	3077
4774	1229	County of Nicholson, parish of Gonowlia	320 "	"	"
76-10139	1723	County of Buccleuch, parish of Bogog	110 "	"	"
C. S. 77-1577	302	County of Richmond, parish of Waram	about 175 "	"	"
Aln. 76-26008	672	County of Wynyard, parish of Ellerslie	" 1,850 "	"	"
Ms. 77-7690	1817	County of Hume, parish of Buckaringah	" 1,040 "	"	"
76-9472	307	County of Drake, parish of Churchill	22 per.	"	"
5490	1802	County of Goulburn, parish of Mungabarina	about 200 acres	"	3078
4199	46	County of Cook, parish of Hartley	320 "	"	"
11004	344	County of Auckland, parish of Colombo	292 "	"	"
77-7868	1822	County of Goulburn, parish of Gerogery	139 "	"	"
3786	1821	Counties of Urana and Hume	about 770 "	"	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
77-7853	1250	County of Waradgery, parish of Toopuntul	about 640 acres	8 August, 1877	3078
	42	County of Macquarie, parishes of Landsdowne and Harrington.	" 640 "	"	3079
	43	County of Macquarie, parish of Walibree.....	" 780 "	"	"
76-11754		County of Urana, parish of Jerilderie South ...	" 3,000 "	"	3082
77-5293	53	County of Argyle, parish of Mullengullengua.....	" 320 "	22 August, 1877	3281
7416	295	County of Cairn, parish of Balranald	" 83 "	"	"
Aln. 76-24944	1659	County of Hume, parish of Castlestead	" 400 "	"	"
Ms. 77-7496	1824	County of Goulburn, parish of Wagra	" 520 "	"	3232
	1079 S. extension.	County of Denham, parish of Bucklebone	" 11 "	"	"
6407	1103	County of Baradine, parishes of Eubecna and Cumbla.	" 1,037 "	"	"
8252	1825	County of Urana, parishes of Olive and Morundah.	" 11,650 "	"	"
C. S. 77-22764	1102	County of Baradine, parishes of Eubecna and Turcc.	160 "	"	"
Ms. 4100	292	County of Wentworth, parish of Tapio	about 8½ "	"	3293
76-11224	1101	County of Inglis, parish of Burdekin	1,960 "	"	"
77-7854	1251	County of Bourke, parishes of Ganmain, Kockibitoo, and Hooke.	15sq. m.	"	"
	1104	Counties of White and Baradine	about 460 acres	"	"
C. S. 77-5979	58	County of King, parish of Mundoonan.....	" 10 "	27 August, 1877	3295
	59	Do. do.	" 8 "	"	"
77-2001	348	County of Wallace, parish of Bulgundra.....	10 "	"	"
2007	349	Do. parish of Townsend	about 50 "	"	"
8727	737	County of Lincoln, parish Terramungamine ...	" 600 "	"	"
Ms. 5091	738	County of Gowen, parish of Wallamburrawang.	640 "	"	"
5090	739	Do. Old and New Bearbong Runs	640 "	"	3296
7039	740	County of Ewenmar, parish of Wambiana	about 230 "	"	"
	741	Do. do.	" 900 "	"	"
5251	1105	County of Pottinger, parish of Premier.....	" 140 "	"	"
4695	811	County of Gregory, parish of Goobabone	" 1,040 "	"	"
	812	Do. parishes of Birrimba and Belarbone.	" 2,000 "	"	"
	813	County of Gregory, parish of Goolabone	" 1,440 "	"	"
	814	Do. do.	" 1,440 "	"	"
	815	Do. parish of Yhababong	" 1,040 "	"	"
	816	Do. do.	" 1,760 "	"	"
	817	Do. do.	" 1,040 "	"	"
C. S. 4243	818	County of Ashburnham, parish of Trajere	" 200 "	"	"
Ms. 5450	46	County of Northumberland.....	" 16,000 "	"	3297
5430	29	County of Gloucester	" 340sq. m.	"	"
5567	350	County of Wellesley, parishes of Meringo and Merriangnah.	" 2,400 acres	"	"
5430	30	County of Gloucester, Lake Forest Reserve.....	" 250sq. m.	"	"
C. S. 8730	753	County of Lincoln, parish of Terramungamine...	" 150 acres	"	"
Ms. 3277	744	County of Oxley	" 1,440 "	"	3298
	745	Counties of Oxley and Gregory	" 2,240 "	"	"
	746	County of Gregory	" 960 "	"	"
	747	Do.	" 2,300 "	"	"
	748	Do.	" 360 "	"	"
	749	County of Lincoln, parish of Geurie	" 120 "	"	"
C. S. 16553	1826	County of Townsend, parish of Wandok	" 100 "	"	"
Ms. 5119	1827	County of Denison, parish of Tocumwal	about 1,848 "	"	"
76-2350	544	County of Vernon, parishes of Walcha, Ohio, &c	" 190 "	"	"
	742	County of Gowen, Nandi Run	640 "	"	"
77-1157	743	County of Lincoln, parish of Gamba	about 640 "	"	3299
C. S. 5979	60	County of King, parish of Mundoonen.....	" 20 "	"	"
Ms. 4821	750	County of Leichhardt, parish of Narraliyah.....	" 1,200 "	"	"
	751	Do. parish of Mungery	" 750 "	"	"
	752	Do. do.	" 100 "	"	"
C. S. 4357	545	County of Buller, parish of Acacia.....	" 41 "	"	"

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(RESERVED FROM SALE UNTIL SURVEYED, FOR THE PRESERVATION OF WATER SUPPLY, OR OTHER PUBLIC PURPOSES.)

Presented to Parliament, pursuant to Act 25 Vic. No. 1, sec. 4.

ABSTRACT of Crown Lands reserved from Sale until surveyed, for the preservation of Water Supply, or other public purposes, in accordance with the 4th section of the Act 25 Victoria No. 1.

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 76-11510	669 E. x.	County of Ewanmar, parish of Umangla	96 acres	4 Sept., 1877 ...	3425
	1812	County of Wakool, parish of Spiewa	10 "	" " " "	"
	1813	Do. do.	35 "	" " " "	"
	1814	Do. do.	225 "	" " " "	"
77- 5943		County of Gregory	3,000 "	" " " "	"
Aln. 77- 4020		County of Winyard, parish of Unbango	3 "	" " " "	3426
Ms. 77- 6507		County of Drake	4½ sq. m.	" " " "	"
Aln. 77- 4013	306	County of Drake, parish of Yalgelbar	226 acres	" " " "	"
76-24944	221	County of Hume, parish of Castlereagh	400 "	" " " "	"
Ms. 77- 7092		County of Denham	1,600 "	" " " "	"
6451	51	County of Murray, parish of Bywong	28 "	7 Sept., 1877 ...	3460
3032	88	County of Brisbane, parish of Gundy Gundy ...	100 "	" " " "	"
1643	54	County of Argyle, parish of Marulan	8 "	15 Sept., 1877 ...	3593
2497	755	County of Cunningham, parish of Badjerribong	8 "	" " " "	"
6412	45	County of Bligh, parish of Wondaby	129 "	" " " "	3594
6582	20	County of Georgiana, parish of Hillas	45 "	" " " "	"
3447	708 E. x.	County of Leichhardt, parish of Culgoa	730 "	" " " "	"
3821	754	County of Ewinmar	640 "	" " " "	"
76-11346	664	County of Stapylton, parish of Willimail	300 "	" " " "	"
5789	1242	County of Wardgery, parish of Thelangering...	3,000 "	" " " "	"
77- 5095	1106	County of Buckland, parish of Tawarri	600 "	" " " "	"
Cs. 77-17899	355	County of Wallace, parish of Buckalam	120 "	" " " "	"
Ms. 77- 1610	1828	County of Urana, parish of Borce Creeck	320 "	" " " "	3595
1610	1829	Do. do.	2,090 "	" " " "	"
3237	1830	County of Townsend, parish of Peppin	660 "	" " " "	"
4197	1831	Do. parish of Thalabin	1,290 "	" " " "	"
Aln. 76-20404	1832	Do. parish of Jung Jung	697 "	" " " "	"
	819	County of Ashburnham, parish of Monaro	640 "	" " " "	"
Ms. 77- 4690	820	Do. do.	320 "	" " " "	"
4690	821	Do. parish of Moura	160 "	" " " "	"
4690	822	Do. do.	80 "	" " " "	"
Aln. 76-23432	823	Do. parish of Carrawbbity	960 "	" " " "	"
Cs. 77-14895	227 N. x.	Do. parish of Forbes	35 "	" " " "	"
Ms. 77- 3168	824	Do. do.	640 "	" " " "	"
4799	825	Do. parish of Borce Nyrang	10 "	" " " "	"
Ms. 77- 2630	1107	County of Pottinger, parish of Pringle	2½ "	" " " "	"
Ms. 77- 5852	356	County of Wellesley, parish of Ironmergry	200 "	" " " "	3596
6437	1833	County of Urana, parish of Clyde	11,630 "	" " " "	"
Aln. 77- 2785	1834	County of Wakool, parish of Mallec	10 "	" " " "	"
Ms. 77- 6192	1835	Do. parish of Yanko	1,057 "	" " " "	"
3624	1124	County of Gipps	640 "	" " " "	"
3624	1125	Do. do.	640 "	" " " "	"
76- 8045	1269	County of Monteagle, parish of Marringo	240 "	" " " "	"
77- 4858	350	County of Narran	640 "	" " " "	"
4858	351	Do. do.	640 "	" " " "	"
Aln. 77- 3365	139 S. x.	County of Richmond, parish of Bundock	30 "	" " " "	3597
2882	303	County of Rous, parish of Strathden	161 "	" " " "	"
Ms. 77- 6868	661	County of Burnett, parish of Abercrombie	640 "	" " " "	"
Aln. 76-44621	662	County of Murchison, parish of Delingera	1½ "	" " " "	"
Ms. 77- 1224	546	County of Raleigh, parish of Delingera	3r. 4p.	" " " "	"
4951	1836	County of Townsend, parish of Boonock	670 acres	" " " "	"
Aln. 77- 3866	304	County of Richmond, parish of Woorooloolgan	100 "	" " " "	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 77- 9472	1838	County of Goulburn, parish of Jingellic	1,290 acres	15 Sept., 1877 ...	3598
9272	296	County of Caira, parish of Yarrington	150 "	" " " " " "	"
3288	267 E. x.	County of Penarie, parish of Jarrool	4 sq. m.	26 Sept., 1877 ...	3707
6407	1103	County of Bardine, parish of Mackenzie	1,037 acres	" " " " " "	"
8258	827	County of Gordon, parish of Gallinamblo	640 "	" " " " " "	"
	1849	County of Townsend, parish of Conargo	930 "	" " " " " "	3708
	1850	County of Wynyard	45 sq. m.	" " " " " "	3707
6407	1102	County of Bardine	160 acres	" " " " " "	"
76-10253		Do. parish of Baradine	120 "	" " " " " "	"
77- 3033	90	County of Brisbane, parish of Alma	330 "	" " " " " "	"
Cs. 77- 1125	55	County of Argyle, parish of Tarlo	7 "	29 Sept., 1877 ...	3765
Aln. 76-39873	757	County of Leichhardt, parish of Nebea	48 "	" " " " " "	"
Ms. 77- 8385	746 N. x.	County of Cooper	1,540 "	" " " " " "	"
	6589	County of Bourke	5 sq. m.	" " " " " "	"
	6589	Do.	5 "	" " " " " "	"
	6589	Do.	640 acres	" " " " " "	"
	3140	Counties of Waljeers, and Mossgeil	4 sq. m.	" " " " " "	3766
	6117	County of Gipps, parish of Bologamy	1,440 acres	" " " " " "	"
	6117	Do. do.	640 "	" " " " " "	"
	3406	County of Parry, parish of Moorowaba	780 "	" " " " " "	"
Aln. 76- 760	1815	County of Caira	640 "	" " " " " "	"
77- 3420	1846	County of Wakool, parish of Genoe	205 "	" " " " " "	"
	6716	County of Sekwyn, parish of Jingellic	6 "	" " " " " "	"
Cs. 77- 545	1848	Do. parish of Mate	80 "	" " " " " "	"
Ms. 77- 5341	352	County of Finch	2 sq. m.	" " " " " "	"
	5097	Do.	106 acres	" " " " " "	"
	5096	Do.	160 "	" " " " " "	"
	3140	County of Waljeers	80 "	" " " " " "	"
	7422	County of Mitchell, parish of Ashercroft	38½ "	" " " " " "	"
Aln. 77- 1231	670	County of Courallie, parish of Moree	1,140 "	" " " " " "	3767
Ms. 76- 9271	1111	County of Nandewar, parish of Wallah	570 "	" " " " " "	"
	9271	Do. do.	700 "	" " " " " "	"
	9271	Do. do.	1,070 "	" " " " " "	"
Aln. 76-30995	1840	County of Townsend, parish of Boree	129 "	" " " " " "	"
	2299	County of Inglis, parish of Winton	20 "	" " " " " "	"
	34824	Do. parish of Bendemeer	40 "	" " " " " "	3768
Ms. 77- 8250	299	On the road from Balranald to Ivanhoe	80 sq. m.	" " " " " "	"
	8250	Do. Pooncaira to Balranald	70 "	" " " " " "	"
Aln. 76-29622	1843	County of Hume, parish of Mahonga	9 acres	" " " " " "	3770
Ms. 77- 5092	954 E. x.	County of Bardine	640 "	" " " " " "	"
Aln. 76-36893	48	County of Northumberland, parish of Awaba	10 "	" " " " " "	3771
Ms. 77- 5430	29	County of Gloucester	34 sq. m.	" " " " " "	"
	6872	County of Leichhardt, parish of Morrambilla	28 "	" " " " " "	"
	976	County of Townsend, parish of Palmer	1,280 acres	" " " " " "	"
Aln. 75-13254		County of Murrumbidgee, District	100 "	" " " " " "	"
Ms. 76-11801	764	County of Lincoln, parish of Benis	270 "	" " " " " "	"
77- 4764	295	County of Landsborough	640 "	" " " " " "	3772
	7004	County of Lincoln, parish of Macquarie	640 "	" " " " " "	"
	5608	Do. parish of Donelly	600 "	" " " " " "	"
	6980	Do. parish of Bolaro	240 "	" " " " " "	"
	5009	Do.	320 "	" " " " " "	"
Aln. 77- 3767	102 E. x.	County of Wentworth, parish of Avoca	230 "	" " " " " "	"
	3767	Do. do.	1,300 "	" " " " " "	"
Ms. 77- 6398	1265	County of Waljeers, parish of Benanimie	224ac. 3r. 8p.	" " " " " "	"
Cs. 77- 2245	198 E. x.	County of Clarendon	800 acres	" " " " " "	"
Ms. 76- 6804	1823	County of Boyd, parish of Mycotha	1,280 "	" " " " " "	"
	359	County of Colgoa	3 sq. m.	" " " " " "	"
	4419	County of Narran	4½ "	" " " " " "	"
	4746	Do.	3 "	" " " " " "	"
	362	Do.	3 "	" " " " " "	"
	745	County of Bundaballa, West No. 1 Run	960 acres	" " " " " "	"
	4747	County of Narran	2 sq. m.	" " " " " "	"
	4748	Do.	5 "	" " " " " "	"
	4416	Do.	5½ "	" " " " " "	"
Aln. 77- 3767	298	County of Wentworth, parish of Neilpo	260 acres	" " " " " "	3773
	3767	Do. parish of Avoca	120 "	" " " " " "	"
Ms. 77- 3767	303	Do. parish of Tugima	420 "	" " " " " "	"
	8250	Darling and Warrego Districts	110 sq. m.	" " " " " "	3768
	1259	County of Cooper, parish of Yenda	2,300 acres	" " " " " "	"
Aln. 76-29995	454 W. x.	County of Buckland, parish of Yarromurbah	100 "	" " " " " "	"
	1114	Do. parish of Copoly	470 "	" " " " " "	"
Ms. 77- 3989	1115	County of Denham	1,360 "	" " " " " "	"
Aln. 76-35203	1116	County of White	4,300 "	" " " " " "	"
Ms. 77- 8250	355	On the Road from West Bourke to Menindie	300 sq. m.	" " " " " "	"
Cs. 77- 8978	61	County of King, parish of Lampton	1ac. 2r.	" " " " " "	"
Aln. 76-35192	1803	County of Buccleugh, parish of Brungle	8 acres	" " " " " "	"
	13639	County of Northumberland, parish of Awaba	3r. 24p.	" " " " " "	3769
Cs. 77- 1995	85	County of Denham, parish of Foy	14 acres	" " " " " "	"
Ms. 75- 3189	452	County of Courallie	130 "	" " " " " "	"
77- 3989	1117	County of Denham	640 "	" " " " " "	"
	3989	Do.	640 "	" " " " " "	"
	6212	County of Baradine	640 "	" " " " " "	"
Aln. 76-30708	864 E. x.	County of Waradgery, parish of Paradise	150 "	" " " " " "	"
	960 S. x.	County of Cadill, parish of Caldwell	100 "	" " " " " "	"
	74-18854	County of Wakool, parish of Tehclery	168 "	" " " " " "	"
	893 E. x.	County of Cadill, parish of Wongal	146 "	" " " " " "	"
Ms. 77- 6482	552	County of Gough, parish of Anderson	56 "	" " " " " "	"
	4422	County of Narran	640 "	" " " " " "	"
	4423	County of Finch	640 "	" " " " " "	"

No. of Papers.	No. of Reserve.	Locality.	Area.	Government Gazette in which the description is published.	Folio.
Ms. 77- 4423	358	County of Finch	640 acres	29 Sept., 1877 ...	3769
Aln. 76-44603	1811	County of Wakool, parish of Boyd	835 "	"	3770
73-18692	671	County of Burnett, parish of Burnett	192 "	"	"
Ms. 77- 5896	398 N. x.	County of Bourke	7 sq. m.	"	"
5896	304	Do.	7 "	"	"
76- 7613	1841	County of Hume, parish of Gibson	736 acres	"	"
9304	1842	County of Townsend, parish of Booroobar	2,560 "	"	"
Aln. 77- 3767	304	County of Wentworth, parish of Neilpo	40 "	"	3773
3767	305	Do. do.	106 "	"	"
3767	306	Do. do.	1,600 "	"	"
3767	307	Do. do.	1,700 "	"	"
Ms. 76- 8304	1854	County of Hume, parish of Neilpo.....	1,100 "	"	3774
77- 4418	367	County of Narran.....	4½ sq. m.	"	"
Aln. 77- 3133	1025	County of Baradine	600 acres	"	"
Cs. 77-10577	765	County of Lincoln, parish of Coolbaggie	120 "	"	"
Ms. 77- 3679		County of Goulburn, parish of Gindera	190 "	"	"

[3d.]

Sydney: Charles Potter, Acting Government Printer.—1877.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(INTENDED TO BE DEDICATED FOR THE USE AND GENERAL PURPOSES OF PASTORAL AND AGRICULTURAL ASSOCIATIONS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 13, sec. 32.

ABSTRACT of Crown Lands intended to be dedicated for the use and general purposes of Pastoral and Agricultural Associations, in accordance with the 32nd section of the Act 39 Victoria No. 13.

Place.	County.	Allotment.	Section.	Locality.	Area.	No. of Papers.	Catalogue number of Plan.
Glen Innes ...	Gough	portion 156.		Parish of Glen Innes	a. r. p. 24 0 0	Ms. 76-906	G. 7-1761
Moree	Couralie .....	..... | 123		Parish of Moree	5 0 0	1488	C. 315-1880
Wagga Wagga	Wynyard	section 85.		Town of Wagga Wagga.....	12 0 18	77-391	W. 48-1345

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO THE USE AND GENERAL PURPOSES OF PASTORAL AND AGRICULTURAL ASSOCIATIONS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 13, sec. 32.

ABSTRACT of Crown Lands authorized to be dedicated to the use and purposes of Pastoral and Agricultural Associations, in accordance with the 32nd section of the Act 39 Victoria No. 13.

Place.	County.	Allotment.	Section.	Locality.	Area.	For what Purpose Dedicated.	No. of Papers.	Catalogue number of Plan.
Forbes	Ashburnham	Portions 362, 363, 364, 365, and 366.		Parish of Forbes	a. r. p. 50 3 39	For the purposes of the Forbes Pastoral, Agricultural, and Horticultural Association.	Ms. 76-3717	A. 868-1,770 R.
Orange	Wellington	Portion 132.		Parish of Orange	50 0 0	For the purposes of the Orange Pastoral and Agricultural Association.	76-9,524	W. 650-2,001.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED FOR THE USE OF PASTORAL AND AGRICULTURAL ASSOCIATIONS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 13, sec. 32.

ABSTRACT of Crown Lands authorized to be dedicated for the use and general purposes of Pastoral and Agricultural Associations, in accordance with the 32nd section of the Act 39 Victoria, No. 13.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Catalogue No. of Plan.
Yass	King	Portion 149		Parish of Yass	a. r. p. 37 2 0	For the use of the Yass Pastoral and Agricultural Associations.	76,8632	Y 34-905

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED FOR THE USES OF PASTORAL AND AGRICULTURAL SOCIETIES.)

Presented to Parliament, pursuant to Act 39 Vic. No. 13, sec. 32.

ABSTRACT of Crown Lands authorized to be dedicated for the uses and general purposes of Pastoral and Agricultural Associations, in accordance with the 32nd section of the Act 39 Victoria, No. 13.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Bathurst	Bathurst .....	.....	.....	City of Bathurst	a. r. p. 12 2 35	For the use and purposes of the Western Agricultural, Horticultural, and Pastoral Association.	Ms. 77- 5542	B 158-824
Deniliquin South	Townsend	Part of Section 207.		Town of South Deniliquin.	5 1 8	Deniliquin Pastoral and Agricultural Society.	77- 3241	D 83-1458

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED FOR THE USES OF PASTORAL AND AGRICULTURAL ASSOCIATIONS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 13, sec. 32.

ABSTRACT of Crown Lands authorized to be dedicated to the use and general purposes of Pastoral and Agricultural Associations, in accordance with the 32nd section of the Act 39 Victoria, No. 13.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Walcha	Vernon .....	.....	29	Town of Walcha	a. r. p. 9 2 30	For the use of the Pastoral and Agricultural Association of Southern New England.	Ms. 77-5186	W 34-1493 R.

1876-7.

NEW SOUTH WALES.

CROWN LANDS.

(AUTHORIZED TO BE DEDICATED TO THE USE AND GENERAL PURPOSES OF PASTORAL AND AGRICULTURAL ASSOCIATIONS.)

Presented to Parliament, pursuant to Act 39 Vict. No. 13, sec. 32.

ABSTRACT of Crown Lands authorized to be dedicated to the use and general purposes of Pastoral and Agricultural Associations, in accordance with the 32nd section of the Act 39 Victoria, No. 13.

Place.	County.	Allotment.	Section.	Locality.	Area.	To what purpose dedicated.	No. of Papers.	Cat. No. of Plan.
Armidale.....	Sandon.....	.....	.01	Town of Armidale	a. r. p. 10 0 0	For the use and general purposes of the Pastoral and Agricultural Association of Armidale and New England.	Ms. 77-2,929	A. 33-1,354.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE LAND LAW.

(PETITION OF CAPTAIN SADLEIR, R.N.)

Ordered by the Legislative Assembly to be printed, 3 August, 1877.

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

The humble Petition of Richard Sadleir, Royal Navy,—

HUMBLY SHOWETH:—

That whereas the great object of all land policy should be to *invite* and settle down population upon all land so as to secure revenue and add to our national strength.

And that our present land law neither sufficiently facilitates nor secures landed tenure, as is conclusive from the litigation, disappointments, and demoralising effects, both on free selectors and squatters alike.

Your Petitioner therefore prays the consideration of your Honorable House to an amended Land Act in which provision should be made if *possible* for agricultural areas that all claims for improvements, and contemplated improvements often fictitious, should be abolished; also the sale of Volunteer Orders doubtful as to their *legality* should be prohibited as perplexing to the settlers, and detrimental to the public estate.

That such clauses (as the 31st clause) of doubtful interpretation, and acknowledged as "*creating confusion instead of satisfaction*," should be struck out, and that a longer public notice be given as to the time and place and other particulars of the locality open for selection.

Your Petitioner further prays that the area of 640 acres of land should be extended to 1,280 acres, to enable settlers to unite stock with agriculture, and so fit an intelligent yeomanry population on our land, fitted to fill the offices of Magistrates, Mayors, and other important official positions essential to the well-being of settlements, and that minor claims should be abolished where the area exceeds 320 acres.

That the value of improvements should be reduced to ten shillings per acre, as any higher charge is a waste of capital under an arbitrary enactment, deterring settlement and often ruinous to the settler.

That lands for auction should as in the United States and Queensland be classified and valued at from ten shillings per acre to three or four pounds, according to their *fertility* and *position*.

That the administration of our lands should be as in New Zealand vested in a Land Board, the Minister of Lands to be President, so as to have a *fixed* body not subject to political changes, the responsibility being excessive and duties too multitudinous for any one person whose tenure of office is uncertain.

And your Petitioner humbly prays that your Honorable House may be pleased to take into your consideration the aforesaid premises, and will, as in duty bound, ever pray.

Sydney, August 1st, 1877.

RICHARD SADLEIR.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

THE LAND LAW.

(PETITION OF SAMUEL WILSON, CHAIRMAN OF JERILDERIE FARMERS AND TRADESMEN'S ASSOCIATION.)

Ordered by the Legislative Assembly to be printed, 18 September, 1877.

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

The humble petition of the Jerilderie Farmers and Tradesmen's Association,—

RESPECTFULLY SHOWETH:—

1st. That the penalty of £1 per acre as improvements, imposed by the present Land Act on conditional purchases, together with residence of minors, is oppressive and unjust, as well as detrimental to true settlement.

2nd. That any condition which entail unnecessary expenditure must cripple the means which should be at the disposal of the conditional purchaser for the purchase of stock and improved machinery to better develop the resources of the land.

3rd. That believing the Land Act of New South Wales would be carried out in the interest of settlement, and in a liberal spirit, we migrated from a neighbouring colony, ignoring the advantages of climate and comfortable homes to seek (for the sake of our families) the benefits of a larger area, with grass rights, &c. We find, however, the grass rights to be a delusion and consider that Government has broken faith with us by holding out an inducement which has not been fulfilled; but on the contrary, in many cases where preleases had been obtained, the land was immediately surveyed and sold by auction to the squatter at 20s. per acre, and that conditional purchasers are therefore entitled in equity to compensation in lieu of the grass rights of which they have been deprived.

4th. That we consider it is unjust that we (while confined to a limited area) should be obliged to expend £1 per acre on improvements, many of which are unproductive and could be done without, and our children be obliged to live apart from us while the adjoining land is sold in unlimited quantity at 20s. per acre, untrammelled by any conditions whatever.

5th. That "residence of minors" exposes our young people to unnecessary dangers of an appalling description (as witness the Cootamundra outrage), which it is clearly the duty of the State to guard against, and any condition which compels separation even for a short time of a child from the watchful care and restraint which it is the duty of all parents to exercise, must have a demoralizing effect and cannot be right.

6th. That the severe drought we have experienced, and by which we have suffered a heavy loss, compels us to ask your Honorable House graciously to consider the grievances herein named and respectfully to urge the *immediate necessity* of introducing an amendment in the Land Act reducing improvements to 10s. per acre, and abolishing residence in case of minors who can clearly prove their *bond fides* as to intended settlement.

Your Petitioners therefore humbly pray that these statements will receive your mature consideration, and that you in your wisdom will introduce such amendments in the Land Act as will contain the concessions suggested, and thus relieve the conditional purchaser of some of the many disabilities under which he at present labours.

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

On behalf of the Jerilderie Farmers and Trademen's Association,—

SAMUEL WILSON, Chairman.
EDWARD KILLEN, } Hon. Secs.
JOHNSON QUIN, }

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

THE LAND LAW.

(PETITION FROM INHABITANTS OF THE WALCHA DISTRICT.)

Ordered by the Legislative Assembly to be printed, 10 October, 1877.

To the Honorable the Speaker and Members of the Legislative Assembly of the Colony of New South Wales, now in Parliament assembled.

THIS PETITION HUMBLY SHOWETH:—

That we the undersigned inhabitants of the Walcha district, feeling that the Land Laws of the Colony require amendment in many particulars, and especially in these calculated to incur the stigma of partiality to the capitalist at the expense of the *bonâ fide* selector, beg respectfully to urge that in our opinion based upon painful experience, the public interest would be served by the adoption of the following reforms, viz. :—

1. That for the future the payments required from the conditional purchaser be for each acre 5s. as deposit, and ten annual payments of 1s.
2. That the time allowed for improvements be extended to five years from date of survey.
3. That if auction sales be allowed to exist at all, the upset price of country lands be not less than 40s. per acre.
4. That the timber regulations require revision.

We humbly pray that your Honorable House will take the premises into your favourable consideration, and grant such relief to your Petitioners as you may deem meet.

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

[Here follow 165 signatures.]

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

COONABARABRAN LAND OFFICE.
(REVENUE FROM 1 JANUARY, 1874, TO 30 JUNE, 1876.)

Ordered by the Legislative Assembly to be printed, 7 February, 1877.

RETURN showing the amount of Revenue received from Coonabarabran Land Office during the years 1874, 1875, and up to the end of June, 1876, laid on the Table of the House, in accordance with the reply given by the Minister for Lands to Mr. T. G. Dangar's questions in reference thereto, on the 12th July, 1876.

CONDITIONAL PURCHASES.

RETURN showing the amount of Revenue on account of Conditional Purchases received from the Coonabarabran Land Office during the years 1874, 1875, and up to the 30th June, 1876.

	Deposits.	Interest.	Instalments— Purchase Money.	Balances in full of Purchase Money and Deed Fees.	
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1874	2,034 17 6	162 0 7	.....	424 10 0	
1875	5,191 11 3	266 13 3	.....	364 0 0	
to					
30 June, 1876	4,388 13 1	308 18 10	24 0 0	551 10 0	
£	11,615 1 10	737 12 8	24 0 0	1,340 0 0	13,716 14 6
			Less Refunds.....		302 10 0
			Total	£	13,414 4 6

The Treasury,
Sydney, 5 January, 1877.

W. NEWCOMBE,
Receiver.

AMOUNT of rent for Pre-emptive Leases received from the Coonabarabran Land Office during the years 1874, 1875, and 1876.

1874.	1875.	1876.	Total.
£ s. d.	£ s. d.	£ s. d.	£ s. d.
77 12 8	290 14 4	125 10 0	493 17 0

THE amount derived from the sales of land by auction and by selection after auction in the Police District of Coonabarabran, from the 1st January, 1874, to the 30th June, 1876, was ... £21,320 10 3

THE amount of deposits paid on applications under the 31st clause of the "Lands Acts Amendment Act of 1875," at the Coonabarabran Land Office, from the 10th August, 1875, to the 30th June, 1876 inclusive, was ... £5,921 1 0

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.

(CHARGES PREFERRED BY J. McELHONE, ESQ., M.P., AGAINST MR. P. W. STREET, INSPECTOR OF
CONDITIONAL PURCHASES.)

Ordered by the Legislative Assembly to be printed, 7 February, 1877.

SCHEDULE.

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No. 1.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Albury, 21 September, 1876.

I have the honor to call your attention to the following case, and trust that you will call for an immediate explanation from Mr. Inspector Street.

Mr. Archibald Moffit, free selector on Buckinbong Run, near Narrandera, this morning reported to Mr. Day and myself that Mr. Inspector Street came prowling about his house on Sunday with Mr. Richard Jenkins' manager, and that he stopped at Mr. Francis Jenkins' house for two days. Mr. Moffit says that he and others are prepared to swear to this.

Mr. Michael Doyle, free selector on Mr. Rawlings' Run, South Yathong, states that Mr. Inspector Street also staid two nights at Mr. Rawlings' Station, South Yathong, and also two nights at Mr. Simpson's, Nowrannie Run, near Jerilderie, and Doyle says he and others are prepared to swear to this.

I beg to call your attention to this case, and ask you to act in this matter at once, as Mr. Street is paid 25s. per day for travelling expenses, and by his staying with different squatters he has grossly violated the instructions issued by you, that no Commissioner or Inspector was to stop at the houses of squatters or selectors.

As soon as the House meets I shall immediately bring Mr. Street's conduct before it, and move that he be dismissed from the Public Service; also another Inspector who, I have been advised, drank so much that he was laid up in Bathurst suffering from the horrors.

Yours, &c.,

J. McELHONE.

P.S.—I am also advised by Mr. Moffit that Inspector Street reported one of his sons as non-resident, although he brought his son, who was working close by, to Mr. Street; and that he also reported other of his sons as non-resident, who were engaged splitting for fencing a few miles away; the said stuff was for fencing their C.P's. Mr. Day says Moffit's word can be relied on implicitly.—J. McE.

No. 2.

Mr. P. W. Street to The Under Secretary for Lands.

Sir,

Nubba, 30 September, 1876.

I have the honor to acknowledge the receipt of your memorandum of the 26th instant, calling upon me to make an explanation with regard to certain charges preferred against me in the communication of Mr. J. McElhone forwarded by you.

With regard to the first allegation that Mr. Moffit had seen me prowling about his house on a Sunday with Mr. Richards, Jenkins' manager, and that I stopped at Mr. Francis Jenkins' house for two days, I beg to state that when on my way to inspect the selections of the Moffit family I met a person whom I afterwards found to be an overseer of Mr. Jenkins' on the Morundah Run, and on making some inquiries from him as to the direction of these selections he offered to accompany me, and did accompany me and showed them to me; this certainly occurred on a Saturday and the inspection terminated on a Sunday; but when on a tour of inspection I have made it a practice, rightly or wrongly, to travel and to perform the duties of my office without respect to the day of the week.

I did not stay at Mr. Francis Jenkins' house for two days, and never was at his house in my life. When on his run I stopped at a hut on one of the out-stations, where a cook or hut-keeper was living.

With respect to my having reported Moffit's sons as non-resident when they were splitting timber for fencing, &c., I have only to state that in my reports I exercised my own judgment, and was guided therein by all the surrounding circumstances which came under my observation; for I need scarcely remark that if Inspectors were to place implicit reliance on all the statements with regard to conditional purchases that are made to them by persons with whom they come in contact, their reports would be very worthless to the Government.

The statement that I stopped two nights at Mr. Rawlings' station is correct. I arrived there very late one night, and there was no Inn within many miles of the place. Mr. Rawlings accompanied me and showed me the various selections on his run, his own included; and it will be observed that my reports with regard to the latter are all adverse to Mr. Rawlings. I also stopped one night only at Mr. Simpson's station—this was unavoidable—after inspecting the conditional purchases on the Nowrannie Run. The nearest Inn in the direction I was travelling was 30 miles distant.

In conclusion, I would beg to state that I never stop at any private houses if I can possibly avoid it, and, in that respect, have strictly carried out the views of the Honorable the Minister for Lands, embodied in the concluding paragraph of your circular of the 23rd of February last.

I have, &c.,

P. WOOD STREET.

No. 3.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Sydney, 9 October, 1876.

I have the honor to call your particular attention to the copy of Mr. Archibald Moffit's letter, which I enclose.

I shall bring this case before the House directly it opens, to see if I cannot get justice for this man and have corrupt Government officials punished.

Mr. G. Day has known Mr. Moffit for many years, and says his word can be relied on. This is only one of hundreds of similar cases.

Two other Inspectors, I am advised on reliable authority, were drunk for three weeks, for which time they would be receiving £1 5s. per day of the public money as travelling expenses.

I have to tender you my sincere thanks for your prompt attention to Doyle's case, which has saved him from ruin.

I have, &c.,

J. McELHONE.

No. 4.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Sydney, 9 October, 1876.

I have the honor to send you copy of letter sent me by Archibald Moffit, selector, Morando, Urana, as follows:—

Mr. McElhone,—

Dear Sir,

I wish to draw your attention to a few facts. I and my family selected on Buckinbong Run, Sept. 20th, 1873. A short time after, Francis Jenkins and his overseer, Thos. Richards, came to buy us out, and, because we would not sell, the said T. Richards swore publicly he would do us all the harm he could, and that he would have all our land.

He, T. Richards, reported all our selections as non-resident. The Inspector came with Richards to inspect our selections in November, 1875. Two of my sons saw them in the dusk of the evening as they were going to their selections. Next day (Sunday) the Inspector and one of Jenkins' stockmen came to our place, and he, the Inspector, said that all our selections were reported non-resident; he said he had seen them all the night before except three, which he wished me to show him.

I was engaged reading at the time with my family, and asked him if he knew what day it was; he said he was obliged to work on all days, as every day was alike to him—both Saturday and Sunday. He was riding one of the station horses and escorted by one of the station men. After inspecting our selections he went back to the station. Next night he went to Widgiewa Station and introduced himself as Mr. Street, the Land Inspector, and asked his hospitality for the night; of course it was granted. This I can substantiate on oath. I have been informed by several that it is his usual practice stopping at stations. Four of our selections were called at a Court of Inquiry, on September 11th, 1876; we took in four respectable witnesses who gave their evidence on oath, which proved our residence, that ought to satisfy any reasonable man. *The Inspector in giving his evidence was not upon oath.* I can swear we have carried out the Government contract in all its bearings, and neither me nor my family will allow ourselves to be robbed of our rights.

I can assure you, sir, that the selectors in this locality are a persecuted class, both by the squatters and the Government officials. For example,—the surveyor told me when we selected here that there was not an acre purchased or selected on this run or on the adjoining run, and that he would come out and survey our ground in a few weeks; but by that time we were dummied all round.

The said surveyor, Mr. Orr, and another, was surveying on the adjoining run for six months, and we were here for thirteen months before ever there was a chain stretched on our land. Another case of persecution,—a rich squatter on the Yanko got an old five-wire fence with posts 16 feet apart, valued, by a Government official, at £75 per mile, while on the other hand, a poor selector was reported on by the squatter for non-improvement. In his case the Government official valued his new two-rail fence and three wires at £50 per mile. I was eye-witness to both fences, and I consider the selector's fence worth four times the value of the squatter's.

I have, &c.,

J. McELHONE.

No. 5.

3

No. 5.

The Under Secretary for Lands to J. McElhone, Esq., M.P.

Sir,

Department of Lands, Sydney, 10 October, 1876.

Referring to your letter of the 21st ultimo, calling attention to certain charges preferred against Mr. Inspector Street by a conditional purchaser named Moffit, in connection with the Inspector's visit to his selections,—I am directed to inform you that an explanation has been received from the Inspector, which in the main is regarded by the Secretary for Lands as satisfactory.

With reference to the latter part of the last paragraph of your communication, in which you state that you have been advised that another Inspector drank so heavily on one occasion as to be laid up in Bathurst with the horrors,—I am to ask you to give the name of the Inspector alluded to, as also the date of the event of which you complain.

I have, &c.,

W. W. STEPHEN.

No. 6.

The Under Secretary for Lands to Mr. P. W. Street.

Sir,

Department of Lands, Sydney, 10 October, 1876.

Referring to your letter of the 30th ultimo, and the explanation therein contained, relative to the charges preferred against you by a conditional purchaser named Archibald Moffit, through Mr. J. McElhone, M.P.—I am directed to inform you that in the main your explanation is regarded by the Minister for Lands as a satisfactory reply to the charges made against you.

The points as to which your report is not deemed quite satisfactory are—

- (1.) The inspection of conditional purchases on the Sabbath Day, which should certainly not occur, for very obvious religious and moral reasons; and further, because on that day conditional purchasers may be away from their lands, and other persons possessed of useful information as to them and their selections may likewise be absent.
- (2.) The stopping at the residence of the lessee upon whose run the conditional purchases to be inspected are located, which should be avoided at any risk or inconvenience by Inspectors.
- (3.) Inspecting the purchases in company with the lessee of the run in one set of cases, and in the other with the overseer, a procedure which is very likely to beget suspicion in the minds of selectors and others.

At the same time I am to add that, looking at the manner in which you have hitherto discharged the duties of your office, the Secretary for Lands cannot admit that your judgment as to the merits of the cases alluded to was biased in any way by your taking the courses to which he has made objection.

I have, &c.,

W. W. STEPHEN.

No. 7.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Sydney, 11 October, 1876.

I have the honor to acknowledge receipt of letter No. Aln. 76-3,360 from Mr. Under Secretary Stephen, in reference to charges made by Mr. A. Moffit against Inspector Street, also requesting me to give the name of the Inspector who, I was advised, was drunk at Bathurst.

I decline to do so, and shall bring the cases of these Inspectors before the House, where I may get justice done.

I am not at all surprised at the Government upholding the corrupt conduct of their officials; I never thought they would act honestly in the matter, therefore I am not at all disappointed in their decision; but I shall be very much disappointed if the House does not decide differently when I bring the cases before it.

I have, &c.,

J. McELHONE.

No. 8.

The Under Secretary for Lands to J. McElhone, Esq., M.P.

Sir,

Department of Lands, Sydney, 16 October, 1876.

I am directed to acknowledge the receipt of your letter of the 11th instant, respecting the decision given by the Minister for Lands in the case of the charges made through you, by Mr. A. Moffit, against Mr. Inspector Street, and in which you state also, that you decline to accede to the Minister's request that you would give the name of the Inspector to whom you referred in your previous communication, as having been laid up "suffering from the horrors" at Bathurst.

2. In reply, I am desired by Mr. Secretary Garrett to express his regret that you do not see the justice and fairness to the person interested, as well as to the Department and the public, of making a clear and definite charge against the officer alluded to, instead of vague insinuations, and thus afford him the opportunity of clearing his character from the stigma cast upon it.

3. As to the determination expressed by you of bringing the matter before Parliament, the Minister for Lands has no doubt but that Parliament will insist upon such a course as that suggested by him being taken, before it gives any credence to your statements as affecting the character and conduct of any conditional purchase Inspectors.

I have, &c.,

W. W. STEPHEN.

No. 9.

No. 9.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Sydney, 17 October, 1876.

In answer to Mr. Under Secretary Stephen's, dated 16th, No. 76-3,481, I have to state that I declined to give the name of the Inspector of C.P.'s who was suffering from the horrors, because I knew that it would be no use to give the name, as I am sure it would be useless to do so, as inquiry would be burked, like the inquiry in Mr. Inspector Street's case was.

I think I stated I had been informed that an Inspector at Bathurst, also one at Mudgee, had been drunk about those towns for about three weeks.

The Government need not be afraid but that I shall bring the conduct of Inspector Street before the House as soon as it meets, as well as the other two Inspectors.

As I do not expect to get any justice from the present Government in such matters, I will try and compel them to act justly, by making these cases as public as possible, which, in my opinion, is the only way to make these men do their duty honestly.

The public can expect little fair play from most of these Inspectors, from the way they obtained their appointments and the previous character of some of them.

I have, &c.,
J. McELHONE.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(SOLD IN THE DISTRICTS OF ALBURY, COROWA, &c., DURING THE YEAR 1876.)

Ordered by the Legislative Assembly to be printed, 9 February, 1877.

RETURN showing the area of land sold by auction, and selection after auction, in the Districts of Albury, Corowa, Deniliquin, Hay, Moama, Urana, and Wagga Wagga, during the year 1876, and the amount derived therefrom.

Area sold 1,198,276 acres.
 Amount received £1,236,098

Department of Lands,
 Sydney, 9th February, 1877.

RETURN showing the area of lands provisionally sold under 31st clause of the "Lands Acts Amendment Act, 1875," and the amount derived therefrom, for the Districts of Albury, Corowa, Urana, Moama, Wagga Wagga, Deniliquin, and Hay.

Area sold..... 102,634 acres.
 Amount received..... £102,634

RETURN showing the amount paid as deposits on conditional purchases taken up in the districts mentioned below, together with the area selected, during the year 1876.

District.	Amount.			Area.	
	£	s.	d.	ac.	r. p.
Wagga Wagga	26,097	3	6	104,268	1 21
Urana	39,689	8	9	153,141	0 0
Albury	14,665	10	3	58,708	0 5
Corowa	15,571	3	9	62,280	1 0
Hay	29,949	12	4	119,627	2 35
Deniliquin	27,988	15	4	111,922	3 10
Moama	16,952	14	0	67,811	3 0

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(INSTRUCTIONS TO LICENSED SURVEYORS AS TO APPLICATIONS FOR.)

Ordered by the Legislative Assembly to be printed, 16 February, 1877.

"PARAGRAPH 30, SURVEYORS' INSTRUCTIONS."

30. In the subdivision of land for sale, and in view of the future alienation of land, the Surveyor should exercise judgment and care in selecting and recommending for reservation for public use, all permanent water-holes, springs, or portions of rivers desirable for water supply, which, in this arid climate, may be necessary for the beneficial occupation of the surrounding country; also fords, sites for quarries, wharfs, &c., required for public purposes, with sufficient access thereto. The extent of such reservations will depend upon the probable requirements of the district, and in some measure upon the symmetrical subdivision of the adjoining land. (Vide Circular of 20th August, 1873. Appendix C.)

"APPENDIX C, SURVEYORS' INSTRUCTIONS."

Circular.

Surveyor General's Office,
Sydney, 20th August, 1873.

Sir,

In consequence of the recent appointment of a number of gentlemen to the staff of Licensed Surveyors who are inexperienced in the practice of this Department in the measurement of lands for auction sale, the following directions have been framed, in the form of a circular letter, for their guidance. Paragraph 30.

In those Districts called, in the Alienation Act of 1861, "First Class Settled Districts," the mean depth of portions fronting roads and watercourses must not in ordinary measurements be less than 30 chains—in the "2nd class" 40 chains, and in the so-called squatting districts 60 chains; but cases will occur where it is impossible or undesirable to adhere to this rule, as for instance, in the neighbourhood of villages, or in localities where land of an equally valuable character is to be found more remote from the actual frontage. In such cases, the measurement should be accompanied in the letter of transmission with satisfactory reasons for such departure, otherwise the work will be returned for amendment, at the cost of the Surveyor.

Whenever four or more portions are applied for adjacent, they should be measured in accordance with some general design, which the Surveyor may be required to furnish for the disposal of the adjacent lands, and on no consideration should these measurements be to the prejudice of the contiguous unalienated lands, either through undue command of water, the alienation of the choicest portion of the land, or by the inclusion in the measurement of the natural depressions of the country which, although they may not contain water, form the only suitable sites for storage reservoirs. Such are cases which occur frequently in the Western portions of the Colony, and should, from the command given to otherwise dry country, be treated as frontage.

In the preparation of designs, and especially in districts where water is not permanent, the first duty of the Surveyor should be to ascertain the capabilities of the country in this respect, and suggest reserves for the passage of stock to the most permanent watering-places. The width of these reserves may vary according to circumstances, and in the aggregate occupy from 1/5th to 1/4th of the whole frontage; and in designing them, it should be borne in mind that but few will be permanent, and should be capable of reduction from time to time, as the land is required for alienation. Should it appear probable that any portions which are necessary for the preservation of water supply to the back country are likely to be selected, the Surveyor will, without delay, transmit the necessary descriptions of the reserves, in order that they may be proclaimed without waiting for measurement. In conclusion, it may be generally stated that, in all measurements, designs, and reports, the Surveyor should bear in mind, as a leading object, facility of settlement, both present and future, and according to the natural capabilities of the locality as far as soil and climate may admit.

Mr. Licensed Surveyor

I am, sir,

Your obedient servant;

P. F. ADAMS.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.
(WATER SUPPLY IN PASTORAL DISTRICTS.)

Ordered by the Legislative Assembly to be printed, 16 February, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 8th August, 1876, That there be laid upon the Table of this House,—

“ Copies of all Minutes which have passed between the late or the present
“ Minister for Lands, the Surveyor General, the Officer in charge of
“ Occupation, or other officials in the Lands Department, having reference
“ to the conservancy of Water Supply in the Pastoral Districts ; also copies
“ of all Minutes which have passed between the present Minister for Lands,
“ the Surveyor General, the Officer in charge of Occupation, or other
“ officials of the Lands Department, having reference to the reservation of
“ Water for Travelling Stock.”

(*Mr. Farnell.*)

No. 1.

Minute by the Officer-in-charge, Occupation of Lands.

I UNDERSTAND that the Minister for Lands has expressed an opinion to the effect that the shores of waters artificially conserved by expenditure of the Crown tenant should be reserved from conditional selection or sale by auction or otherwise.

As this decision is of some moment to the public interest, and will tend greatly to the conservancy of the Crown estate, and as I am unable to obtain access to the papers having reference to the case in which, as I am advised, the decision was given, I submit this memorandum for the signification of the Minister's pleasure, and with a view to my future guidance.

A.O.P., 27 May, 1874.

This conveys the substance of my memo. herein referred to.—J.S.F., 29/5/74.

No. 2.

Minute of the Minister for Lands.

Officer-in-charge, Commissioner of Crown Lands Office,—

Upon consideration of the question of dealing with applications for reserves, I desire that the applications should pass through the draftsman's hands in your office, and plans prepared as far as practicable before the applications are submitted to me.

T.G., 1/3/75.

No. 3.

Minute of Chief Draftsman, Occupation of Lands.

WITH reference to the minute of the Honorable the Minister for Lands, of the 1st instant, I would respectfully submit the following suggestions as to the arrangements necessary to admit of applications for water reserves passing in the first instance through the Drafting Branch of this office, and of plans (tracings) being prepared as far as practicable :—

1. That complete tracings of all maps showing reserves in the Pastoral Districts be prepared (by contract) from those in the hands of Mr. Ellis, in the Survey Department.
2. That a competent draftsman accustomed to charting and description writing be appointed to the special duty of dealing with such applications, under my supervision.

The present staff of three compiling draftsmen is fully occupied in the preparation of maps showing run boundaries, and I could beneficially employ twice that number on such work for a long time to come. To take any one of them from that work for which they were specially appointed (and with which they are becoming well conversant) would be a great inconvenience to the public, by indefinitely retarding the preparation of work much required for publication.

Under the special circumstances of the change of Commissioners in two of the most important districts, and the employment this year of Commissioners to appraise runs out of their own districts, it has already been necessary to withdraw two of the three compiling draftsmen from their special work for several months, in order to put together the information necessary for those local officers, and the result must be a considerable diminution in the number of run maps proposed to be published this year; a further interruption of their work would amount almost to stopping it altogether.

While submitting the above suggestions of what I consider necessary to carry out the minute referred to, I would venture to express my opinion that the practical results would only be the doing of work twice over. Any results to be obtained by the examination of applications in the Drafting Branch of this office could be equally obtained by their examination in the existing branch of the Survey Department, in which reserves are dealt with. I see no reason why, with very few exceptions, such applications should not take their proper course, and be dealt with on reports from Commissioners or surveyors, though to save work many might be dealt with direct from the office, where the descriptions are sufficiently explicit. This was the course formerly pursued in this office, and I have no recollection of a case being brought against the office for injury accruing through the ordinary routine delay, and but very few that required any amendment after first notification. I hold that there is no necessity, nor has been except in very special cases, for taking the case of reserves out of the ordinary course; and that compliance with the outside pressure that is at times brought to bear on such cases has probably only the effect of defeating the objects of the Crown Lands Alienation Act of 1861. The notification of reserves under descriptions which cannot be understood on the ground, and require subsequent cancellation and re-notification, is ill-advised; it retards the settlement of the country, by leaving it impossible to say what country is open to selection, and in most cases is, in my opinion, quite unnecessary.

Once the runholders are given to understand that reserves will be dealt with on one principle only, viz., after the report of the proper responsible officer has been received, they will take the necessary precautions to apply at such a time and in such a manner as will admit of that report being most readily obtained; instead of leaving their applications to a last moment, when they imagine that by an appeal to the Government, in their view, immediate necessities of the case, they can obtain anything they want; and have undoubtedly obtained much which would never have been allowed had the Minister been in possession of the full facts of the case, instead of an *ex parte* statement only, on the side and in the interest of the pastoral lessee.

E. DU FAUR,
10/3/75.

Received, 10/3/75. Show to Surveyor General.—T.G., 12/3/75.

No. 4.

Minute by the Surveyor General.

THE charting of reserves can be done in this office, if the descriptions are sent in a fit state for doing so; and if Mr. Du Faur is again intrusted with the duty, I have no doubt that it will be so far successful that the public will not have to complain of improper descriptions appearing in the *Gazette*, which must occasionally be the result of dealing with the questions without referring to the professional branch under Occupation of Lands.—P.F.A., 15.

This may now be referred to the Officer-in-charge, Occupation Branch.—W.W.S., B.C., 24 March, 1875.

No. 5.

Minute by the Officer-in-charge, Occupation of Lands.

THE proposed examination of applications for reserves by the draftsmen in this office would, in my opinion, be inexpedient, as any such examination would, as pointed out by Mr. Du Faur, involve the doing of work twice over.

If any such preliminary professional examination is necessary, I think the branch of the Survey Department specially in charge of reserves is that in which these matters may most appropriately be dealt with.

I doubt very much however whether any such preliminary examination would not better be dispensed with. It entails inevitable delay, and the immediate action often required in these cases would in consequence be suspended, the object of the reservation perhaps defeated, and the public interests compromised.

There

There have been some 400 reserves proclaimed during the past year, after such examination only as is practicable in the administrative branch of this office, and in some comparatively few instances have errors been as yet detected. Doubtless many more will appear after more critical examination. For these, however, as well as for any reservation that may on inquiry be deemed superfluous, there is the easy remedy of revocation.

I would submit that whilst our Land Law provides and allows that any person may select and conditionally purchase any portion of unreserved Crown Lands within a pastoral tenure, before survey, it is necessary that—on the other hand—the Government should, for the protection of the Crown estate, and so far as may be otherwise expedient, exercise the power of reservation provided for by the law, and this also before survey.

I may perhaps add that I do not consider the reservations hitherto made have been *primâ facie* excessive, or of such a character as to retard the proper progress of settlement.

If in any case the contrary is made apparent, the law, as I have already observed, admits of a ready redress.—A.O.P., 31 March, 1875.

No. 6.

Minute by the Minister for Lands.

AFTER careful consideration of the reports herewith from the officers of the Survey Department and the Occupation Branch, I desire to modify my former minute, in these respects, viz. :—

All applications for reserves to protect effected improvements or areas so intended to be at once improved may be acted upon after careful examination in and recommendation by the Occupation Branch, as quickly as possible.

Applications for reserves for access to water on runs upon which the ordinary reserve of one mile in five has not been granted, and the descriptions of which reserves are definitely given, may also be promptly proclaimed as temporary reserves, steps being taken as soon as possible thereafter to obtain a report from the local Commissioner or surveyor.

In any case, also, in which it may be made to appear that the reserve applied for contains the only water or the most permanent water in the locality, so as to render its reservation from sale of immediate moment in the public interest, then such reservation may be made without awaiting report of Commissioner or surveyor.

In other cases such reports should be called for.

All applications for reserves for water supply, and all recommendations of such reserves whether by surveyors or others within the pastoral districts, should be dealt with in the Occupation Branch.

THOS. GARRETT, 1/6/75.

Forwarded for information of Surveyor General. A duplicate of the Minister's decision is enclosed herewith, for convenience of reference, and in order that original may be returned for my guidance.—A.O.P., B.C., 8 June, /75. The Under Secretary for Lands.

No. 7.

Minute of the Surveyor General.

THE course of action indicated in the last paragraph is apparently that against which I have directed the Government in order to prevent professional matters being dealt with by non-professional hands.

Notwithstanding the decision of the Honorable the Minister for Lands of 1/3/75, no reference is now being made in the Department of Crown Lands to the professional officer.

I should therefore desire to have the following points definitely settled, viz. :—

How far, if at all, are surveyors expected to report on reserves the action on which does not rest with the Surveyor General?

Are such reports to be made by Commissioners alone?

How is the designing of permanent reserves to be made consistent with proper design in the alienation of land?

At what point is the form of a reserve and the cancellation of a part or the whole to become a question for consideration and recommendation by the Surveyor General?

Should it be the intention of the present decision not to cancel that portion of the previous one of 1 March, /75, as regards the passing of applications for reserves "through the draftsman's hands," I cannot see any objection to the preliminary notification proceeding from the Crown Lands Department, provided the final determination continues to be dealt with under the present system.—P.F.A., 16 June.

What I intended was simply this—that all temporary or provisional reserves should be dealt with by the Occupation Branch, and that the descriptions of such should be examined by the draftsmen attached to that branch, who should deal with such applications in preference to any other work.—T.G., 16/6/75.

These reserves should be dealt with in the Department of Surveyor General.—T.G., 16/6/75.

Seen.—P.F.A., 17 June.

No. 8.

Minute of the Officer-in-charge, Occupation of Lands.

I INTENDED to re-submit these papers with a view to direct the attention of the Minister to Mr. Du Faur's Minute, which shows conclusively I think that these reservations should be dealt with in the branch of the Survey Office specially charged with such business, which is altogether foreign to that of the professional branch of this office.

I submit also that in any case in which it may appear expedient, whether under recommendations from the surveyors or otherwise, to revoke existing reserves in the Pastoral Districts, the Commissioners of Crown Lands should be called upon to report before any such revocation is given effect to, possibly to the prejudice of the Crown tenants, without sufficient reason on public grounds.

No doubt freehold interests are of first importance, but leasehold interests and the pastoral revenue should not be sacrificed without full consideration.—A.O.P., 17 Sept., /75.

No. 9.

Minute of the Surveyor General.

THE descriptions of many of the reserves made by the Occupation Branch, pending the reports of the Commissioners of Crown Lands, are so vague and loosely drawn that it is impossible to chart them correctly or even approximately upon the maps in office use, or delineate them in any way upon the maps forwarded to the Land Agents for the guidance of the public.

130 reserves and upwards have been returned to the office of the Occupation of Crown Lands since the beginning of 1875, stating that it was impossible to chart, and requesting further information; to these requests no replies have been received. Simply from the want of properly-drawn descriptions the interests of many are sacrificed, and the reserves are liable to defeat where the conditional purchase is allowed.

The Honorable the Minister for Lands has already directed that descriptions published by the Occupation Branch should, in the first instance, be examined by the Chief Draftsman of that office, which direction appears to have been ignored.

The Under Secretary for Lands.
B.C., 3 May, 1876.

ROBT. D. FITZGERALD,
(For Surveyor General).

I am under the impression that the matter herein brought under notice has recently been dealt with by the Minister for Lands, on some separate papers. The question may be referred, however, in the first instance, to the Officer in charge of the Occupation Branch.—W.W.S., B.C., 8 June.

Urgent. Referred to Mr. Pretious, for his report.—T.G., 17/6/76.

No. 10.

Report of the Officer-in-charge, Occupation of Lands.

HAVING reference to the enclosed minute, of date 3rd May last, and also to the accompanying Schedule of Reserves in the Albert District, which, owing to the want of sufficient geographical information in the Survey Department, cannot it appears at present be charted, and with regard more particularly to the conservancy of water supply generally, I have respectfully to submit that, if it be allowed, as I presume it must be, that the policy affirmed by the Crown Lands Alienation Act of 1861 was primarily to anticipate the measurement of lands, and to allow of conditional selection before survey, then it follows necessarily that certain lands, *pari passu*, should in the public interest be reserved before survey, so as to provide for the beneficial occupation of the country generally.

Obviously therefore such reservations cannot in many instances, more especially in the out-lying districts, be presently charted, owing to the want of sufficient data.

In this, however, they are only in the same category with conditional selections made and held pending survey under generally far more vague descriptions.

As to the allegation made in minute of the 3rd May last, that the descriptions prepared in the Occupation Branch are vague or loosely drawn, there must evidently be some misconception, as, except perhaps in a very technical point of view, they are as a matter of fact neither the one or the other; and if sufficient geographical information were presently available they could at once be approximately charted, and subsequently very easily delineated absolutely by survey.

It suffices at present, in my opinion, that the reservations are described with an accuracy sufficient for all local and practical purposes.

The progress of measurement should in time and doubtless will ere long overtake the results thus achieved, and furnish data for illustrating on the maps of the Colony the reservations referred to, which have been wisely, as I think, proclaimed for the benefit of the Crown estate, on such imperfect information as is immediately available.

The late general drought, from the results of which the Colony is still suffering, which indeed is at present but little mitigated in the district specially referred to in accompanying Schedule, has furnished ample evidence, if such were required, of the advantage and benefit to be derived from a proper conservancy of the sparse supply of water ordinarily available in back country.

Having however already in previous minutes submitted proposals for dealing generally with this question, and placing it on what I think would be a proper basis, I conceive that any additional discussion of the subject would on my part be superfluous.—A.O.P., 20 July, 1876.

No. 11.

Minute of the Minister for Lands.

As a matter of public policy, considering the vexation, disappointment and loss that must be experienced by parties conditionally purchasing land and then finding themselves upon land which had been notified, but in no way defined, as reserved from sale; I am of opinion that the reserves which the Survey Department have found it impossible to define, either upon the country or the charts, should be revoked, the parties who originally applied for them, if known, being apprised of the revocation.

As regards the taking of the course now decided upon being contrary to, or in any way injuriously affecting the policy of the Land Act of 1861, I must decidedly state that I am of opinion that the gazetted of reserves that can neither be marked on the country nor defined upon the charts, from the indefiniteness of the descriptions, as stated to be the case in the Deputy Surveyor General's Minute, is calculated, or it has already done, to absolutely retard the benefits of the Land Act of 1861 from being derived by parties desiring to settle upon the country affected by the reserves of the character now under consideration.

If it is of great importance to the parties holding land under pastoral lease to have land reserved from sale to protect water or parts of their runs, to secure the beneficial working of their runs, or if public

public officers, charged with the duty of protecting the lands of the country from injurious alienation, then I submit it is not expecting too much to require that they should possess themselves of sufficient information, as to the locality of the portions they desire to be reserved and its surroundings, to enable them to give such an accurate and full description of the proposed reserve as would enable this Department to form something like an idea of its position as to other reserves, and as to how the one asked for would affect the working of the Act. In the cases referred to such has not been the case.

In saying this much, however, I in no way desire to depart from the opinion already expressed, that in no case, excepting those in which the Department in Sydney are already in possession of such information as to enable the Minister to judge finally at once, or in cases in which extreme urgency for speedy action is clearly made to appear, should reserves be temporarily proclaimed, until the proposal to make such reserves has been submitted for the report of the district surveyors, when that is obtainable within a reasonable time, or in other cases for that of the Crown Lands Commissioners.

In the same way, proposals to revoke reserves should not be acted upon without similar reports.

T.G., 19/9/76.

Surveyor General, B.C., 23 Sep., 1876.—W.W.S. To be returned for information of Officer in charge, Occupation Branch, when observed.—W.W.S., 23. Seen.—P.F.A., 27 Sept.

Under this decision reserves will, as a rule, be only made under reports of surveyors. Any applications received should therefore be sent to Surveyor General, who will, I suppose, in future be responsible for the preservation of water supply generally.—A.O.P., 30 Sep., 1876.

Sydney: Charles Potter, Acting Government Printer—1877.

[6d.]

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.

(PETITION OF RESIDENTS IN LACHLAN DISTRICT, IN OPPOSITION TO AUCTION SALES OF OTHER THAN TOWN & SUBURBAN.)

Ordered by the Legislative Assembly to be printed, 26 April, 1877.

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

RESPECTFULLY SHOWETH:—

That we the undersigned electors and other residents of the Lachlan and Murrumbidgee Districts fully concur in the advisability of prohibiting the disposal of Crown lands by auction sales, other than town and suburban lands, in the Colony of New South Wales; otherwise in a few years hence the whole of the public lands will fall into the possession of a few land monopolists.

We are therefore fully persuaded that the time has now arrived for immediate united action, not only by the residents of these districts but by the inhabitants of the Colony, praying through their representatives for the prohibiting of auction sales of Crown lands and other land reforms; as advanced in the Bill to be submitted to Parliament by Mr. H. Bennett, M.P., for Liverpool Plains; otherwise we foresee that succeeding generations will be deprived of their natural and inherent birthright, and forced to pass a life of slavery and serfdom, from which there will be no escape.

Your Petitioners therefore humbly pray that your Honorable House will take the premises into its consideration; and your Petitioners will, as in duty bound, ever pray.

[Here follow 159 signatures.]

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(NUMBER OF CASES REFERRED TO INSPECTORS OF CONDITIONAL PURCHASES, TO 30TH APRIL, 1877.)

Ordered by the Legislative Assembly to be printed, 1 May, 1877.

RETURN of Number of Cases referred to, and Number of Reports received from, Inspectors of Conditional Purchases, to 30th April, 1877.

Name of Inspector.	Date of Appointment.	Number of Cases referred.	Number of Reports received.	Cases on hand.
Argent, Thos.	16 April, 1874	1,360	296	1,064
Cropper, Chas.	1 Sept., 1876	884	193	691
Evans, Edwin	" "	174	69	156
Franks, R. C.	9 March, 1875	838	387	418
	Rebello	.....	33	.....
Geary, H. V.	11 Oct., 1875	1,316	330	986
Lord, E. C.	1 Sept., 1875	1,100	153	631
	Trollope	.....	316	.....
Page, J. C.	1 Sept., 1875	676	447	168
	Evans	.....	51	.....
Smith, Geo.	11 Oct., 1875	301	127	174
Smith, E.	1 Sept., 1876	1,323	179	1,144
Street, P. W.	15 April, 1874	3,296	638	2,658
Trollope, F.	1 Sept., 1876	177	316	177
Wild, J.	17 Aug., 1875	1,145	298	847
Rowlandson — (appraiser) ....	.....	288	7	281
Keele, D.	1 Sept., 1875	1,031	204	927
Rebello, J. (appraiser) ....	.....	.....	33	.....
Harper, W.	17 March, 1877.	484	.....	484
		14,393	3,677	10,716

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.

(CLAIM OF MR. ELLIOTT TO THE LEASE OF CERTAIN LANDS LEASED TO THE MESSRS. GIBSON,
LACHLAN DISTRICT.)

Ordered by the Legislative Assembly to be printed, 22 May, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 7th February, 1877, That there be laid upon the Table of this House,—

“ Copies of all Correspondence, Minutes, Memoranda, and Plans as to the
“ claim of Mr. Elliott to the lease of certain Crown Lands in the District
“ of the Lachlan, leased to the Messieurs Gibson.”

(Mr. Garrett.)

SCHEDULE.

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CROWN LANDS.

No. 1.

Mr. R. Feehily to The Chief Commissioner of Crown Lands.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

IN accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette* of the 7th October, 1847, and of the Regulations of the local Government published in pursuance thereof, I, Roger Feehily, of Bogalong, near Cowra, do hereby propose to take a lease for fourteen years of the Crown Lands known as Bulaban Plain, in the district of Lachlan; which lands are particularly described in the Schedule annexed to this Tender.

2. And in consideration of such lease, I am willing and hereby offer to pay in advance the minimum rent below which it is provided by the said Order in Council that no run shall be let, namely, ten pounds per annum, with two pounds ten shillings per annum added thereto for every thousand sheep, or their equivalent in cattle, beyond four thousand sheep or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying; and also, in consideration of such lease, and by way of premium for the same, I do offer to pay yearly in advance the further sum of ten shillings in addition to the amount of the said minimum rent.

3. And I do agree that in the event of this Tender being accepted by His Excellency the Governor General, and of such acceptance being notified in the *New South Wales Government Gazette*, I will within sixty days after such notification pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, notwithstanding that the lease of the said run may not have been executed, the sum of ten pounds ten shillings, being the amount according to my computation of the grazing capabilities of the run, of the payments which I have above offered to make, viz. :—

	£	s.	d.
Minimum yearly rent below which no run can be let	10	0	0
Further payment at the rate of £2 10s. per thousand for the number of stock above four thousand sheep or their equivalent which the run applied for is estimated to be capable of carrying		0	10
Additional yearly payment offered by way of premium		0	10
Total	£10	10	0

Such payment nevertheless to be without prejudice to the subsequent adjustment of the rent according to the second and third sections of the second chapter of the above-mentioned Order in Council.

4. And in consideration of this Tender being accepted, and in the event of such payment not being made within the before-mentioned period of sixty days, I further agree to forfeit to Her Majesty the sum of twenty pounds by way of liquidated damages, and to forfeit any right acquired by virtue of this Tender and such acceptance thereof as aforesaid.

Given under my hand, this third day of June, A.D. 1854,—

ROGER FEEHILY.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Name of Run.	Estimated number of Acres.	Estimated Capability.		Description of the Lands by reference to leading geographical features and marked or determined boundary lines.
			Cattle.	Sheep.	
Lachlan	Bulaban Plain	.....	500	None.	Bounded on the east by Mrs. Gibson's Boga Bogalong Run; on the west by John Heyland's Caragabal Run; on the north by John Walsh's Moka Run; on the south by John Nolan's Wentworth Gully Run.

ROGER FEEHILY.

54-2,459, 4th July, 1854; No. 29, 3 July, 1854.—G.B.

Commissioner and party.—21 July, 1854.

The Commissioner having reported that the land herein applied for is already in the licensed occupation of Mrs. Gibson and Mr. John Heyland, we recommend that this tender be declined.

M. FITZPATRICK.
JOHN THOMPSON.
GEO. BARNEY.

6th August, 1855.

Approved.—W.D., 11th October, 1855. Commissioner and party.—29th November, 1855.

No. 2.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir,

Crown Commissioner's Office, Binalong, 4 July, 1855.

I do myself the honor to acknowledge the receipt of your circular of the 21st July, 1854, requesting my report upon a tender, No. 29 of July, 1854, for a new run in this district called Bulabar Plains, and beg leave to state that the land described in the tender referred to is already under license to Mrs. Gibson and Mr. John Heyland.

Bulabar Plains.
Mr. Roger
Feehily.

I have, &c.,

EDGAR BECKHAM,

Commissioner of Crown Lands.

No. 3.

Mr. W. Elliott to The Chief Commissioner of Crown Lands.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

IN accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette* of the 7th October, 1847, and of the Regulations of the local Government published in pursuance thereof, I, William Elliott, of Wowingragong, Lachlan River, by South Wangan, do hereby propose to take a lease for fourteen years of the Crown Lands known as Carrackabool, in the District of Binalong, which lands are particularly described in the Schedule annexed to this Tender.

2. And in consideration of such lease, I am willing and hereby offer to pay in advance the minimum rent below which it is provided by the said Order in Council that no run shall be let, namely, £10 per annum, with £2 10s. per annum added thereto for every 1,000 sheep or their equivalent in cattle, beyond 4,000 sheep or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying; and also in consideration of such lease, and by way of premium for the same, I do offer to pay yearly in advance the further sum of £5 in addition to the amount of the said minimum rent.

3. And I do agree that, in the event of this tender being accepted by His Excellency the Governor General, and of such acceptance being notified in the *New South Wales Government Gazette*, will within sixty days after such notification pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, notwithstanding that the lease of the said run may not have been executed, the sum of £15, being the amount according to my computation of the grazing capabilities of the run, of the payments which I have above offered to make, viz. :—

Minimum yearly rent below which no run can be let...	...	...	...	...	£	s.	d.
Further payment at the rate of £2 10s. per thousand for the number of stock above 4,000 sheep, or their equivalent, which the run applied for is estimated to be capable of carrying ...	...	...	...	...	10	0	0
Additional yearly payment offered by way of premium ...	...	...	...	...	5	0	0
Total ...	...	...	...	...	£15	0	0

Such payment nevertheless to be without prejudice to the subsequent adjustment of the rent, according to the second and third sections of the second chapter of the above-mentioned Order in Council.

4. And in consideration of this Tender being accepted, and in the event of such payment not being made within the before-mentioned period of sixty days, I further agree to forfeit to Her Majesty the sum of twenty pounds, by way of liquidated damages, and to forfeit any right acquired by virtue of this Tender and such acceptance thereof as aforesaid.

Given under my hand, this 2nd day of April, A.D. 1861,—

WILLIAM ELLIOTT.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and General Locality.	Name of Run.	Estimated number of Acres.	Estimated Capability.		Description of the Lands by reference to leading geographical features and marked or determined boundary lines.
			Cattle.	Sheep.	
Lachlan District, between Bogalong and Bland, on Carrackabool Creek.	Carrackabool.	.....	Or their equivalent in cattle.	4,000	Bounded on the north by Carrackabool Creek: Commencing at the Junction Water-hole, with frontage to the creek about 3 miles; by a line south from the Junction Water-hole 5 miles to a tree marked E; from thence west 3 miles to a tree marked F; from thence a north line to the creek, being that portion of unoccupied Government land being between Gibson's, Bogalong and Bland Stations, in the Lachlan District.

WILLIAM ELLIOTT.

The Commissioner having reported that this tender comprises land already under promise of lease, I recommend that it be declined.

61/11,539. Declined.—27/3/62. Deposit not paid.

A. ORPEN MORIARTY.

2 Dec., 1861.

No. 6, 7/5/61.—E.C.M. A.O.M.

Commissioner and party.—15 June, 1861.

No. 4.

No. 4.

Mr. W. Elliott to The Chief Commissioner of Crown Lands.

Sir,

Wowingragong, Lachlan River, *via* Carcoar, 14 July, 1861.

I beg to acknowledge the receipt, on Wednesday last, of your letter of the 15th ultimo, in reference to my tender for a new run in this district, named Carrackabool, and as I anticipate that the Commissioner's report will be, "Not sufficient country vacant," I beg to urge the following reasons why the run should be granted to me:—

1st. There is vacant country in the locality described in my tender.

2nd. I am willing to pay the sum specified in my tender for that vacant country.

And 3rd. That I am willing, should the run be granted, to show, by an accurate survey, that such lands are vacant and not leased.

Under all these circumstances I trust, sir, that you will give the matter your earnest consideration, and as my stock are now being tailed, awaiting the issue of my tender, for the purpose of occupying, may I request a reply at your very earliest convenience.

I have, &c.

WILLIAM ELLIOTT.

Referred to Commissioner Beckham. B.C., 5th August, 1861, 925.—A.O.M. Inform Mr. Elliott, 9/8/61, 1,231. 61/9,592.

No. 5.

The Chief Commissioner of Crown Lands to Mr. W. Elliott.

Sir,

Crown Lands Office, Sydney, 9 August, 1861.

I beg to inform you that I have referred your letter, dated 14th ultimo, respecting your tender for a run called Carrackabool, to the local Commissioner, Mr. Beckham.

I have, &c.,

A. O. MORIARTY, C.C.C.L.

No. 6.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir,

Binalong, Crown Lands Office, 5 November, 1861.

I do myself the honor to acknowledge the receipt of your circular, requesting my report upon an abstract of a Tender, No. 6, of May, 1861, for a run in this district called Carrackabool, in favour of Mr. William Elliott, and beg leave to state that all the land described in the tender referred to is already under license to Messrs. Heyland and Gibson, and is included in the runs known as Carragaball, Boga Bogalong, and Bland.

I have, &c.,

EDGAR BECKHAM,

C. C. Lands.

No. 7.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir,

Binalong, Crown Lands Office, 7 November, 1861

I do myself the honor to acknowledge the receipt of the accompanying letter from you under blank cover, dated 5th August, 1861, No. 925, respecting Mr. William Elliott's tender, No. 6, of May, 1861, for a run in this district, called Carragaball, in which he alleges that the land he has applied for is vacant, and I beg leave to refer you to my report of the 5th instant upon the tender in question.

2. I further beg to remark that the land is already under license, and that it has been applied for by tender more than once before and refused.

I have, &c.,

EDGAR BECKHAM,

C. C. Lands.

No. 8.

The Chief Commissioner of Crown Lands to Mr. W. Elliott.

Sir,

Crown Lands Office, Sydney, 27 November, 1861.

With reference to my letter dated 19th August last, I have now to inform you that Mr. Commissioner Beckham has reported that the land described in your tender for the run called Carrackabool is already under license, and that it has been applied for by tender more than once before and refused.

I have, &c.,

A. ORPEN MORIARTY,

C.C.C.L.

No. 9.

Messrs. Gibson Brothers to The Minister for Lands.

Tender No. 6 of October, 1869.

Tender for a lease of a new Run of Crown Lands. Second Class Settled, or Unsettled Districts.

In accordance with the provisions of the Crown Lands Occupation Act of 1861, and of the Regulations made in pursuance thereof, we, Andrew Faithfull Gibson, Frederick Faithfull Gibson, William Faithfull Gibson, and Septimus Faithfull Gibson, of Goulburn, do hereby propose to take a lease of the Crown Lands known as East Caragaball, in the District of Lachlan, which lands are particularly described in the Schedule annexed to this Tender.

2. And in consideration of such lease, we are willing and hereby offer to pay yearly in advance, the rent of the said Crown Lands, as the same may be determined by appraisalment under the said Act.

3. And we do agree that in the event of this Tender being accepted and of such acceptance being notified in the *Gazette*, we will within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, and pending such appraisalment as aforesaid, the sum of £10, together with the sum of £20, being the assessment payable under the Increased Assessment and Rent Act of 1858; and also, the sum of sterling, by way of premium for the said lease; that is to say—

Rent, pending appraisalment	£	s.	d.
Assessment, do.	10	0	0
Additional yearly payment offered by way of premium (if any)	20	0	0
Total	£		

And in default of such payments, we agree to forfeit our deposit on this Tender.

Given under our hands, this 8th day of September, A.D. 1869,—

GIBSON BROS.

SCHEDULE referred to in the foregoing Tender.

Pastoral District and general Locality.	Name of Run.	Estimated Area in Square Miles.	Estimated Pastoral Capability.	Description of the boundaries of the Run, and the marks or natural features by which such boundaries are indicated.
			Cattle (alone.)	
District of Lachlan.....	East Caragabal...	25	640	Bounded on the north by the Caragabal Creek, which divides it from Bogo Bogalong Run; on the south by a line bearing west; on the east by Wentworth's Gully Run; and on the west by the Caragabal Run.

DEPOSIT CERTIFICATE.

I certify that the sum of two pounds ten shillings sterling has this day been paid into the Colonial Treasury by or on behalf of Gibson Brothers, as the deposit on a tender for a run.

W. NEWCOMBE,

Pro Treasurer.

Colonial Treasury, Sydney, 10th September, 1869.

Lachlan Commissioner and parties, 15 July, 1870. See noting on 72-595 Misc., and 73-1098 P.L.

No. 10.

D. F. Johnston, Esq., to The Chief Commissioner of Crown Lands.

Sir,

George's Hall, Bankstown, 6 February, 1868.

I have the honor to request that you will be good enough to inform me if the mutual proposal of Messrs. Brown & Johnston, of Wheogo, and Mr. Gibson, of Carrackabal, to amend the boundaries of their respective runs, has been acceded to by you; and in the event of your having done so, will feel much obliged if you will direct that the amended description of Wheogo be forwarded to me without delay at George's Hall.

I have, &c.,

DAVID F. JOHNSTON,

(Late of Messrs. Brown & Johnston.)

Commissioner Beckham.

Brown & Johnston, 20 Feb., 1868.

No. 11.

The Chief Commissioner of Crown Lands to Messrs. Brown & Johnston.

Gentlemen,

Crown Lands Office, Sydney, 20 February, 1868.

In reply to your letter of the 6th instant, I have the honor to inform you that the proposal between yourselves and the lessee of the Caragabal Run referred to, was adopted, so far as the boundary between those runs was concerned, and a revised description of Caragabal was prepared in accordance therewith; and Mr. Commissioner Beckham has now been instructed to prepare a revised description of Uoka, Wheogo, also, if it can be done without prejudice to the claims of other parties.

On receipt of Mr. Beckham's report you will be further communicated with.

I have, &c.,

A. O. MORIARTY,

C. C. C. Lands.

No. 12.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands, Lachlan.

Sir,

Crown Lands Office, Sydney, 20 February, 1868.

Referring to your letter 67/671 of the 17th April last, reporting on Mr. Gibson's application to amend the boundaries of the Caragabal Run, and forwarding an amended description prepared in accordance

accordance with an agreement between the lessees of Caragabal and Uoka or Wheogo, I have now the honor to request that you will be good enough to furnish me with a revised description of the last-named run, embodying the agreement in question, if it can be done without prejudice to the claims of other parties.

I have, &c.,

A. O. MORIARTY,
Chief Commissioner of Crown Lands.

No. 13.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir,

Crown Lands Office, Binalong, 17 April, 1867.

I do myself the honor to acknowledge the receipt (under blank cover, dated August 4th, 1866), of the accompanying application from Mrs. Gibson to be allowed to amend the description of the boundaries of the Caragabal Run, so as to remove an overlap of that run with Wheogo, and requesting my report thereon; and beg leave to state that I can see no objection to the proposed arrangement, which it appears has been mutually agreed to between the lessees of Wheogo and Carragabal.

2. The existing descriptions of the runs in question are very vague, and I beg herewith to enclose a description of the boundaries for the Carragabal Run, which I propose should be substituted for those furnished by Mrs. Gibson.

I have &c.,

EDGAR BECKHAM,
Commissioner Crown Lands.

[Enclosure.]

CARRAGABALL.

ESTIMATED area about 27,000 acres: Commencing at the upper or south-east Waterhole on the Burbagel Creek, situated about 5 miles east of the Carragabal; and bounded on part of the north by that creek, downwards, to an old yard known as "Ben's Old Yard," it being part of the southern boundary of Wheogo Run; from thence on the east by a line north about 3 miles to the north-east corner of Carragabal Run, it being part of the western boundary of Wheogo Run; thence again on the north by a line west to the eastern boundary of Treyalana Run, it being the southern boundary of East Treyalana Run and the north-west corner of Carragabal Run; thence on the west by a line south to its intersection with the northern boundary of Mr. Chisholm's Run, Bland, to the south-west corner of Carragabal, it being the eastern boundary of East Bland Run; from thence on the south by a line east to its intersection with the western boundary of Bogo Bogolong Run, it being the south-east corner of Carragabal Run and the northern boundary of Mr. Chisholm's Bland Run; thence on the east by a line north to the upper south-east Waterhole, the point of commencement, it being the western boundary of the Bogo Bogolong Run (Gibson).

EDGAR BECKHAM,
Commissioner Crown Lands.

Crown Lands Office,
Binalong, 20 April, 1867.

No. 14.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

Crown Lands Office, Lachlan, Binalong, 25 May, 1871.

No. 6 of October,
1869, Gibson
Brothers, East
Carragabal.

I do myself the honor to recommend that the tender noted in the margin may be declined, as the land comprised therein includes a portion, in my opinion, of the Wentworth's Gully Run already under lease. (See my report, No. 7,190, of this day's date.)

I have, &c.,

JOHN S. FUTTER,
Commissioner Crown Lands, Lachlan.

No. 15.

Mr. C. Burrett to The Minister for Lands.

Tender No. 3. June, 1870.

Tender for a lease of a new Run of Crown Lands. Second Class Settled, or Unsettled Districts.

IN accordance with the provisions of the Crown Lands Occupation Act of 1861, and of the Regulations made in pursuance thereof, I, Charles Burrett, of Euroka Station, Morangarell, do hereby propose to take a lease of the Crown Lands known as Little Carrigaball, or Long Reach, in the district of the Lachlan, which lands are particularly described in the Schedule annexed to this Tender.

2. And in consideration of such lease, I am willing and hereby offer to pay yearly, in advance, the rent of the said Crown Lands, as the same may be determined by appraisalment under the said Act.

3. And I do agree, that in the event of this Tender being accepted, and of such acceptance being notified in the *Gazette*, I will, within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, and pending such appraisalment as

aforesaid,

aforesaid, the sum of £10, together with the sum of £20, being the assessment payable under the Increased Assessment and Rent Act of 1858; and also the sum of sterling, by way of premium for the said lease, that is to say:—

Rent, pending appraisalment	...	...	...	...	...	£	s.	d.
Assessment, do.	...	...	...	...	...	20	0	0
Additional yearly payment, offered by way of premium (if any)	...	...	...	...	...

Total £

And in default of such payments, I agree to forfeit my deposit on this Tender.

Given under my hand, this 10th day of May, A.D. 1870,—

WM. HANSON,

Belmore Chambers, George-street.

Agent for CHARLES BURRETT.

SCHEDULE referred to in the foregoing Tender.

Pastoral District and general Locality.	Name of Run.	Estimated Area in Square Miles.	Estimated Pastoral Capability.		Description of the boundaries of the Run, and the marks or natural features by which such boundaries are indicated.
			Cattle (alone.)	Sheep (alone.)	
The Lachlan	Little Carricaball or Long Reach.	25	800	4,000	Bounded on the north by Barbical Creek, on the south by Euroka, on the west by Carricaball, on the east by Bobogolong.

The land herein applied for being identical with that described in the prior tender of Messrs. Gibson Bros., No. 6, of October, 1869, for a run named "East Carragaball," I recommend that this tender be declined.—A. O. PRETIOS, Officer-in-charge.

Declined.—12 July, 1872. 72-1,272.

No. 16.

Mr. C. Burrett to The Chief Commissioner of Crown Lands.

Sir,

Euroka, 13 January, 1871.

In March, 1870, I sent to the Crown Lands Office an application for a lease of a piece of unoccupied country situated in the Lachlan District. As I have not yet received any answer to my application, I must again reiterate my assertion as to there being spare country in the place for which I have applied, and to express my willingness to take a lease of any spare ground that there may be in the place, however large or small it may be.

I trust you will do me the honor to answer my application at your earliest convenience, and in case of other applications for the same country to recollect that my application was first.

I am, &c.,

CHAS. BURRETT.

No. 17.

The Officer-in-charge, Occupation of Lands, to Mr. C. Burrett.

Sir,

Occupation of Lands, Sydney, 23 January, 1871.

I have the honor to acknowledge the receipt of your letter of the 13th instant, on the subject of your tender noted in the margin.

You had better place yourself in communication with Mr. Commissioner Futter, who has been instructed to report on the tender in question.

I have, &c.,

A. O. PRETIOS,

Chief Officer-in-charge.

No. 3 of June, 1870.
Little Carricaball or Long Reach.

No. 18.

Mr. W. Hanson to The Officer-in-charge, Occupation of Lands.

Sir,

Belmore Chambers, George-street, Sydney, 3 May, 1871.

On the 10th May, 1870, I sent in a tender for a run, as agent for Mr. Charles Burrett; and on the 8th of August, 1870 (70/1541), you informed me that the tender would "be dealt with in due course."

Nearly twelve months have elapsed, and I should be glad to be informed if Burrett's tender has been dealt with.

I have, &c.,

WM. HANSON.

No. 19.

The Officer-in-charge, Occupation of Lands, to Mr. W. Hanson.

Sir,

Occupation of Lands, Sydney, 4 May, 1871.

In reply to your letter of the 3rd instant, I have the honor to inform you that Mr. Burrett's tender for East Carragaball awaits the report of the Lachlan Commissioner, who has now been reminded with reference thereto.

I have, &c.,

A. O. PRETIOS,

Chief Officer-in-charge.

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No. 20.

The Officer-in-charge, Occupation of Lands, to The Commissioner of Crown Lands, Lachlan.

Sir,

I have the honor to request that you will be good enough to expedite your report on the tender noted in the margin.

Occupation of Crown Lands, Sydney, 4 May, 1871.

I have, &c.,

A. O. PRETIUS,

Chief Officer-in-charge.

No. 3 of June, 1870, Little Carragaball or Long Reach. Mr. C. Burrett

No. 21.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

Referring to your letter of the 4th instant (No. 71-644 M.), requesting me to be good enough to expedite my report on the tender noted in the margin,—I have now the honor to request that I may be supplied with a copy of the amended description of Wentworth's Gully, or Long Flats (if one has ever been prepared); on receipt of which I will be in a position to forward my report on the tender above referred to.

I have, &c.,

JOHN S. FUTTER,

Commissioner Crown Lands, Lachlan.

No. 3 of June, 1870, Little Carragaball or Long Reach. Mr. C. Burrett

No. 22.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

I do myself the honor to recommend that the tender noted in the margin may be declined, as the land comprised therein includes a portion of the Boga Bogalong Run, already under lease, and is also in my opinion identical with part of the Wentworth's Gully Run. (See my report of this day's date, No. 71-90, of 25 May, 1871.)

I have, &c.,

JOHN S. FUTTER,

Commissioner of Crown Lands, Lachlan.

No. 3 of June, 1870, Charles Burrett, Little Carragaball or Long Reach.

No. 23.

Mr. C. Burrett to The Officer-in-charge, Occupation of Lands.

Sir,

It is now two years since I first applied, or rather tendered for the vacant ground known as East Carragaball, and I have never as yet received a satisfactory answer whether my tender was accepted or not, and it seems to me that the Government stands in its own light in not giving satisfaction to any one willing to take up the land. I am still willing to give the sum I tendered for, and I trust you will oblige by an answer at your earliest convenience.

Euroka Station, Bland, 9 January, 1876.

I have, &c.,

CHARLES BURRETT.

No. 3 of June, 1870, Charles Burrett, Little Carragaball or Long Reach.

No. 24.

The Officer-in-charge, Occupation of Lands, to Mr. Commissioner Futter.

Sir,

Referring to my B.C. communication of the 19th October last, respecting the vacant country in the neighbourhood of East Carragaball, I have the honor to request that I may be favoured with the description therein called for, with a view to the disposal of the tenders noted in the margin, at your earliest convenience.

Occupation of Crown Lands, Sydney, 24 January, 1872.

I have, &c.,

A. O. PRETIUS,

Chief Officer-in-charge.

No. 6 of Oct., 1869, East Carragaball, Messrs. Gibson Brothers. No. 3 of June, 1870, Little Carragaball, Mr. Charles Burrett.

No. 25.

Minute of Charles Burrett.

Euroka Station, Bland, 18 March, 1872.

HAVING seen Mr. Commissioner Futter with reference to the vacant land called Little Carragabal, he informs me that Mr. Gibson's tender is prior to mine.

I think it possible that he is labouring under a mistake, as I have always been led to understand that my tender preceded his.

I would feel honored by your informing me if I am not correct.

I am, &c.,

CHARLES BURRETT.

No. 26.

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No. 26.

The Officer-in-charge, Occupation of Lands, to Mr. C. Burrett.

Sir, Occupation of Lands, Sydney, 12 April, 1872.

In reply to your letter of the 18th ultimo, I have the honor to inform you that the tender of Messrs. Gibson Brothers, for a run in the Lachlan District, named East Carragabal, was opened by the Tender Board on the 5th October, 1869, while your tender for the same run, under the name of Little Carragabal or Long Reach, was opened on the 3rd June, 1870.

I have, &c.,
A. O. PRETIUS,
Chief Officer-in-charge.

No. 27.

Mr. C. Burrett to The Secretary for Lands.

Sir, Euroka Station, 22 May, 1876.

I find by your last letter that my tender for Little Carragabal was too late, and Mr. Gibson's accepted.

You will please to return my deposit (£2 10s.), which was paid in by Mr. Hanson, Land Agent, on my account, at your earliest convenience.

I am, &c.,
CHARLES BURRETT.

Has the tender been declined? If so, refer to Treasury and inform.—A.O.P., 7 June, 1872.

Mr. Burrett's tender, No. 3, of June, /70, for Little Carragabal or Long Reach, has not yet been disposed of. If it be identical with the prior tender of Messrs. Gibson, No. 6, of October, /69, for East Carragabal, it should perhaps be minuted to be declined.—E. O'D., 14 June.

A decision has been arrived at, I think, in this case.—A.O.P., 17 June, 1872.

It has been decided to recommend Messrs. Gibson's tender for acceptance, and Mr. Futter's report (71-1,514) mentions this as the prior one for the country adjoining Carragabal. It appears from the sketch (71-796 Ms.) that the vacant country is mutually tendered for by Gibson and Burrett, and Mr. Burrett's letters are written on the assumption that his tender is identical with Messrs. Gibson's; but I do not find any decision on the point. Burrett's tender may be declined, as identical with the prior tender of Messrs. Gibson for East Carragabal.—E. O'D., 18 June, /72. Yes.—A.O.P., 18 June, /72.

No. 28.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir, Crown Lands Office, Lachlan, Binalong, 25 May, 1871.

With reference to the tenders noted in the margin, and recommended to be rejected in my reports Nos. 71-81 and 71-92 of this day's date (herewith enclosed), I do myself the honor to enter into an explanation of the position of the runs in this locality, and more particularly of Euroka and Wentworth's Gully. As the question whether there is vacant country or not depends upon the decision which is arrived at with respect to the western boundary of the latter run, a point which from the vagueness of the gazetted applications for a lease (and I presume there is no amended description) is far from being clear.

My first impression was that there was vacant country, but upon a more careful examination of the subject, and of the descriptions of the adjoining runs, and allowing the application for lease of Wentworth's Gully a liberal and natural construction, I consider that the justice of the case will best be met by rejecting the tenders as including country intended to form a portion of Wentworth's Gully Run, and amending the description of that run, so that for the future there shall be no dispute as to its boundaries.

I forward a sketch of the run in this vicinity, showing some important natural features mentioned in the respective descriptions; and I may mention that, having to depend solely on my own observations to fix their relative positions, it must be looked upon as only giving a general idea of the country.

The northern and eastern boundaries of Euroka, also, are only approximately laid down, following Mr. Beckham's amended description, which at the time of my visiting the locality I had not seen. With these reservations, the sketch may be relied on as substantially correct. In entering upon the subject, I would, in the first place, draw your attention to the gazetted application for a lease of Wentworth's Gully. The east boundary is now more definitely laid down in the amended description of Maley's Run (Arramagong) as a line from the Black Waterhole, on Sandy or Burrangong Creek, to the Weddin Mountain—(see map of Co. Monteagle). For "*on the east*," by a line running north and south, &c., should evidently be substituted "*on the west*," and by Euroka on the north is probably meant Uoka or Wheogo.

There is no description of Euroka or Rossi's Creek Run in this office previous to that of Mr. Beckham's, prepared in 1866, and it would appear as if it had been taken out of the Wentworth's Gully Run. It is to be observed that Euroka extends to Bland and Kooraberrina, the boundaries claimed by Wentworth's Gully, but not further north than where it meets Mrs. Gibson's boundary, *i.e.* the south-east corner of Carragabal. On the north Wentworth's Gully is bounded by Crackabulla Creek, but the west boundary, *viz.*, Bland and Kooraberrina, does not extend to the creek; consequently the intervening space between the creek and the north-east boundary of Mr. Chisholm's Bland Run is without a west boundary, and apparently it has never been definitely settled how far west Wentworth's Gully extends along the Boga Bogalong boundary; but if Euroka extends to Bland and Kooraberrina, it is only natural to suppose that Wentworth's Gully should be bounded by Carragabal; and this view is borne out by the amended description of Boga Bogalong, in which that run is described as bounded by the Weddin Mountain to the Basin Gully, thence by a line to a place called the Scalded Flat, thence to the Blind Creek, crossing Carragabal Little Plain, which divides it from James Hanrican's run, Wentworth's Gully,

No. 6 of October, 1869, East Carragabal, Gibson Brothers, No. 3 of June, 1870, Little Carrigabal, or Long Reach, Charles Burrett.

Gully, and John Rodd's run, Carragabal. The words "which divide it from" might certainly refer to Wentworth's Gully only with respect to the former part of the description, and the latter part, "the Blind Creek crossing Carragabal Little Plain," might apply to Carragabal; but it seems more reasonable to suppose that as that creek does not in reality in any way divide Boga Bogalong from Carragabal, the impression meant to be conveyed was that the Blind Creek divided Boga Bogalong from Wentworth's Gully as far as the Little Plain, which Little Plain was on the boundary of Carragabal. I may here point out an error in the amended description of Carragabal, in which that run is said to be bounded on the east by a line north to the upper or south-east Waterhole, it being the western boundary of Boga Bogalong; it is evident that this must be a mistake, as Boga Bogalong does not claim to come south of the Blind Creek.

A slight discrepancy appears in the fact of Wentworth's Gully being described as bounded on the north by Carragabal Creek and Boga Bogalong, on the south by a line from the Basin Gully to the Scalded Flat, whereas these boundaries (for a certain distance at any rate) should be identical; but this may be accounted for from the circumstance of the Blind or Carragabal Creek being very undefined until it forms near the Scalded Flat, and doubtless when the amended description of Boga Bogalong was prepared, a line from the Basin Gully to the Scalded Flat and thence to the Blind Creek was on that account preferred to the creek itself.

I have, &c.,

JOHN S. FUTTER,

Commissioner Crown Lands, Lachlan.

No. 29.

Mr. A. O. Moriarty to The Under Secretary for Lands.

Sir,

Corner of Hunter and George Streets, 28 July, 1871.

Messrs. Gibson Brothers have requested me to address you with reference to their tenders for a new run, called East Carragabal, in the Lachlan District, which the District Commissioner, Mr. Futter, has recommended to be declined, on the ground that the land was, in his own words, "intended to form a portion of Wentworth's Gully Run," the description of which he proposes to amend so as to include it. This proposal has taken Messrs. Gibson by surprise, inasmuch as they have been themselves in possession of the country in question, regarding it as properly belonging to their Carragabal Run, and having tendered for it only to guard against the risk of losing it on the strict limits of the latter being determined by survey, and will also no doubt have surprised the lessee of Wentworth's Gully, who has never occupied nor attempted to claim it, and whose boundary, as pointed out by himself to the Commissioner, will not include it.

It is obvious, from a perusal of the Commissioner's report, that the conclusions at which he has arrived have been formed in ignorance of some of the arrangements of boundaries entered into consequently upon the publication of the applications in the *Government Gazette*, and which are on record in the Crown Lands Office in Sydney as they should be in his own office. I could, in particular, refer to the settlement by agreement of the boundary between Euroka and Wentworth's Gully accompanying the withdrawal of the caveat against the claim of the latter run to the boundary overlapping the whole of the former, described in the *Gazette*, the description from which the Commissioner draws grounds for his inference that Wentworth's Gully extended as far westward (at some period) as the runs on the Bland Creek. It will be perceived, from that agreement, that the claimant of a lease of Wentworth's Gully definitely abandoned any such claim (which must have been a mere misdescription), and confined himself to the limits therein indicated, which may be presumed to be the same as those shown as the boundary between Euroka and Wentworth's Gully on the sketch accompanying the Commissioner's present report, and, if extended northerly to join the northern line, would, it is believed, include the full area claimed, viz., 15,000 acres, in fact considerably more.

The conclusions which the Commissioner draws from the description, as amended, of Boga Bogalong, would apply, as indeed he himself admits, as well to the claim of Carragabal to the country in question as to that of Wentworth's Gully; but while I should be the last person to question even an implied recognition of a boundary by the Crown, I most respectfully insist that no law or practice would authorize the letting of Crown Lands, in disregard of the rights of occupation and prior applications by tender, upon any such flimsy ground as that the land was said to belong to one run (the owner of which did not claim it nor the description include it) in the description of another held by a third party.

I need hardly point out that if it were the fact, as the Commissioner proposes to assume, that the land tendered for is already leased land, the definitions of a boundary between the parties claiming it, or whose runs abut upon it, would not be a matter within the Commissioner's province, but would, failing an agreement between the parties, be a proper subject for an arbitration between them; or that, if on the other hand it be really vacant Crown land, it would be utterly illegal for the Governor, or the Minister for Lands, to include it in one or in either of the adjacent leases; but I would point out that the Commissioner's proposal really involves one or the other of these irregular courses, if not both.

I would now respectfully claim reference to the sketch accompanying the Commissioner's report, with a view of showing the effect of his proposal upon the respective runs. Wentworth's Gully claimed as containing about $23\frac{1}{2}$ square miles (which as already pointed out, is amply provided for eastward of the Euroka line) would have an extension of area given to it of some 30 square miles. Carragabal, which is entitled to 42 square miles, would be reduced to about 35 square miles.

Messrs. Gibson, who are the only persons who have occupied the country in question, and who have always occupied and claimed it, are prepared to accept a lease of it as a new run, under their tender, which is the first, and entitles them to the land if vacant. If, on the other hand, the Government prefer to deal with it as land already under promise of lease, they claim that it is part of their run. If a division of it be deemed advisable, they would be prepared to accept a boundary (to which it is believed Mr. Nolan would also agree) at the Little Carragabal Plain; but against the Commissioner's proposal they protest utterly.

I have, &c.,

A. O. MORIARTY.

I should like to see a tracing of this country and the description of the two runs.—J.B.W.,
31st July.

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No. 30.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir, Crown Lands Office, Lachlan, Binalong, 25 May, 1871.

I do myself the honor to forward (herewith enclosed) memo. of boundary line agreed on by Messrs. Gibson and Chisholm between East Bland and Carragabal and East Bland Plains.

I have, &c.,

JOHN S. FUTTER,
Commissioner Crown Lands, Lachlan.

[Enclosure.]

MEMO. of Dividing Line between East Bland and Carragabal Run and East Bland Plains Run, agreed upon by Mr. F. F. Gibson on the part of the lessee of East Bland and Carragabal, and Mr. C. K. Chisholm on the part of the lessee of East Bland Plains:—

Commencing on the right bank of the Bland Creek, at a point where Gibson's and Chisholm's fence reaches the creek, and continuing along that fence east 10 miles.

FRED. F. GIBSON,
CHARLES K. CHISHOLM.

Witness—JOHN S. FUTTER, Commissioner of Crown Lands.
Carragabal, 22 April, 1871.

No. 31.

The Officer-in-charge, Occupation of Lands, to Mr. Commissioner Futter.

Sir, Occupation of Crown Lands, Sydney, 16 August, 1871. No. 6 of Oct,
1869.

Referring to your letter of the 25th May last (71-90), and to previous reports on the tenders therein referred to, I have the honor to forward herewith a copy of a declaration which was transmitted to this office by Mr. James Hanrahan (of Wentworth's Gully), under date 24th May, 1849, and to request that you will be good enough to inform me whether the agreement therein embodied is on record in your office. No. 5 of June,
1870.

I think it probable that with a personal knowledge of the localities therein referred to, you will be enabled to furnish further information on a question now at issue, namely, whether the land tendered for by Messrs. Gibson was intended to form a portion of the Wentworth Gully Run, or has been considered and held as part of Carragabal.

It appears clear, from the amended description of Carragabal furnished by Mrs. Gibson, under date 11th July, 1866, and amended by your predecessor on 20th April, 1867 (No. 76-67), that the eastern boundary of that run is a line south from the upper or south-east waterhole.

It is not, however, by any means clear that Wentworth's Gully extends westerly to this line.

I have now to request that you will favour me with a report on this matter as early as practicable, and I have to point out also that the amended description of Euroka, referred to by you as having been prepared by Mr. (late Commissioner) Beckham in 1866, does not appear to have been furnished to this office.

I have, &c.,

A. O. PREVIOUS,
Chief Officer-in-charge.

No. 32.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir, Merool Creek, Lachlan, 8 September, 1871.

Referring to your letter of the 16th August last, enclosing a declaration made by Mr. James Hanrahan, of Wentworth's Gully, I have the honor to inform you that I am not aware of any such document being recorded in the Crown Lands Office at Binalong, but that apparently Mr. Beckham has been guided by it in preparing the amended description of Euroka.

I regret that after carefully reading the declaration referred to, I am unable to furnish any further information on the question now at issue, viz., whether the land tendered for by Messrs. Gibson was intended to form a portion of the Wentworth's Gully Run, or has been considered and held as part of Carragabal. I quite admit that it is not by any means clear that Wentworth's Gully extends westerly to the easterly boundary of Carragabal, but I think such is the most reasonable supposition. The land in question may in an indefinite kind of way have been looked upon as forming part of Carragabal, but the eastern boundary of that run, from the upper or south-east waterhole to the corner of Chisholm's run (which is a fenced line), plainly excludes it. At the same time, it is right to explain that Nowlan, the present occupant of Wentworth's Gully, did not claim up to the Carragabal fence, and in fact was unable to state where he claims to when asked to do so by me on the ground.

I have, &c.,

JOHN S. FUTTER, C.C.L.

No. 33.

The Officer-in-charge, Occupation of Lands, to Mr. Commissioner Futter.

Sir, Occupation of Crown Lands, Sydney, 19 September, 1871.

Referring to your letter of the 8th instant, I have the honor to inform you that it does not appear to me that Wentworth Gully can be held to extend to the eastern boundary of Carragabal Run, indeed no such extension is demanded for it by the lessee.

As the country is not otherwise under promise of lease apparently, you should report further as to any outstanding tenders for the vacant land.

I have, &c.,

A. O. PREVIOUS,
Chief Officer-in-charge.

No. 34

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No. 34.

The Officer-in-charge, Occupation of Lands, to Mr. A. O. Moriarty.

Sir,

Occupation of Crown Lands, Sydney, 20 September, 1871.

Referring to your letter of the 28th July last, I have now the honor to inform you that I am in receipt of a report from the District Commissioner having reference to the matter therein referred to.

It does not appear to me from this report that Wentworth Gully can be held to extend to the eastern boundary of Carragabal, indeed no such extension is claimed by the lessee.

As the country is not otherwise under promise of lease apparently, the Commissioner has been requested to report further as to any outstanding tenders for the vacant land.

I have, &c.,

A. O. PRETIOUS,

Chief Officer-in-charge.

No. 35.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

Wagga Wagga, 29 September, 1871.

With reference to your letter of the 19th instant, calling upon me to report further as to any outstanding tender for vacant country in the vicinity of Carragabal, I have the honor to inform you that the only tenders remaining to be dealt with are those of the Messrs. Gibson and Mr. Charles Burrett, junr.; and that if it is decided that the country in question is to be considered as not under promise of lease, I beg respectfully to recommend the Messrs. Gibson's tender (as the prior one) for acceptance, subject to such amended description as may be deemed necessary.

There are several tenders in the office at Binalong for apparently the same country, or partly so, which have been dealt with by my predecessor, Mr. Beckham.

I have, &c.,

JOHN S. FUTTER,

C.C.L.

No. 36.

Office Memo.

RETURNED to Mr. Commissioner Futter, who will be good enough to submit a description of the country available for Messrs. Gibson's tender, endeavouring, by inspection of the country and examination of any surveys of boundaries which have been made and not submitted to this Office, not only to define the vacant country, but the boundaries of adjoining runs in similar terms, and to obtain assent of the respective lessees thereto.—B.C., 19/10/71.—A.O.P.

No. 37.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

Crown Lands Office, Lachlan, Binalong, 31 January, 1872.

Referring to your letter of the 24th instant, respecting the vacant country in the neighbourhood of Carragabal, I do myself the honor to inform you that I am only awaiting the return of Mr. Gibson to his station to report definitely on the tenders noted in the margin, as I shall have again to visit the locality for the purpose of endeavouring to fix the west boundary of Wentworth's Gully, which it will be necessary to do before an amended description can be prepared, subject to which the Messrs. Gibson's tender may be recommended for acceptance.

I have, &c.,

JOHN S. FUTTER,

Commissioner Crown Lands, Lachlan.

No. 38.

The Officer-in-charge, Occupation of Lands, to Mr. Charles Burrett.

Sir,

Occupation of Lands, Sydney, 7 February, 1872.

Referring to your letter of the 9th ultimo, respecting your tender noted in the margin, I have the honor to inform you that Mr. Commissioner Futter has been reminded relative to expediting his report thereon.

I have, &c.,

A. O. PRETIOUS,

Chief Officer-in-charge.

No. 39.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

Crown Lands Office, Lachlan, Binalong, 3 April, 1872.

Referring to your B.C. of the 19th October, 1871, covering my letter of 29th September (herewith returned), on the subject of the Messrs. Gibson's tender for country to the east of Carragabal, I have the honor to report that I have again visited the locality for the purpose of carrying out your instructions.

In calling your attention to my previous report on the question (71-90, March 25th, 1871) and the tracing accompanying it, I have, in the first place, to point out that the boundary between Wentworth's Gully

No. 6 of Oct.
1869.
East Carragabal,
Messrs. Gibson
Brothers.
No. 3 of June,
1870.
Little Carraga-
ball or Long
Reach,
Mr. Charles
Burrett.

No. 3 of June
1870.
Little Carraga-
ball or Long
Reach.

Gully and Euroka, as shown on tracing, is incorrect. The starting point on the Sandy Creek, Bimby's Crossing-place, should be about 7 miles, in place of $4\frac{1}{2}$; and the boundary thence should be a line bearing north 54° west to Mrs. Gibson's east boundary, passing through the two box-trees mentioned in the description of Euroka. Without an actual survey it is impossible to say accurately where this line would strike that boundary, but I have shown it on the tracing as doing so on the Blind or Carragabal Creek, at the Little Plain. In any case it would have no right to cross the creek, it being part of the south boundary of Boga Bogalong, although if the tracing is correct it appears as if a line with that bearing would do so.

The chief difficulty in determining what might be considered vacant country, and as such available for the Messrs. Gibson's tender, was to find out how far along the south boundary of Boga Bogalong Wentworth's Gully extended. This, as I stated in my former report, has never been definitely settled; but on my recent visit the lessee of that run agreed to accept as his west boundary a line running north-east to the Boga Bogalong, and south-west to the Euroka boundary, from a lagoon known as the Barked-tree Lagoon, as shown approximately on tracing. I consider this claim a fair one, and have no further hesitation in recommending the Messrs. Gibson's tender for acceptance, subject to the amended description appended to report. When the line from the Bimby Crossing-place to Mrs. Gibson's boundary is run—and I am led to believe that the respective parties concerned will not object to the expense of a survey—the extent of the country will be more accurately ascertained.

With reference to the agreement between James Hanrahan and William Gardiner, forwarded to me (copy) with your letter of the 16th August, 1871 (71-1,261), it appears to have formed the basis of the adjustment of the boundary between Wentworth's Gully and Euroka by Mr. Beckham, with this important difference,—that the White-cow Plain expressly therein excluded from Wentworth's Gully, is now included in it.

The respective lessees, however, are satisfied with the arrangement, and I am not aware of any dispute on that point.

I have prepared an amended description of Wentworth's Gully (herewith enclosed), to which, if it is approved, I can obtain the signature of the lessee as well as of Mr. Gibson, and the same course may be followed with respect to the amended description of the Messrs. Gibson's tender.

I have, &c.,
JOHN S. FUTTER,
Commissioner of Crown Lands, Lachlan.

No. 40.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir, Crown Lands Office, Lachlan, Binalong, 3 April, 1872.

Referring to my report on the Messrs. Gibson's tender (71/91 of the 25th May, 1871) for East Carragabal, and subsequent correspondence of this day's date, I now beg respectfully to report again, as follows:—

- 1st. The tender does not comprise any land under lease or promise of lease.
- 2nd. The description given in the tender sufficiently indicates the land tendered for, but I would suggest the adoption of the annexed amended description.

I have therefore the honor to recommend that the tender in question may be accepted.

I have, &c.,
JOHN S. FUTTER,
Commissioner Crown Lands, Lachlan.

Amended Description—East Carragabal.

Commencing at a point on the north-east boundary of Euroka, south-west of a lagoon known as the Barked-tree Lagoon; thence on the south-east by a line north-east to that lagoon; thence by a prolongation of that line to the south boundary of Boga Bogalong; thence by that boundary westerly to the east boundary of Carragabal; thence on the south-west by the north-east boundary of the Euroka Run to a point on that boundary south-west of the Barked-tree Lagoon, being the point of commencement.

NOTE.—If the north-east boundary of Euroka shall be found on survey to strike the east boundary of Carragabal to the south of the Blind Creek, East Carragabal will be bounded on the west by that run from where the Blind Creek intersects the Carragabal boundary to the intersection of the same by the north-east boundary of Euroka aforesaid.

No. 41.

The Officer-in-charge, Occupation of Lands, to Mr. Commissioner Futter.

Sir, Occupation of Lands, Sydney, 12 June, 1872.

Referring to your letter of the 3rd April last, I have the honor to return the descriptions of Euroka, or lower end of Rossi Creek, and Wentworth Gully Runs, with a view to procuring the signatures of the lessees thereto as proposed by you.

I have, &c.,
A. O. PREVIOUS,
Chief Officer-in-charge.

Two descriptions
to be returned.

No. 42.

The Officer-in-charge, Occupation of Lands, to Mr. Commissioner Futter.

Sir, Occupation of Lands, Sydney, 26 July, 1873.

Referring to your letter of the 3rd April, recommending the acceptance of Messrs. Gibson's tender for East Carragabal, I have the honor to point out, that if the sketch accompanying your report (72/37) of same date, respecting the country tendered for, represents with any accuracy the position and extent

No. 6 of Oct.,
1869.

extent of the vacant country, and the boundaries of the runs in the locality, it would appear that there is scarcely sufficient land available to constitute a run which could be beneficially occupied for pastoral purposes.

When the position of the north-east boundary of Euroka is determined by survey, there will be better data for determining this.

Meantime I shall be glad to be favoured with the expression of your opinion upon this point.

I have, &c.,

A. O. PRETIOS,
Officer-in-charge.

No. 43.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir, Crown Lands Office, Lachlan, Binalong, 5 April, 1872.

Referring to your letter of the 20th Feb., 1868, No. 68-292, on the subject of the Carragabal and Wheogo boundaries, I have the honor to inform you that I have several times endeavoured to prepare a revised description of the latter run, but have been unable to do so from the fact of the boundary between that run and Sandy Creek being in dispute. On my last visit the question was reduced to a very small compass, and I have every reason to suppose will eventually be amicably settled.

The boundary between Wheogo and Carragabal is accurately defined in the amended description of the latter run, and the only obstacle to the other boundaries of Wheogo being properly described is the dispute with Sandy Creek.

I have, &c.,

JOHN S. FUTTER,
Commissioner Crown Lands, Lachlan.

No. 44.

Mr. W. Elliott to The Minister for Lands.

Sir, Nag's Head, near Grenfell, 27 July, 1872.

Nearly eleven years ago, I tendered for a new run in the Lachlan District, called Little Carragabal or Scalded Flat, and described as bounded by Carrackabool, Wheogo, Bogolong, and Burrett's runs, containing the whole of the spare or unrented lands between these boundaries. Mr. Edgar Beckham was then Crown Land Commissioner for the district, and reported on my tender, denying that there was unrented lands, when I was fully prepared to prove there were twenty miles by ten.

I am now credibly informed that within a short time, and since Mr. Futter's appointment, the said run has been granted to another person. I trust, sir, you will be good enough to inform me *at once* the particulars, as my tender is still in existence in the Crown Lands Office. You will admit, it is hardly fair to accept a tender for the same land sent in eight years later than mine.

I am, &c.,

WILLIAM ELLIOTT.

No. 45.

The Officer-in-charge, Occupation of Lands, to Mr. W. Elliott.

Sir, Occupation of Lands, Sydney, 2 August, 1872.

Referring to your letter of the 27th ultimo, addressed to the Honorable the Minister for Lands, respecting the rejection of your tender for a new run of Crown Lands noted in the margin, I have the honor to direct your attention to the 50th clause of the Regulations of 1st November, 1861, by which it was provided that all persons whose tenders had then already been received but not disposed of, must pay into the Colonial Treasury, on or before the 31st December, 1861, a deposit of £2 10s. on each tender, and that all tenders on which no such deposit should have been paid by that date should be rejected.

As you failed to comply with the requirements of the clause referred to, your tender on that ground alone must necessarily have been declined.

I have, &c.,

A. O. PRETIOS,
Officer-in-charge.

No. 46.

Mr. W. Elliott to The Officer-in-charge, Occupation of Lands.

Sir, Nag's Head, near Grenfell, 17 August, 1872.

In reply to your letter of the 2nd instant, relative to the Carrackabool Run, I have only to state that, on reference you will find, I think, that my tender was both reported upon by the Commissioner and disposed of before the date of the regulation referred to.

I have however placed the matter in the hands of my agent in Sydney, Mr. W. Hanson, of Belmore Chambers, who will attend to it for me for the present.

I have, &c.,

WILLIAM ELLIOTT.

No. 47.

H. Lane, Esq., to The Officer-in-charge, Occupation of Lands.

Sir, 352, George-street, Sydney, 4 February, 1873.

I am instructed by Mr. William Elliott of Grenfell, to lay before you the following statement respecting the tender for a run which he made in 1861, viz. :—

1st.—By letter from your department of 9th August, 1861, Mr. Elliott was informed that his tender for the run (Carrackabool) had been referred to the local Commissioner, Mr. Beckham.

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2. By a second letter, 27th November, 1861, he was informed that the country he tendered for was "already under lease."

3. By a third letter, 2nd August, 1872, he is told that his tender for Carrickabool No. 6 of May, 1861, had been rejected, because he failed to pay, on or before 31st December, 1861, the deposit of £2 10s., under the 50th clause of the Regulations of 1st November, 1861.

I am to call your attention to the fact that Mr. Elliott's tender was disposed of by the letter G1/9,592 before this deposit regulation came into force.

I am also to point out that vacant land has been lately leased to Messrs. Gibson Bros. which appears to be and actually is identical with that known as "Carrickabool" for which Mr. Elliott had tendered.

Mr. Elliott submits through me, a claim to the country thus leased to Messrs. Gibson Bros. I submit the claim accordingly, and I shall be very grateful if you will kindly inform me what course you will recommend to, and may be sanctioned by the Minister under the peculiar circumstances of the case.

I have, &c.,

HENRY LANE.

No. 48.

The Officer-in-charge, Occupation of Lands, to H. Lane, Esq.

Sir,

Occupation of Lands, Sydney, 12 February, 1873.

In reply to your letter of the 4th instant, I have the honor to inform you that Mr. Elliott's tender having been declined under competent authority, and for what appears to be sufficient reasons, the matter cannot now be reopened.

I have, &c.,

A. O. PRETIUS,

Officer-in-charge.

No. 49.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

Crown Lands Office, Lachlan, Binalong, 30 April, 1873.

Referring to your letter of the 12th June, 1872, I have the honor herewith to return enclosed amended description of Euroka and Wentworth's Gully, with the signatures of the lessees. As the amended description under which the Messrs. Gibson's tender, East Carragabal, was recommended for acceptance has been prepared in accordance with those descriptions, their endorsement by the lessees is a sufficient guarantee that there is no objection on their part to the proposed boundaries of the country tendered for.

Two descriptions
and note from
Messrs. Burrell
enclosed.

I have, &c.,

JOHN S. FUTTER,

Commissioner Crown Lands, Lachlan.

No. 50.

Mr. Commissioner Futter to The Chief Commissioner of Crown Lands.

Sir,

Merool Creek, 5 August, 1873.

Referring to your letter of the 26th ultimo, on the subject of the Messrs. Gibson's tender, East Carragabal, I have the honor to inform you that the sketch accompanying my report recommending the acceptance of the tender may be relied on as showing with tolerable accuracy the country available to satisfy the tender, subject to the determination by survey of the point where the north-east line of Euroka will strike the Messrs. Gibson's boundary.

The extent of country is undoubtedly very limited, and I do not consider that it could be profitably occupied except in conjunction with an adjoining run.

I have, &c.,

JOHN S. FUTTER,

C.C.L.

No. 51.

Mr. J. Feehily to The Minister for Lands.

Sir,

Pinnacle Station, 19 September, 1873.

I beg to call your attention to an application made by my father, the late Roger Feehily, for a run then or formerly known as Boolaban Plain, otherwise Scalded Flat. The run applied for is situated between the runs in the Lachlan Pastoral District, Bogo Bogolong, Wheogo, Wentworth's Gully, and Euroka.

Believing, as I think, with reason, that I have some claim as an executor of my late father's estate, on account of his prior application for the run, to a preference in its allotment, I take this opportunity and liberty of bringing the matter before your notice. Other applications have, I am informed, been sent in to your office with reference to the before-mentioned run; but I would respectfully submit to you that the application therefor by my father in 1851 and 1852, and his payment of the then necessary deposit, gives me as executor a preference to other applicants.

I have, &c.,

JOHN FEEHILY.

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No. 52.

The Officer-in-charge to Messrs. Gibson Bros.

Gentlemen,

Occupation of Lands, Sydney, 23 July, 1874.

Referring to your tender for the run named East Carragaball, I have the honor to suggest that the north-east boundary of Euroka Run should be surveyed, with a view to determine what vacant country, if any, exists in the locality indicated in your tender.

I have, &c.,

A. O. PRETIUS,

Officer-in-charge.

No. 53.

Mr. C. Bennett to The Minister for Lands.

Sir,

310, George-street, corner of Hunter-street, Sydney, 6 July, 1874.

I beg respectfully to bring under your notice that in the year 1861 a client of mine (Mr. W. B. Elliott) tendered for spare country in the Lachlan District, situated between Nowlan's Wentworth Gully run, Burrett's Euroka run, and Gibson's Carragaball and Bogo Bogalong runs.

The receipt of Elliott's tender was acknowledged by Mr. Moriarty, and the matter referred to Mr. Commissioner Beckham, who reported that there was no spare country as alleged by Mr. Elliott.

Some time after this Mr. Commissioner Beckham was removed from office, and Mr. Futter was appointed to his place.

Mr. Futter it seems found out there was spare country as alleged by Elliott in 1861.

2. About 1869 or 1870, Messrs. Gibson Bros. and Mr. Burrett each tendered for the spare country which had been tendered for by Elliott in 1861, when upon its being proved that Gibson's tender had priority over Burrett's, the country was given to them (Gibson Bros.)

Elliott states that had Commissioner Beckham not have given a wrong opinion as to the vacant country, he (Elliott) must have obtained it in 1861, and it is unjust that he should lose the occupation of this land on account of the ignorance or design of Commissioner Beckham.

It is stated in a letter from the Occupation Branch of the Lands Office to Elliott, dated 2nd August, 1872, that by a regulation made 1st November, 1861, all persons who had tendered for spare country, but whose tenders were not disposed of, must pay a deposit of £2 10s. on each tender by 31st December, 1861, and that all tenders on which no deposit should have been paid by that date should be rejected.

Assuming that Elliott did not pay the deposit of £2 10s., it cannot be considered fair to Elliott that he should lose his right, considering that Commissioner Beckham had reported there was no spare country.

3. It was on the 27th November, 1861, that Elliott was informed there was no spare country, and the regulation was to the effect that the deposit was to be paid by the 31st December, 1861, and of course Elliott under these circumstances would naturally feel that there was no necessity for him to pay the deposit. Had Commissioner Beckham reported truthfully that there was spare country, as a matter of course Elliott would have paid the required deposit in time.

It is alleged that one Roger Feehily tendered in July, 1854, for the spare country for which Elliott tendered in 1861. Elliott states that the country is not the same, as appears to be the case by comparing the two descriptions, as what Feehily applied for is the Belublan Plain.

Elliott further states, notwithstanding Commissioner Futter's report, there is sufficient area in the disputed country for two good runs.

Elliott also states that he gave evidence (bearing on this matter) before the Committee appointed to inquire into the working of the Land Act, some of whose members he alleges commented very strongly on the injustice done to him (Elliott).

I herewith enclose Elliott's rough plan of vacant country, boundaries of which are marked in ink.

4. Elliott states that in any case the Messrs. Gibson are not entitled to this vacant country. Feehily, who is since dead, applied for the Belublan Plain.

Elliott's application is for all the vacant country for which tenders had not then (in 1861) been accepted.

I now appeal to you, sir, that you will in justice to my client (Mr. W. B. Elliott) have further inquiry made into this matter by some disinterested party (other than Mr. Commissioner Futter), who can decide upon the boundaries of the runs adjoining the disputed country, before determining Mr. Elliott's right to occupy or otherwise.

I also beg that you will grant my client (Mr. Elliott) to occupy temporarily with his sheep some portion of this country, pending your decision in this matter.

I am, &c.,

CHARLES BENNETT.

No. 310, George-street, Sydney.

Copy of tracing enclosed.

No. 54.

Mr. W. B. Elliott to The Officer-in-charge, Occupation of Lands.

Sir,

Sydney, 4 August, 1874.

I have the honor to request that you will please to appoint Mr. J. Frederick (Licensed Surveyor), of Grenfell, to make a survey of certain lands adjacent to and situated between Crackaabal and Bogo Bogalong, which will be pointed out by me for the purpose of proving the quantity of land in that locality applied for in my tender of May, 1861.

I have, &c.,

WILLIAM B. ELLIOTT.

No. 55.

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No. 55.

The Chief Draftsman to Mr. Licensed Surveyor Frederick.

Mr. Licensed Surveyor Frederick is requested to perform such traverses as Mr. Elliott may desire in order to illustrate his views as to the existence of certain vacant country adjoining Boga Bogalong Run, such work to be done at the cost of Mr. Elliott, but otherwise in accordance with the practice of the Surveyor General's Office. Plan to scale of 40 chains to an inch to be transmitted with report direct to the Occupation of Lands Office.

A tracing is enclosed showing the surveys already made in the locality with which the proposed surveys must be properly connected, also descriptions of the several runs between which Mr. Elliott assumes the existence of vacant Crown Lands and the principal points in those descriptions bearing on the question have been underlined.

Any points the position of which can be determined by cross bearings from stations on any of the traverses made, would be sufficiently determined, for present purposes, in such manner.

E. DU FAUR,
Chief Draftsman.

The Surveyor General, B.C., 11th August, 1874—E.D.

No. 56.

M. Fitzpatrick, Esq., to The Chief Commissioner of Crown Lands.

Sir,

251, George-street, 4 August, 1874.

Referring to the personal inquiries made at your office yesterday by Mr. P. Gibson, as to the result of the tender of Messrs. Gibson Brothers for certain so called vacant land adjoining their Carracabal and Bogo Bogalong runs in the Lachlan District, and to the suggestion then made for the settlement of this long pending case,—I am now instructed by Messrs. Gibson to request that you will instruct Mr. Licensed Surveyor Donkin to measure at their cost the following lines, viz. :—The north-east boundary of Nowlan's Wentworth Gully Run, the north-east boundary of Barrett's Euroka, and the south boundary of Gibson Brothers Bogo Bogalong Run.

Mr. Donkin is prepared to undertake this work when authorised by you to do so.

I have, &c.,
M. FITZPATRICK.

No. 57.

Office Memo.

I HAVE explained to Mr. Licensed Surveyor Donkin the general facts of the case, and see no objection to his being supplied with the same information as Mr. Elliott, to enable him to show definitely the grounds on which Mr. Gibson claims the country assumed by the former gentleman to be vacant.—E.D., 10/8/74.

No. 58.

Telegrams from Mr. Licensed Surveyor Frederick.

W. B. ELLIOTT cannot pay for survey. Will Government hold themselves responsible?

JAMES FREDERICK,
Grenfell.

3 September, 1874.

I certainly cannot recommend the Government to afford any assistance towards cost of such a survey. Applicant appears to me to have exaggerated ideas of the existence of vacant country, and undertook voluntarily to prove them. The matter will be determined at some time or other by the ordinary course of survey for alienation purposes and by surveys undertaken by lessees of runs in the locality. To grant applicant's request in any way would be forming a precedent under which any person desiring to prove what might be altogether imaginary views as to the existence of vacant Crown Lands might put the Government to a heavy expense.—E.D., 4/9/74.

The Government will certainly not bear any such expense.—A.O.P. Licensed Surveyor Frederick, 5 Sept., /74.

Received instructions from Crown Lands Office to make surveys of several adjoining runs, in order to ascertain the extent of vacant Crown Lands existing applied for by Elliott. Full particulars at Crown Lands Office.

JAMES FREDERICK (L.S.),
Grenfell.

No. 59.

Mr. Licensed Surveyor Donkin to The Chief Draftsman.

My dear Du Faur,

Camp, Murrumburrah, 20 September, 1874.

I am thinking of leaving here in a week to make the survey at Carragaball and Bogo Bogalong. I should like to have the plan of Gibson Brothers, showing their fenced boundaries and run, by Martyr, of Goulburn; it will give me an idea of the fences and might be of some service; can you lend it to me? The descriptions are decidedly puzzling: for each run there is the original description of 1848, and then again the amended one by Mr. Futter.

All

All that I can do will be to make a traverse showing existing boundaries, such as fences, agreed to between the adjoining lessees—to connect with all points mentioned both in the *old* and *new* descriptions.

Has Mr. Futter's recent amended description of Boga Bogalong, or in fact, of any of the runs adjoining it, been recognized by you? If not, I don't see that they have any weight in the matter more than that all the lessees have agreed to such amendment in their boundaries.

But Mr. Futter errs, inasmuch as he gives a different description to different lessees of one and the same boundary.

Besides making a traverse and fixing to the best of my ability all these points, would it not be more satisfactory if I was to mark boundary lines on the possibility of such lines being adopted as boundaries, as it would be unsatisfactory to leave there without marking any definite lines more than fixing the places mentioned in description?

This is what I propose doing:—

1st. Fix all the points mentioned in original description.

2nd. Mark a line as proposed boundary, agreeing as far as possible with original description, and approved by the lessees interested.

3rd. In the case of the lines being fenced, survey such lines, and on my plan show the fence as proposed boundary, and also the boundary as fixed by original description.

Hoping you can find time to send me a line,—

Yours faithfully,
JOHN B. DONKIN.

I leave here for Carragaball, September 26th.

The Chief Draftsman to Mr. Licensed Surveyor Donkin.

My dear Donkin,

Sydney, 24 September, 1874.

I do not know what further advice I can give you, *re* Gibson's survey, than the personal explanation we have already had. I cannot, of course, commit myself to anything very definite in such a vague case. Your proposal to make a traverse showing existing boundaries such as fences, agreed to between the adjoining lessees, to connect with all points mentioned both in the old and new descriptions, will be everything that can be desired.

The more recent descriptions are, of course, attempts to define better the old ones, but are doubtless in some respects equally faulty. Your survey will enable the two to be compared with the actual occupation, and bring the whole case to a definite issue. Until so submitted, the department cannot of course be responsible if any boundaries you mark, as further proposed, should not be finally adopted.

You can only use your best judgment in the interests of your employers.

Yours faithfully,
ECCLESTON DU FAUR.

No. 60.

Mr. Licensed Surveyor Frederick to The Chief Draftsman.

Sir,

Grenfell, 12 October, 1874.

In transmitting the descriptions of the several runs for measurement, in order to ascertain the amount of vacant Crown Lands applied for by Mr. W. B. Elliott, you omitted the original description of Carragaball, also the continuation of Boga Bogalong from the Wheoga Ridge to the Long Reach. Would you now oblige by furnishing me with them, as I am proceeding with the survey and will shortly require those boundaries.

I find that the vacant Crown Lands existing between the following boundaries, viz.:—

South boundary of Wheoga.

North boundary of Wentworth Gully and Rossi Creek.

West boundary of Bogalong.

East boundary of (Gibson's) Carragaball.

The two first I have, also the second, as far as Barbical, Long Reach; the last (Gibson's), Carragaball, being altogether absent, with the exception of Commissioner Beckham's appraisal of it in 1870, amended in 1867.

I am, &c.,

JAMES FREDERICK.

No. 61.

Mr. W. B. Elliott to The Chief Draftsman.

Sir,

Camp, near Wheoga, *via* Grenfell, 12 October, 1874.

I am here, and with Mr. Frederick am getting on with the survey, and having done some of the principal lines I find I was not mistaken as to the extent of the vacant country.

By this post you will receive an application from Mr. Frederick for portions of the descriptions necessary which you omitted to send.

What we are short of is the description of Rodd or Gibson's Carragaball Run, as applied for in the original demand for lease, you only having sent it as appraised of by Mr. Commissioner Beckham in 1867, and the continuation of the Boga Bogalong western boundary from the Long Reach to where it terminates. As it stands on the description sent, it terminates at the Long Reach, and joins no other run there. I am of opinion that it joins Wentworth Gully Run at the Basin Gully in the Weddin Mountain.

Trusting you will give this your immediate attention, as we will be at a stand-still,—

I am, &c.,

W. B. ELLIOTT.

Carragabal

Caragabal—Amended description.

Commencing at the upper or south-east waterhole, about five miles east of Caragabal; and bounded on the north by a line west about two miles down the Barbingel Creek, to a point known as Ben's Yard; thence north three miles, dividing this run from Wheogo; thence west about four miles to Tregalana; on the west by a line south eight miles; on the south by a line east six miles; and on the east by a line north 5 miles to the starting point. Estimated area, 26,880 acres, or 42 square miles.

N.B.—This amended description was forwarded to the office by Mr. Andrew Gibson, on the 5th of October, 1865, together with a rough sketch showing intention as to boundaries of Caragabal and the adjoining runs, which amended description was forwarded to Mr. Commissioner Beckham for his report. Mr. Beckham further amended the description, and the last amended description was forwarded to Mr. Gibson for acceptance. Mr. Gibson approved of the amendment and it was adopted by the office, and under it the run was appraised in 1870, a copy of which was sent to you.

A copy of the original description of Caragabal was also believed to have been sent; but as perhaps it may have been mislaid, I send herewith another copy.

Caragabal—Description in Tender of 2nd April, 1861.

Bounded on the north by Carrackabool Creek: Commencing at the Junction Waterhole with frontage to the creek, about 3 miles; by a line south from the Junction Waterhole 5 miles, to a tree marked E; from there west 3 miles to a tree marked F; from thence a north line to the creek, being that portion of unoccupied Government land being between Gibson's Bogalong and Bland Stations, in the Lachlan District.

WILLIAM ELLIOTT.

No. 62.

The Chief Draftsman to Mr. Licensed Surveyor Frederick.

THE only information extant as to Bogo Bogalong, from the Wheogo Ridges to the Long Reach, was given in copy of description under which the run was appraised in 1871.—E.D., 15/10/74.

Forwarded to Mr. Licensed Surveyor Frederick, with reference to instructions of 11 August, 1874.—E. DU FAUR. B.C., 16 October, 1874.

No. 63.

Mr. W. B. Elliott to The Chief Draftsman.

Sir,

Temora, via Grenfell, 28 October, 1874.

A few days back Mr. Surveyor Frederick handed me description of Carragabal and note forwarded by you to him.

This description is, in the first place, the description under which I applied for a lease of the spare country, underneath which is an amended description by Mr. Andrew Gibson, in 1865.

Amended description since the date of my tender is no use to us. What we want is a description of the run now occupied by Gibson Bros. as Carragabal, and which I believe was tendered for in the first instance by Mr. Rodd. He occupied it for some time.

I will feel obliged if you will send to me *here* as soon as you possibly can.

The description of the run now occupied by Gibson Bros., or Alice Gibson, called Carragabal, and as applied for in application for lease by Mr. Rodd or any one else, and not any amended description since the date of my tender, April, 1861 or 1862, as all these amended descriptions since that date by Mr. Gibson takes in the very spare country I applied for.

I find Mr. Gibson has had Mr. Surveyor Donkin up and surveyed according to boundaries given by him and Mr. Beckham in 1865 and 1870, cutting off a lot of the country I tendered for, and which was spare country when I tendered, and where they amended, which of course I trust will not be allowed.

Trusting you will oblige me by forwarding what I ask for at once, as we are idle,—

I am, &c.,

W. B. ELLIOTT.

P.S.—According to your instruction, Mr. Frederick finds about 70 square miles of vacant country.

W.B.E.

Memo. with copy of description, sent.—E.D., 4/11/74. Mr. Licensed Surveyor Frederick, c/o W. B. Elliott, Temora.—4/11/74. See press book, folio 382.

No. 64.

Memo. from Chief Draftsman to Mr. Licensed Surveyor Frederick.

Sydney, 4 November, 1874.

Copy of demand for lease of Carragabal run now enclosed—description previously forwarded had been inadvertently copied from Mr. Elliott's tender of same name.

This description was reported upon in 1849 for adoption. On the valuation of the run in 1854, it was reported that the "run must be surveyed before the boundaries can be entered with sufficient accuracy for a lease."

In 1866 an amended description was lodged in the office as agreed upon by lessees of adjoining runs; this was better defined by the Commissioner in the following year, and as defined was formally adopted by the Government.

E. DU FAUR,

Chief Draftsman.

Copy of demand for lease of Caragabal.

Estimated area, 26,880 acres: Commencing at the upper or south-east waterhole, and bounded on the east by a line running north 7 miles; on the north by a line running west 6 miles to a chain of waterholes; on the west by a line running south 7 miles; on the south by a line running east 6 miles to the commencing point, containing 42 square miles.

E. D.

No. 65.

No. 65.

Mr. Licensed Surveyor Frederick to The Minister for Lands.

Sir,

Barbigel, 12 December, 1874.

In consequence of numerous inquiries regarding the vacant Crown Lands in the neighbourhood of Caragabal, I have now the honor to state, that in accordance with instructions received from Crown Lands Office, dated 11th August, 1874, I have surveyed certain boundaries of the several runs adjoining the said Crown Lands; but in consequence of Mr. W. B. Elliott not being able to meet demands of survey, I did not complete the whole of the lines necessary to compute the area exactly; but from the work already done, and my knowledge of the bearings of the uncompleted boundaries, I can certify with confidence that the tract of country now lying there vacant is not less than 50,000 acres.

I have, &c.,

JAMES FREDERICK,
Licensed Surveyor.

No. 66.

The Officer-in-charge, Occupation of Lands, to Mr. Licensed Surveyor Frederick.

Sir,

Occupation of Lands, Sydney, 10 February, 1875.

Referring to your letter of the 12th December last, reporting the existence of vacant Crown lands in the neighbourhood of Carrigaball, the survey of which you had not completed, I have the honor to inform you that your report is of no value without the plan of your survey, and I have therefore to request that you will be good enough to transmit your plan with as little delay as practicable.

I have, &c.,

A. O. PRETIOUS,
Officer-in-charge.

(507. 13 February, 1875.)

MEMORANDA relating to claims made at various periods, by Roger Feehily, William Elliott, Gibson Brothers, and Charles Burrett, for vacant country in the Pastoral District of Lachlan.

It appears that in the year 1854 Roger Feehily tendered for a new run of Crown Lands in the Lachlan District, in accordance with the Orders in Council then existing, the new run being vacant country.

(See copy of tender annexed, marked A.)

In April 1861 William Elliott tendered for same country, as applied for by Roger Feehily in 1854.
(See tender annexed, marked B.)

In November, 1869, Messrs. Gibson Bros. tendered also for the same country.
(See copy of tender, marked C.)

In May, 1870, Charles Burrett tendered also for above alleged vacant country. The original tender of Mr. Burrett can no doubt be found if required amongst the records of the office.

Although there may appear some discrepancies in description of different tenderers, they really are for one and the same block of country.

So confident was the first applicant, Roger Feehily, that there was the vacant country tendered for, and that his tender would be accepted, that he erected a house, put up fencing, and occupied the land. After being referred to the authorities, his application was refused, on the grounds that there was not sufficient country vacant to form a run.

Roger Feehily died in April, 1859, making a will before his death, but making no disposition therein of his interest in above-mentioned country, assuming no doubt that there was no chance of his claim being admitted by the Government.

After his father's (Roger Feehily) death, John Feehily, the eldest son (knowing for a fact from his local acquaintance with the country, having resided in its vicinity from his boyhood, that there was vacant country sufficient for a new run) applied to the Government, as the representative of his late father, to be put in possession thereof.

This application was refused by the authorities, it being alleged there was not sufficient country for a run.

With regard to W. Elliott, who tendered for the same country in 1861, or seven years after Roger Feehily, his tender was also refused by the authorities, on Mr. Commissioner Beckham reporting that there was no vacant country.

On Commissioner Beckham resigning his office, Mr. Futter, his successor, reported, as it would seem, that there was vacant country but not sufficient for a run (see his plan annexed).

It is alleged there was some informality in Elliott's tender through certain fees not being paid at the time, but it was on the 27th November, 1861, that Elliott was informed there was no spare country, and the regulation was to the effect that the deposit was to be paid by the 31st December, 1861, and of course Elliott under these circumstances would naturally feel that there was no necessity for him to pay the deposit. Had Commissioner Beckham reported truthfully that there was spare country, as a matter of course Elliott would have paid the required deposit in time.

Another reason assigned by the department for declining Elliott's tender was that, even if there was spare country his tender could not be accepted, Feehily having tendered previously to him.

Elliott contends that Roger Feehill having died without his claim being allowed by the department, had no interest to dispose of, therefore his representatives cannot substantiate any claim on his behalf, consequently he (Elliott) is entitled to the run.

John Feehily, the eldest son of Roger Feehily, as the representative of his late father, contends on the contrary that he is entitled to the run.

Messrs.

Messrs. Gibson Brothers have occupied the alleged vacant country for many years as squatters, being lessees of adjoining runs, and as a matter of course have not paid rent for this vacant country. In 1869, finding out, as it would seem, that there was vacant country, they (Messrs. Gibson) tendered for it, and it is supposed were refused on the same grounds as were the claims of Feehily and Elliott. Charles Burrett's tender was disposed of by the authorities in a similar manner.

Some three or four months ago the question respecting these claims to this vacant country was submitted to the Honorable J. S. Farnell, who caused a local surveyor to be instructed to make an accurate survey, and find if there was vacant country as alleged by the different tenderers.

A letter was sent a few weeks back to the department by Mr. Frederick the surveyor, to the effect that although he had only made a partial survey up to that time, he was certain that there were at least 50,000 acres of spare country.

Assuming then that there is sufficient vacant country for a run, it is a question on which the decision of the Honorable the Secretary for Lands is asked as to whether Jn. Feehily or Wm. Elliott is entitled to it.

A.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

IN accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette*, of the 7th October, 1847, and of the Regulations of the local Government, published in pursuance thereof, I, Roger Feehily, of Bogalong, near Cowra, do hereby propose to take a lease, for fourteen years, of the Crown Lands known as Bulaban Plain, in the district of Lachlan, which lands are particularly described in the Schedule annexed to this Tender.

2. And in consideration of such lease, I am willing and hereby offer to pay in advance the minimum rent below which it is provided by the said Order in Council that no run shall be let, namely, £10 per annum, with £2 10s. per annum added thereto for every thousand sheep, or their equivalent in cattle, beyond 4,000 sheep or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying; and also, in consideration of such lease, and by way of premium for the same, I do offer to pay yearly in advance the further sum of 10s., in addition to the amount of the said minimum rent.

3. And I do agree that in the event of this Tender being accepted by His Excellency the Governor General, and of such acceptance being notified in the *New South Wales Government Gazette*, I will, within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, notwithstanding that the lease of the said run may not have been executed, the sum of £10 10s., being the amount, according to my computation of the grazing capabilities of the run, of the payments which I have above offered to make, viz. :—

	£	s.	d.
Minimum yearly rent below which no run can be let	10	0	0
Further payment, at the rate of £2 10s. per thousand for the number of stock above 4,000 sheep, or their equivalent, which the run applied for is estimated to be capable of carrying	0	10	0
Additional yearly payment offered by way of premium	0	10	0
Total	£10	10	0

Such payment, nevertheless, to be without prejudice to the subsequent adjustment of the rent, according to the second and third sections of the second chapter of the above-mentioned Order in Council.

4. And in consideration of this Tender being accepted, and in the event of such payment not being made within the before-mentioned period of sixty days, I further agree to forfeit to Her Majesty the sum of £20 by way of liquidated damages, and to forfeit any right acquired by virtue of this Tender and such acceptance thereof as aforesaid.

Given under my hand, this third day of June, A.D. 1854,—

ROGER FEEHILY.

To the Chief Commissioner of Crown Lands, Sydney.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Estimated Number of Acres.	Name of Run.	Estimated Capability.		Description of the Lands by reference to leading geographical features and marked or determined boundary lines.
			Cattle.	Sheep.	
Lachlan	Bulaban Plain	500	None	Bounded on the east by Mrs. Gibson's Boga Bogalong Run; on the west by John Heyland's Caragabal Run; on the north by John Walsh's Uoka Run; on the south by John Nolan's Wentworth's Gully Run.

ROGER FEEHILY.

B.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

IN accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette* of the 7th October, 1847, and of the Regulations of the local Government published in pursuance thereof, I, William Elliott, of Nowingragong, Lachlan River, by South Wangan, do hereby propose to take a lease for fourteen (14) years, of the Crown Lands known as Carrackabool, in the district of Binalong, which lands are particularly described in the Schedule annexed to this Tender.

2. And in consideration of such lease, I am willing, and hereby offer to pay in advance, the minimum rent below which it is provided by the said Order in Council that no run shall be let, namely £10 per annum, with £2 10s. per annum added thereto for every thousand sheep, or their equivalent in cattle, beyond 4,000 sheep or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying; and also, in consideration of such lease, and by way of premium for the same, I do offer to pay yearly in advance the further sum of (£5) five pounds in addition to the amount of the said minimum rent.

3. And I do agree, that in the event of this Tender being accepted by His Excellency the Governor-General, and of such acceptance being notified in the *New South Wales Government Gazette*, I will within sixty days after such notification pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, notwithstanding that the lease of the said run may not have been executed, the sum of fifteen pounds (£15) being the amount according to my computation of the grazing capabilities of the run, of the payments which I have above offered to make, viz. :—

Minimum yearly rent below which no run can be let	£10 0 0
Further payment at the rate of £2 10s. per 1,000 for the number of stock above 4,000 sheep or their equivalent which the run applied for is estimated to be capable of carrying	.....
Additional yearly payment offered by way of premium	5 0 0
Total	£15 0 0

Such payment nevertheless to be without prejudice to the subsequent adjustment of the rent, according to the second and third sections of the second chapter of the above-mentioned Order in Council.

4. And in consideration of this Tender being accepted, and in the event of such payment not being made within the before-mentioned period of sixty days, I further agree to forfeit to Her Majesty the sum of £20 by way of liquidated damages, and to forfeit any right acquired by virtue of this Tender, and such acceptance thereof as aforesaid.

Given under my hand, this 2nd day of April, A.D. 1861.

WILLIAM ELLIOTT.

To the Chief Commissioner of Crown Lands, Sydney.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Name of Run.	Estimated number of Acres.	Estimated Capability.		Description of the Lands by reference to leading geographical features and marked or determined boundary lines.
			Cattle.	Sheep.	
Lachlan District, between Bogalong and Bland, on Carrackabool Creek.	Carrackabool.	.....	Or their equivalent in cattle.	4,000	Bounded on the north by Carrackabool Creek, commencing at the junction waterhole, with frontage to the creek, about 3 miles by a line south from the junction waterhole; 5 miles to a tree marked E; from there west 3 miles to a tree marked F; from thence a north line to the creek, being that portion of unoccupied Government land lying between Gibson's Bogalong and Bland Stations, in the Lachlan District.

WILLIAM ELLIOTT.

C.

Tender for a lease of a new Run of Crown Lands. Second Class Settled, or Unsettled Districts.

In accordance with the provisions of the "Crown Lands Occupation Act of 1861," and of the Regulations made in pursuance thereof, we, Andrew Faithfull Gibson, Frederick Faithfull Gibson, William Faithfull Gibson, and Septimus Faithfull Gibson, of Goulburn, do hereby propose to take a lease of the Crown Lands known as East Caragabal, in the district of Lachlan, which lands are particularly described in the Schedule annexed to this Tender.

2. And in consideration of such lease, we are willing and hereby offer to pay yearly, in advance, the rent of the said Crown Lands, as the same may be determined by appraisalment under the said Act.

3. And we do agree, that in the event of this Tender being accepted and of such acceptance being notified in the *Gazette*, we will, within sixty days after such notification, pay into the hands of the Colonial Treasurer, at Sydney, as and for the first year's rent of the said run, and pending such appraisalment as aforesaid, the sum of £10, together with the sum of £20, being the assessment payable under the "Increased Assessment and Rent Act of 1858"; and also the sum of

	sterling, by way of premium	£	s.	d.
Rent, pending appraisalment	.....	10	0	0
Assessment, do.	.....	20	0	0
Additional yearly payment, offered by way of premium (if any)	.....	.....	.....	.....

Total £

And in default of such payments, I agree to forfeit my deposit on this Tender.

Given under our hands, this 8th day of September, A.D. 1869,—

GIBSON, BROS.

To the Honorable the Minister for Lands.

SCHEDULE referred to in the foregoing Tender.

Pastoral District and general Locality.	Name of Run.	Estimated area in Square Miles.	Estimated Pastoral Capability.		Description of the boundaries of the Run, and the marks or natural features by which such boundaries are indicated.
			Cattle (alone.)	Sheep (alone.)	
District of Lachlan.	East Caragaball ...	25	640	.....	Bounded on the north by the Caragaball Creek, which divides it from Bogo Bogolong Run; on the south by a line bearing west; on the east by Wentworth's Gully Run, and on the west by the Caragaball Run.

DEPOSIT CERTIFICATE.

I CERTIFY that the sum of Two pounds ten shillings sterling has this day been paid into the Colonial Treasury, by or on behalf of Gibson Brothers, as the deposit on a tender for a run.

Colonial Treasury, Sydney,

10th September, 1869.

W. NEWCOMBE,

pro Treasurer.

No. 67.

M. Fitzpatrick, Esq., M.L.A., to The Chief Commissioner of Crown Lands.

Sir,

251, George-street, 16 February, 1875.

May I request an answer to my letter of the 4th August last, on behalf of Messrs. Gibson Bros., requesting that instructions might be issued to Mr. Licensed Surveyor Donkin to measure at their cost the following lines, viz. :—The north boundary of Nowlan's Wentworth Gully Run, the north-east boundary of Barrett's Euroka, and the south boundary of Gibson Brothers Bogo Bogolong Run.

I have, &c.,

M. FITZPATRICK.

No. 68.

The Officer-in-charge, Occupation of Lands, to M. Fitzpatrick, Esq., M.L.A.

Sir,

Occupation of Lands, Sydney, 28 February, 1875.

In reply to your letter of the 16th instant, I have the honor to inform you that instructions for the survey of the boundaries of Boga Bogolong and Carragabal Runs have now been forwarded to Mr. Licensed Surveyor Donkin, with a view to illustrating Messrs. Gibson's claims to lease under description, copies of which have been already personally handed to him.

I have, &c.,

A. O. PRETIUS,
Officer-in-charge.

No. 69.

Office Memo.

Elliott v. Gibson.—Caragabal.

Mr. Licensed Surveyor Donkin's plan has been received, which establishes the position of the Upper or S.-E. Waterhole.

It appears from further consideration of the papers that Mr. Elliott's tender may be dealt with at once (assuming that the Government consents to reopen a case which has once been dealt with), by declining the tender.

Caragabal was originally described as commencing at the upper or S.-E. waterhole and extending north; it had therefore at that time and at the date of Mr. Elliott's tender no claim to any land south of the creek, and it was land south of the creek which was specifically tendered for. This tender was, however, on the report of Mr. Commissioner Beckham, declined in January, 1862. In July, 1866, Messrs. Gibson applied for a modification of their boundaries, which was assented to on a definite report (and revised description) by Mr. Commissioner Beckham. The adoption of this amended description, which unquestionably includes the whole country tendered for by Mr. Elliott, was formally notified to Mrs. Gibson on 30th May, 1869, since which date she holds a promise of lease for it from the Government. Under these circumstances, without entering into the merits of Mr. Commissioner Beckham's reports, the action already taken appears to be final, and the Government cannot be in a position to reconsider Mr. Elliott's lapsed claims.

Messrs. Gibson have called stating that on the strength of a survey made by Mr. Elliott's instance in another part of their runs, that gentleman is occupying country to which his tender could never have given him a shadow of a claim, and they appeal to the Department for protection from such illegal occupation on his part.

E.D., 20/3/75.

No. 70.

Office Memo.

THERE can be no question whatever that all the country described in Elliott's tender is now, and has been for six years past, under promise of lease to Mrs. Gibson or her transferees. Elliott's tender was declined more than thirteen years ago, under report furnished by Commissioner Beckham to the effect that there was no vacant country. I am of opinion that there was vacant country at date of his report, although the descriptions of the runs in the locality were certainly vague. Thirteen years ago the Department had less local information, and the Commissioners' reports were adopted almost without question at head quarters. I think Mr. Elliott suffered a wrong, for which however there is now no apparent remedy.

A.O.P., 15 May, 1875.

No. 71.

Memo. by Minister for Lands.

A PROMISE of lease having been given to Mrs. Gibson, although it is evident for country that Elliott tendered for thirteen years ago, I regret to have to approve of Gibson's holding.

T.G., 18/5/75.

Send plan of your survey, *re* Elliott's claim, at once please, if not already despatched.
Telegram to J. Frederick, L.-S., 12 April, 1875.

Telegram from Mr. Licensed-Surveyor Frederick, Grenfell, to the Officer-in-charge, Occupation of Lands, 13/4/75:—Start for Sydney to-day, will do my best to present plan on Monday next.

No. 72.

J. A. Cunneen, Esq., M.L.A., to The Officer-in-charge, Occupation of Lands.

Sir,

Sydney, 15 April, 1875.

I herewith enclose you Treasury receipt for £2 10s., being deposit on my tender of the 6th May, 1861. I may add that the reason I did not make the deposit was that Mr. Beckham erroneously caused my tender to be disposed of by reporting the country tendered for was not vacant; but now that it has been ascertained beyond doubt that it was and is vacant, I have at once made the deposit in order that my tender may be still entertained.

I have, &c.,

J. A. CUNNEEN,
pro WILLIAM ELLIOTT.

The Treasury, 15 April, 1875.

RECEIVED from William Elliott (*per* J. A. Cunneen, M.P.), the sum of two pounds ten shillings sterling, for deposit on tender for the run Carrackabool, Lachlan District.

R. A. CANTOR,
pro Treasurer.

£2 10s. 0d.

No. 73.

Mr. W. Elliott to The Minister for Lands.

Sir,

Botany-street, Surry Hills, Sydney, 18 May, 1875.

(1.) On the 6th May, 1861, I tendered for a new run in the Lachlan District called Carrackabool. On the 27th November of the same year, I was informed by letter from the Chief Commissioner of Crown Lands that the local Commissioner (Mr. Beckham) had reported that the land I tendered for was already under "lease or license", and on that account I did not then get a lease for it.

(2.) On the 2nd August, 1872, I was further informed that my tender should be declined, because I had not paid into the Treasury before the 31st December, 1861, the sum of £2 10s. upon my tender, as required by the 50th clause of the Regulations (under the Occupation Act) of the 1st November, 1861.

With regard to the last reason (No. 2), I omitted to make the deposit at the time (before 31st December, 1861), because Mr. Beckham's *erroneous* report misled me, and I thought my tender was disposed of, on the ground that the land was "already under license"; but when I found he was wrong, I made the deposit in the Treasury in order that *I may not suffer for his erroneous report*.

As to the first objection (No. 1), that the land was not vacant but already leased,—I have to state that at great personal trouble and expense I have had the land surveyed on the ground in the usual way by a duly authorized licensed surveyor, who has ascertained and will report to the department that the land I tendered for is vacant Crown land.

Under these circumstances, I very respectfully request that a license or lease of the land may be granted to me without further delay, as I tendered for the land long before Messrs. Gibson, and I have been to the trouble and expense of proving that it was vacant.

I have, &c.,

WILLIAM ELLIOTT,
Care J. A. CUNNEEN.

MEMO.—Mr. Frederick's survey has not as yet been received in the office. Mr. Elliott has been constantly asserting that he has proved his case by survey at a great cost to himself, but for some reason which is unintelligible to me he has failed to submit any such evidence.

From what I can gather from Mr. Gibson and Mr. Licensed Surveyor Donkin, it appears that Mr. Frederick has not been surveying in the locality referred to, but in an adjoining run, Boga Bogalong, over country supposed to be under promise of lease to Mrs. Gibson, and certainly not covered by the tender under consideration.—E.D., 20/8/75.

No. 74.

J. A. Cunneen, Esq., M.L.A., to The Acting Chief Commissioner of Crown Lands.

Sir,

Botany-street, Surry Hills, Sydney, 13 November, 1875.

I herewith send you the plan, showing the survey by a duly authorized officer, of vacant country in the Lachlan District, tendered for by Mr. William Elliott, in May, 1861.

Had not unforeseen obstacles arisen, it would have been sent in to the department sooner.

I am, &c.,

J. A. CUNNEEN.

No. 75.

No. 75.

Office Memo.

On the enclosed tracing the space edged pink represents the land stated by Mr. Elliott to be "not under lease," or vacant Crown Lands.

The space coloured blue represents Carragabal, under its description as amended by Mr. Commissioner Beckham in 1867, adopted by the Department (see letter to Mrs. Gibson, 30 May, 67-936); accepted by her on 5 June, 67-1,272; and under which the run was appraised in 1870. In Caragabal Run papers.

The space coloured brown represents Boga Bogalong, as described in 1850, and reported on by Mr. Commissioner Beckham on 3rd April, 50-1,380, "as not including any portion of the public lands not hitherto licensed to private individuals." Most of the points named in description are now determined by survey; the only vague part of that description apparently is from "the Scalded Flat, thence to the Blind Creek, crossing Caragabal Little Plain, which divides it from Wentworth's Gully and Caragabal Runs"; and again "by the south side of Barbical Creek to the pine ridge at the west end of the Long Reach, opposite Caragabal Little Plain,"—it is not minutely defined how these points are joined, but the runs are described as conterminous. With Boga Bogalong Run papers.

The space coloured purple represents Wentworth's Gully Run, as amended in 1872 by Mr. Commissioner Futter, to more closely define it. Its original description was, "bounded by the Weddin Mountains on the east; on the south by a creek (the Burrangong Creek) dividing it from Gardiner's; on the east (? west) by a line north and south 10 miles west from the hut, dividing it from Bland and Cooraberrima; north by Caragabal Creek dividing it from Euroka."

This revised description by Mr. Futter left a piece of land coloured green on tracing not under lease, which was originally almost entirely included in the description above quoted—by which Wentworth's Gully was bounded by Caragabal Creek, Euroka Run.—E. D., 18/11/75.

No. 76.

J. A. Cunneen, Esq., M.L.A., to The Minister for Lands.

Sir,

101, Botany-street, Surry Hills, Sydney, 23 November, 1875.

In justice to the claim of Mr. W. Elliott for a lease of vacant Crown land in the Lachlan District, for which he tendered in May, 1861, I wish to call your your particular attention to the fact that, when the Tender Board opened the tender-box on that occasion, Mr. Elliott's was the only tender for the run.

I therefore submit that under the 14th clause (sec. 2) of the Occupation Act, which states that "the person making the earliest tender for a run *shall* be entitled to a lease thereof," as well as under the 60th Regulation, which states "If there be only one tender for a run, the tenderer *shall* be entitled to the lease,"—Mr. Elliott is clearly entitled to a lease of the country for which in May, 1861, he was *the only tenderer*, and many years before Gibson tendered for it at all. I have, &c.,

J. A. CUNNEEN.

Mr. Pretious,—Has Mr. Gibson's tender of October, 1869, for the land tinted green on plan lately submitted by Elliott, been accepted yet?—T.G., 2/12/75. Not accepted.—A.O.P., 2 Dec.

No. 6, Oct., 1869.

No. 77.

J. A. Cunneen, Esq., M.L.A., to The Minister for Lands.

Sir,

Botany-street, Surry Hills, Sydney, 9 December, 1875.

From a conversation which I had a short time since with Mr. Du Paur, at the Occupation Branch, concerning Mr. Elliott's application for a run in the Lachlan District, I infer it may possibly be urged his claim ought not to be complied with, because seven years after he tendered Messrs. Gibson were allowed (by some person), without the sanction of the Minister, and therefore without the sanction of the law, a very extraordinary modification of their boundaries, which, if sanctioned, will take from Mr. Elliott *his right* to a lease of land he tendered for so long before they applied for it in any shape. Such a sanction will also give them the right to monopolize nearly all the Crown Lands that exist (*according to actual survey*) between their runs by Boga Bogalong and Caragabal, with the plain object of joining those runs together as nearly as possible, and thus shutting out "the earlier tenderer" who, the law says, "shall be entitled to a lease thereof." To jump claims on the Gold Fields is not allowed, and, I am quite sure, to jump runs in the Pastoral Districts will not be tolerated. Tens of thousands of acres of public lands are comprised in the modifications, and I submit that, according to the 6th section of the Occupation Act, such areas can only be leased by direct ministerial sanction, especially in a case like this, where not only the leasing of the land is involved, but also justice to and the rights of the earlier tenderer. Even the pre-lease to a paltry 120 acres has to receive the approval of the Minister, and is announced in the *Gazette* under the sanction of his signature. I also respectfully call your attention to the fact that the late Minister for Lands, at the request of Mr. Elliott, "duly authorized an officer" (under the 9th clause of the Act) to make a survey of the vacant country desired by Elliott; this he has done, and sent a plan of its boundaries, certified by his signature, as required by the 25th section of the Act, to the proper officer in the Occupation Branch. I need scarcely add that the section above referred to makes his plan of actual survey upon the ground "legal evidence of the boundaries" therein.

In my last letter on this case I urged that, under clause 14 (section 2), and also under the 60th Regulation, Elliott was clearly entitled to a lease of the run he tendered for. In confirmation of this view of the case, and to show that it prevailed and was the practice in the administration of the department, I respectfully append to this letter the evidence of A. O. Moriarty, Esq., formerly Chief Commissioner of Crown Lands, and head of the Occupation Branch, given before a Select Committee of the Legislative Assembly in 1872-3 (see Proceedings, vol. 2, p. 996, questions 312-314).

I have, &c.,

J. A. CUNNEEN.

MEMO.

MEMO.—Having, in conjunction with my honorable colleagues the Colonial Secretary and Attorney General, given this case—particularly the later letters received from Mr. Elliott's representative (Mr. Cunneen, M.P.)—a most careful re-consideration in all its bearings, more especially those of a legal character, touching the obligation of the Crown to carry out its promises to Crown tenants,—I regret being compelled (as it appears to my honorable colleague the Attorney General) by the law to sustain the decision I have already recorded upon these papers, that Elliott's tender cannot now be entertained, the country therein referred to having been, since it was applied for by him, leased to the Messrs. Gibson, and since it was so leased twice appraised under the law. My honorable colleagues and myself are of opinion that Elliott's tender was wrongfully set aside on the report of the then Commissioner of Crown Lands for the district. If Elliott, upon being informed of this decision, should think proper to make an application for compensation for the losses he may think he has sustained by the wrongful setting aside of his tender, my colleagues and myself will be prepared to deal with it in an equitable spirit.

T.G., 9 276.

No. 78.

The Officer-in-charge, Occupation of Lands, to M. Fitzpatrick, Esq., M.L.A.

Sir,

Occupation of Lands, Sydney, 10 February, 1876.

Referring to the correspondence which has been had in reference to a claim made by Mr. Elliott for a run in the Lachlan District, I have the honor to advise you that Mr. Elliott's claim has been disallowed.

I have, &c.,

A. O. PRETIOUS,
Officer-in-charge.

No. 79.

J. A. Cunneen, Esq., M.L.A., to The Minister for Lands.

Sir,

Land Agency Office, 24 Hunter-street, Sydney, 7 February, 1876.

In reference to my letter of the 9th December last, and previous ones, concerning Mr. Elliott's tender for a run in the Lachlan District, I beg to state I have received no answer to them, and I respectfully request that I may be informed what decision, if any, has been arrived at in the case.

I have, &c.,

J. A. CUNNEEN.

No. 80.

The Officer-in-charge, Occupation of Lands, to J. A. Cunneen, Esq., M.L.A.

Sir,

Occupation of Lands, Sydney, 9 February, 1876.

Referring to your letter of the 9th December last, I am directed by the Honorable the Minister for Lands to inform you that, having in conjunction with his colleagues the Colonial Secretary and the Attorney General, given this case (and more particularly Mr. Elliott's later representations tendered by you as his representative) a most careful reconsideration in all its bearings, more especially those of a legal character, touching the obligation of the Crown to carry out its promises to Crown tenants, he regrets being compelled (as it appears to the Honorable the Attorney General) by the law to sustain the decision he has already given in this matter, *i.e.*, that Mr. Elliott's tender cannot now be entertained, the country therein referred to having, since it was applied for by him, been leased to the Messrs. Gibson, and since it was so leased twice appraised under the law.

I am to add that the Honorable the Minister and his colleagues are of opinion that Mr. Elliott's tender was wrongfully set aside on the report of the then Commissioner of Crown Lands for the district.

If Mr. Elliott, after this intimation, should think proper to make an application for compensation for the losses he may think he has sustained by the wrongful setting aside of his tender, the Minister for Lands and his colleagues will be willing to deal with it in an equitable spirit.

I have, &c.,

A. O. PRETIOUS,
Officer-in-charge.

No. 81.

Minute of Chief Draftsman.

The annexed tracing illustrates, to the best of my judgment, the literal construction to be put on the very vague descriptions under which the leases of the runs shown thereon were demanded in 1848.

Boga Bogalong.

This description can be fairly followed from the Mulyra Springs to the Weddin Mountains to the southward, and again from the same springs by the Wheogo Ranges to the Long Reach. The description is incomplete in not joining those points (the Weddin Mountains and the Long Reach), between which I have drawn a straight broken line. The description states specifically that Boga Bogalong joins Rossi Creek and Wentworth Gully Runs.

Wentworth Gully.

This description gives the Weddin Mountains as its common boundary with Boga Bogalong Run; it states the run to be bounded on the north by Caragabal Creek, and on the west by a north and south line 10 miles west of the hut, which would cut that creek at or about the Upper or S.-E. Waterhole.

Rossi

Rossi Creek.

This description appears to be entirely overlapped by Wentworth's Gully. It was probably to correct this that the Commissioner attempted his revision of the descriptions which ended in his leaving out the portion of land marked green on former tracing, which was up to that time undoubtedly covered by original description of Wentworth Gully Run.

Caragabal.

This description was for land coloured blue, on north side of creek. This original description was, as already pointed out, amended in 1866 on request of lessees, revised by Commissioner, and adopted by the Government on his recommendation. This revision placed Caragabal on the south side of the creek in land which otherwise was vacant Crown Lands.

E. D.,
17/12/75.

No. 82.

J. A. Cunneen, Esq., M.L.A., to The Minister for Lands.

Sir,

24 Hunter-street, Sydney, 10 February, 1876.

I have the honor to acknowledge the receipt of your communication of yesterday, in which I am informed, in reply to my letter of the 9th December last, "Mr. Elliott's tender cannot be now entertained," but that "the Hon. Minister for Lands and his colleagues are of opinion that his tender was wrongfully set aside," and that if he should think proper to make an application for compensation for any losses he may think he has sustained by such wrongful setting aside of his tender, the Minister for Lands and his colleagues will be willing to deal with in an equitable spirit.

Under these circumstances, I respectfully apply for compensation to Mr. Elliott for losses sustained—(1.) For the expenses of the duly authorized survey, which proved there was in 1861 (when Elliott tendered) vacant Crown Land, although the Commissioner of Crown Lands of the District reported there was none, £280. (2.) For loss of the station by "the wrongful setting aside of his tender," £3,000. This amount, considering the capability of the run, and its situation near good markets for stock, and in view of the profits derived from pastoral property (without considering what the value of it would be in the market) since 1861, is a small amount; indeed, had Mr. Elliott received his lease when entitled to it, he could have made a considerable fortune from the run since then, and be in a position to sell out now for a large sum.

Trusting that this application will receive your ear consideration,—

I have, &c.,
J. A. CUNNEEN.

THE Cabinet approve of the amount paid by Elliott for survey of the country claimed by him being paid to him. As to the question of amount of compensation for the loss of run tendered for by him, and since leased to Messrs. Gibson, the Cabinet are of opinion that inquiries should be made as to the reasonableness of the demand.

J. R.
T. G.

WITH reference to the Minute of the Cabinet as to payment to Elliott of the cost of survey, I desire that steps should be taken to obtain the amount from the Treasurer's Advance Account.

With reference to the claim for compensation for the loss of the land applied for by him—*i.e.*, the loss sustained by Elliott by reason of not being put in possession of the run at the time he tendered for it, and thereby being deprived of the benefits that may have accrued from its use from that period until the present—this question should be referred to Mr. Commissioner Futter at once for his report.

The plans may be sent.

T.G.

The Officer-in-charge, Occupation of Lands, to J. A. Cunneen, Esq., M.L.A.

Sir,

Occupation of Lands, Sydney, 3 March, 1876.

In reply to your letter of the 10th ultimo, having reference to a certain tender for vacant country made by Mr. Wm. Elliott, under date of 2nd April, 1861, I am directed by the Honorable the Secretary for Lands to inform you that the Under Secretary for Finance and Trade has been requested to take such steps as may be necessary for the refund to Mr. Elliott of the sum of £280 expended by him with a view of determining whether there was any vacant country in the locality indicated in the tender above referred to.

With reference to the claim for compensation for loss of the land applied for by Mr. Elliott—*i.e.*, the loss sustained by him by reason of not being put in possession of the run at the time he tendered for it, and thereby being deprived of the benefits that may have accrued from its use from that period to the present,—I am directed to advise you that this question has been referred to Mr. Commissioner Futter for his immediate report.

I have, &c.,
A. O. PRETIUS,
Officer-in-charge.

No. 83.

No. 83.

The Officer-in-charge, Occupation of Lands, to The Under Secretary for Finance and Trade.

Sir,

Occupation of Lands, Sydney, 3 March, 1876.
I have the honor to inform you that Mr. Wm. Elliott's tender, noted in the margin, was declined, under date of the 27th March, 1862, the District Commissioner having reported that the land tendered for was included in runs already under lease.

With a view of determining whether there was any vacant country in the locality, Mr. Elliott was at the expense of making certain surveys by a licensed surveyor.

The refund of the expenditure thereby incurred, viz., £280, has been approved by the Cabinet, and the Honorable Secretary for Lands desires, therefore, that steps should be taken to obtain the amount from the Treasurer's Advance Account.

I have, therefore, to request that you will favour me by taking such steps as may be necessary to this end.

I have, &c.,

A. O. PRETIOS,

Officer-in-charge.

No. 84.

The Officer-in-charge, Occupation of Lands, to Mr. Commissioner Futter.

Sir,

Occupation of Lands, Sydney, 16 March, 1876.
Mr. W. Elliott having made a claim for compensation for loss of certain land tendered for by him in May, 1861, and since leased to the Messrs. Gibson—*i.e.*, the loss sustained by him by reason of his not being put into possession of the run at the time he tendered for it, thereby being deprived of the benefit that may have accrued from its use from that period until the present,—I am directed by the Secretary for Lands to request that you will make inquiries into the matter, and report what amount in your opinion could reasonably be demanded by Mr. Elliott in way of compensation.

I enclose for convenient reference an abstract of the tender, together with the plan of the locality indicated therein.

I have, &c.,

A. O. PRETIOS,

Officer-in-charge.

The written copy of a communication forwarded to Mr. Commissioner Futter at Murrumburrah, under date of the 16th instant, is referred for immediate report, the matter being of an urgent nature.—A.O.P., B.C., 28/3/76. Plan enclosed.

No. 85.

J. A. Cunneen, Esq., M.L.A., to The Officer-in-charge, Occupation of Lands.

Sir,

Land Agency Offices, 24, Hunter-street, Sydney, 21 March, 1876.
In your communication of the 3rd instant concerning Mr. Elliott's claim for compensation, you kindly informed me "that this question has been referred to Mr. Commissioner Futter for his immediate report"; I now respectfully request to be informed if the report has been obtained, and if not, that it may be had as soon as possible, as it is a matter of pressing importance.

Yours respectfully,

J. A. CUNNEEN.

No. 86.

The Officer-in-charge, Occupation of Lands, to J. A. Cunneen, Esq., M.L.A.

Sir,

Occupation of Lands, Sydney, 29 March, 1876.
Referring to your letter of the 21st instant respecting Elliott's claim for compensation for non-acceptance of his tender, I have the honor to inform you that the matter is in the hands of Mr. Commissioner Futter, who is now in Sydney on sick leave.

I have, &c.,

A. O. PRETIOS,

Officer-in-charge.

No. 87.

J. A. Cunneen, Esq., M.L.A., to The Acting Chief Commissioner of Crown Lands.

Sir,

Land Agency Office, 24, Hunter-street, Sydney, 27 March, 1876.
Mr. W. Elliott's tender for a run in the Lachlan District having been refused, I respectfully request that you may make the usual communication to the Treasury, with a view of the £2 10s. deposit paid on the tender being refunded.

I am, &c.,

J. A. CUNNEEN.

No. 88.

The Officer-in-charge, Occupation of Lands, to J. A. Cunneen, Esq., M.L.A.

Sir,

Occupation of Lands, Sydney, 30 March, 1876.
Referring to your letter of the 27th instant, I have the honor to inform you that the deposit paid on Mr. Elliott's declined tender for a run called Carrickabool will be refunded on application at the Treasury.

I have, &c.,

A. O. PRETIOS,

Officer-in-charge.

No. 89.

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No. 89.

Mr. Commissioner Futter to the Officer-in-charge, Occupation of Lands.

Sir,

Sydney, 6 April, 1876.

Referring to your letter of the 16th ultimo, requesting me to report, for the information of the Honorable the Minister for Lands, what amount, in my opinion, Mr. W. Elliott could reasonably demand in way of compensation, for the loss sustained by him by reason of his not having been put into possession of certain lands tendered for by him in May, 1861, and since leased to the Messrs. Gibson,—I have the honor to inform you that I have inquired into the matter, and find there is at least one prior tender for the same country (tender annexed); I therefore consider that on these grounds alone Mr. Elliott is not entitled to any compensation whatever.

I may also state that, if Mr. Elliott were allowed compensation, other and prior tenderers would very possibly make a similar demand.

I have, &c.,

JOHN S. FUTTER, C.C.L.

No. 90.

Mr. Commissioner Futter to The Officer-in-charge, Occupation of Lands.

Sir,

Sydney, 10 April, 1876.

Referring to the conversation which took place at your office on the 8th instant, on the subject of my report of the 6th instant, on the matter of Mr. W. Elliott's claim for compensation, in which you stated that the Honorable the Minister was of opinion that I had mistaken the nature of the information required from me, and that it was not a question as to whether compensation should be granted or not, but simply one as to the amount of such compensation,—I have the honor to inform you that I am this day returning to my district, and that immediately on my arrival there I will make the necessary inquiries and calculations to enable me to estimate the amount that Mr. Elliott could reasonably demand; and trust to be able to forward my report by the 20th instant.

I have, &c.,

JOHN S. FUTTER, C.C.L.

No. 91.

Mr. Commissioner Futter to The Officer-in-charge, Occupation of Lands.

Sir,

Crown Lands Office, Murrumburrah, 17 April, 1876.

Referring to my letter of the 10th instant, and in pursuance of the direction of the Honorable the Minister for Lands that I should report what in my opinion was the amount that Mr. W. Elliott could reasonably demand in way of compensation for the loss accruing from his being deprived of the use of the country tendered for by him in May, 1861, from that period up to the present date,—I have the honor to inform you that, having made careful calculations, I consider that a sum of two thousand pounds (£2,000) would represent approximately the profits which might have been made from the occupation of the country indicated in Mr. Elliott's tender, viz., about 15 square miles.

I have, &c.,

JOHN S. FUTTER,
C.C.L.

Appendix.

No. 1.

Mr. P. W. Street to The Minister for Lands.

Sir,

Young, 14 April, 1877.

I do myself the honor to address you in reference to a claim of long standing, put forward by a person named Elliot, to compensation for the loss of a lease of Crown Lands situated in the Lachlan District, for which he tendered some fifteen years since, and failed to obtain, from one cause or another immaterial to me. Elliot appears to have proved or carried his claim to a point at which the late Government contemplated granting him the compensation sought. My desire is now respectfully to protest against any compensation being granted to Elliot.

I claim compensation myself for the loss of the lease of the same land, having tendered for it in 1849. My tenders are or should be in existence, and a record of them be found in the Record Book of Tenders in the Crown Lands Occupation Office.

My tenders were the only ones sent in for the land in question in 1849. The reply first received by me after the tenders were opened by the Board appointed for the purpose was that my tenders had been received, subject to and awaiting the report of the Commissioner of the district. Subsequently I received a notification from the Lands Office, to the effect that the land applied for by me was included within the lease of lands held by one A. Gibson; this has since been proved to be incorrect, and Elliot, who tendered for a part or the whole of the same land some years after I did, seems to have made good his claim—he and the Government of the period being in ignorance of my tenders of prior date.

My tenders were in the name of P. J. and A. Street; and, for the loss of the lease or leases of the land so tendered for in 1849, I now respectfully claim that the compensation when determined upon be paid to me, and not to Elliot, and in my case to be computed from the date of tender.

I have, &c.,

P. WOOD STREET.

No. 2.

No. 2.

Mr. P. W. Street to The Colonial Secretary.

1 October, 1849.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

In accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette* of the 7th October, 1847, and of the Regulations of 1st January, 1848, published in pursuance thereof, I, Philip W. Street, of Canowindra, do hereby propose to take a lease for fourteen years of the Crown Lands known as Barbagal, in the District of Lachlan, which lands are particularly described in the Schedule annexed to this Tender. And, in consideration of such lease, I am willing, and hereby offer to pay yearly in advance the minimum rent, £10, with £2 10s. added, for every 1,000 sheep or their equivalent in cattle, above 4,000 sheep or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying, and also the additional sum of yearly rent in advance of 1s. for every 1,000 sheep or their equivalent as aforesaid, by way of premium for the said lease.

Given under my hand, this 26th day of September, A.D. 1849,—

P. WOOD STREET.

Commissioner, 16 Oct.; and party, 20 Oct.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Name of Run.	Estimated number of Acres.	Estimated Capability for Grazing.		Description of the land by reference to leading geographical features and marked or determined boundary lines.
			Cattle.	Sheep.	
E. Beckham, Lachlan	Barbagal...	16,000	640	.....	Commencing at a point on the Barbagal Creek, where Mrs. Gibson's boundary of Boogaling Run crosses that creek, extending down the south side of that creek 5 miles, and running back at right angles to it 5 miles, to include 25 square miles.

P. WOOD STREET.

No. 3.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir, Crown Commissioner's Office, Binalong, 26 February, 1850.

I do myself the honor to acknowledge the receipt of your circular, No. 992, of 16 October last, requesting my report upon an abstract of a tender for a new run in favour of Mr. Phillip Street; and beg leave to state,—1st. That this tender comprises land already under license to Mrs. Gibson. 2nd. The boundaries of the land tendered for should be amended as follows:—Bounded on the east by Mrs. Gibson's west boundary of Bogalong; on the west by Mrs. Gibson's east boundary of Bland North, by the Barbagal or Caragabal Creek; south by a line running east and west four miles south of the aforesaid creek, until it meets the Bogalong and Bland Runs. Estimated to contain about 17,920 acres. Estimated grazing capabilities—600 cattle or 4,000 sheep. 3rd. This land was always considered as belonging to and forming a portion of the Caragabal station, lately transferred by Mr. Rodd to Mr. Heiland, but it has not been claimed by advertisement in the *Government Gazette* of the 27 September, 1848. 4th. I do not consider that the public interest requires that any portion of the land above described should be reserved for other public purposes than roads. 5th. The land referred to is of such a dry and barren nature that I consider it will require fully the quantity estimated to depasture 600 cattle or their equivalent in sheep.

I have, &c.,

EDGAR BECKHAM,

C. C. Lands.

No. 4.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir, Crown Commissioner's Office, Binalong, 30 May, 1850.

Adverting to my letter of the 26th March last, reporting on a communication from Mr. J. Heiland, intimating that a portion of his run called Caragabal has been tendered for, and your letter of the 27th ultimo, informing me that the Barbagal Run, as adjusted, will now be offered to public competition,—I do myself the honor to state that, from information recently received, I am induced to believe that a portion of the land called Barbagal, which I have described as eligible for tender in the adjusted run, belongs to the Caragabal station, as claimed by Mr. Rodd, and published in the *Government Gazette* of the 27th September, 1848.

2. There are two small creeks close to each other, one called Barbagal and the other Caragabal, and it appears that the former was pointed out to me as being Caragabal, which led me astray in marking out the run.

3. It is impossible for me to lay down the boundaries of a new run in that locality until such time as those of the adjoining stations have been determined and marked, and would beg leave to suggest that the Barbagal Run should not be offered to public competition until such time as an accurate survey has been made.

I have, &c.,

EDGAR BECKHAM,

C. C. Lands.

The adjusted run Barbagal has already been put up to tender by the notice of 29th ultimo, according to the Commissioner's description. It will be necessary, I presume, to have a notice inserted in the *Gazette* withdrawing it.

Prepare notice, 27 June. Notice dated 1 July, 1850. Mr. Commissioner Beckham, 29 June, 1850.

No. 5.

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No. 5.

As it appears from the report of the Commissioner that this tender comprises a portion of land already under license, we recommend that this tender be rejected, and that the adjusted run be offered to public competition.

C. B. RIDDELL.
T. L. MITCHELL.
FRANCIS L. S. MEREWETHER.

March 4, '50.

GEO. BARNEY.

Approved—CHARLES FITZ ROY.

Mr. Street—Commissioner—27 April, 1850. No. 4, in notice of 29 May, 1850. Mr. Street—
Commissioner—11 June, 1850.

No. 6.

Mr. P. W. Street to The Colonial Secretary.

1 October, 1849.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

In accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette*, of the 7th October, 1847, and of the Regulations of 1st January, 1848, published in pursuance thereof, I, Phillip Wood Street, of Canowindra, do hereby propose to take a lease for fourteen years of the Crown Lands known as Carragabal, in the district of Lachlan, which lands are particularly described in the Schedule annexed to this Tender; and in consideration of such lease, I am willing and hereby offer to pay yearly, in advance, the minimum rent of £10, with £2 10s. added, for every 1,000 sheep, or their equivalent in cattle, above 4,000 sheep, or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying, and also the additional sum of yearly rent in advance, of 1s. for every 1,000 sheep, or their equivalent as aforesaid, by way of premium for the said lease.

Given under my hand, this 27th day of September, A.D. 1849.

P. WOOD STREET.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Name of Run.	Estimated Number of Acres.	Estimated Capability for Grazing.		Description of the land by reference to leading geographical features, and marked or determined boundary lines.
			Cattle.	Sheep.	
Mr. E. Beckham, Lachlan...	Carragabal ...	16,000	640	.....	Commencing at a point on the south side of the Barbagal Creek where the lower boundary of Barbagal Run also applied for by me joins that creek, extending down 5 miles and running back at right angles to the said creek 5 miles, to include (25) square miles.

P. WOOD STREET.

No. 7.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir,

Crown Commissioner's Office, Binalong, 21 February, 1850.

I do myself the honor to acknowledge the receipt of your circular, No. 992, of the 16th October last, requesting my report upon an abstract of a tender for a new run, in favour of Mr. Phillip Street, and beg leave to state that all the land referred to in the above tender is identical with that applied for by Mr. Street, in tender No. 51 of October last, the boundaries of which were amended in my report of the 20th instant.

I have, &c.,

EDGAR BECKHAM,
C. C. Lands.

As it appears from the report of the Commissioner that the land herein applied for is identical with that described in another tender opened at the same time, and which has been recommended to be offered to public competition as an adjusted run, we recommend that this tender be declined.—March 4/50.

C. B. RIDDELL.
T. L. MITCHELL.
FRANCIS L. S. MEREWETHER.

GEO. BARNEY.

Approved—CHARLES FITZ ROY.

Mr. Street and Commissioner informed, 27 April, 1850.

Mr. Street referred to notice of 29 May.—11 June, 1850.

Mr. John M'Guire to The Colonial Secretary.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

In accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette* of the 7th October, 1847, and of the Regulations of 1st January, 1848, published in pursuance thereof, I, John MacGuire, of Weogo, Canowindra, do hereby propose to take a lease for fourteen years of the Crown Lands known as Caracabal Plain, in the district of the Lachlan, which lands are particularly described in the Schedule annexed to this Tender; and in consideration of such lease, I am willing and hereby offer to pay yearly in advance the minimum rent of £10, with £2 10s. added for every 1,000 sheep or their equivalent, in cattle, above 4,000 sheep, or their equivalent, which the run shall under the provisions of the said Order in Council be estimated as capable of carrying; and also the additional sum or yearly rent in advance of _____ for every 1,000 sheep, or their equivalent, as aforesaid, by way of premium for the said lease.

Given under my hand, this 22nd day of November, A.D. 1849,—

JOHN M'GUIRE.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Name of Run.	Estimated number of Acres.	Estimated Capability for Grazing.		Description of the lands by reference to leading geographical features and marked or determined boundary lines.
			Cattle.	Sheep.	
The Lachlan, Caracabal Creek.	Caracabal Plain.	16,000	640	.....	Commencing at a gum-tree marked on four sides, on the south bank of the Caracabal Creek, at the back boundary line of Mrs. Gibson's run Bland; and bounded on the west by that boundary line bearing south 5 miles; on the south by unlocated Crown Lands, and a line bearing east to the lower boundary line of Mrs. Gibson's Bogolong; on the east by that boundary line to the Caracabal Creek; and on the north by that creek to the point of commencement aforesaid.—Leading geographical features undulating plains.

JOHN M'GUIRE.

No. 9.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir,

Crown Commissioner's Office, Binalong, 22 February, 1850.

John M'Guire,
Caracabal Plain
To be adjusted
and offered to
competition.

I do myself the honor to acknowledge the receipt of your circular of the 5th December last, requesting my report upon an abstract of a tender for a new run in favour of Mr. John M'Guire, and beg leave to state that all the land referred to in the above tender is identical with that applied for by Mr. Phillip Street, in tender No. 51 of October last, the boundaries of which were amended in my report of the 20th instant.

I have, &c.,

EDGAR BECKHAM,

C. C. Lands.

The land herein described having been recommended to be offered to public competition as an adjusted run, we recommend that this tender be rejected.

March 4 /50.

C. B. RIDDELL.

T. L. MITCHELL.

FRANCIS L. S. MEREWETHER.

GEO. BARNEY.

Approved.—CHS. FITZ ROY.

Mr. M'Guire and Commissioner informed.—27 April, 1850.

No. 10.

Mr. A. J. Brown to The Surveyor General.

Hon. Sir,

Bland Plain, 17 July, 1858.

There being a small block of unclaimed land called Carrackabal, Big Plain and Swamp, bounded by Mrs. Gibson's on the west, and by Mr. John Healand on the north, and south by Mr. Chisholm, by the east boundary unoccupied land; the same has been refused by Mr. Beckham on the person obtaining stations and selling them, making a traffic of Government Crown Lands. The person refused thus is of the name of John Maguire, and none that I intended to tender for; the said Carralable, Big Plain and Swamp, he hath no other way to obtain the place mentioned than by employing a barrister of Bathurst, and being informed that Mr. Beckham had left your department, leaving no doubts of him obtaining the same, he sold the last a few weeks past for the sum of £1,100, and he has no cattle to furnish such runs; therefore should Major Barney inquire from Mr. Beckham he will find this correct, and I hope this will be in due time to claim it, as I wish to tender for the same, and with due respect, I remain, Major Barney's

Humble and obdt. servant,

ANTHONY J. BROWN.

(Care of W. Jemmeson, Esq., Bland Plains Level, near Muringo, Yass District.)

No. 11.

No. 11.

The Chief Commissioner of Crown Lands to Mr. Commissioner Futter.

Sir,
Crown Lands Office, Sydney, 5 October, 1858.
I have the honor to draw your attention to your letter of the 30th May, 1850, recommending that the forfeited run called Barbagal should not be offered to public competition until such time as an accurate survey has been made, as you were led to believe that it formed a portion of the Carabagal Run, and to request that you will now inform me whether the boundaries of the adjacent runs have been determined as to render the further withholding of the Barbagal Run from public competition unnecessary.

GEO. BARNEY,
C.C.C.L.

P.S.—You will transmit to me a correct description of the boundaries of the Barbagal Run.—G.B.

No. 12.

Mr. S. Stinson to The Chief Commissioner of Crown Lands.

Tender for a lease of a vacated or forfeited Run of Crown Lands. Intermediate or Unsettled Districts.

In accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette* of the 7th October, 1847, and of the Regulations of 1st January, 1848, published in pursuance thereof, I, Samuel Stinson, of Cunningham Creek, Binalong, do hereby propose to take a lease for fourteen years of the Crown lands known as Barbagal, in the district of Lachlan, which lands are described in the public notice relating thereto in the *Government Gazette* of the 30th day of May, 1850, and also in the Schedule to this Tender annexed; and in consideration of such lease I am willing and hereby offer to pay yearly in advance the minimum rent of ten pounds, with two pounds ten shillings added for every thousand sheep, or their equivalent in cattle, above four thousand sheep, or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying, and also the additional sum or yearly rent in advance of one pound five shillings for every thousand sheep or their equivalent as aforesaid, by way of premium for the said lease.

Given under my hand, this 30th day of May, A.D. 1850.

SAMUEL STINSON.

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Name of Run.	Estimated number of Acres.	Estimated Capability for Grazing.		Description of the land by reference to leading geographical features and marked or determined boundary lines.
			Cattle.	Sheep.	
Lachlan	Barbagal...	17,320	640	.....	Bounded on the east by Mr. Gibson's west boundary of Bogalong; on the west by Mr. Gibson's east boundary of Bland; north by the Barbagal or Caragabal Creek; south by a line running east and west 4 miles south of the aforesaid creek until it meets the Bogalong and Bland Runs.

SAMUEL STINSON.

No. 13.

Mr. R. Julian to The Colonial Secretary.

Tender for a lease of a new Run of Crown Lands. Intermediate or Unsettled Districts.

In accordance with the provisions contained in Her Majesty's Order in Council, published in the *New South Wales Government Gazette* of the 7th October, 1847, and of the Regulations of 1st January, 1848, published in pursuance thereof, I, Richard Julian, of Terrama, near Goulburn, do hereby propose to take a lease for fourteen years of the Crown Lands known as Burbagal, in the district of Lachlan, which lands are particularly described in the Schedule annexed to this Tender: And in consideration of such lease I am willing, and hereby offer to pay yearly, in advance, the minimum rent of £10, with £2 10s. added for every thousand sheep, or their equivalent in cattle, above four thousand sheep, or their equivalent, which the run shall, under the provisions of the said Order in Council, be estimated as capable of carrying; and also the additional sum or yearly rent in advance of £4 2s. 6d. for every thousand sheep, or their equivalent as aforesaid, by way of premium for the said lease.

Given under my hand, this 20th day of July, A.D. 1850,—

RICHARD JULIAN.

The premium I have offered (namely, £4 2s. 6d. for every thousand sheep) makes the total annual premium amount to £16 10s., having estimated the run as capable of carrying 4,000 sheep.

SCHEDULE

SCHEDULE referred to in the foregoing Tender.

Commissioner's District and general Locality.	Name of Run.	Estimated number of Acres.	Estimated Capability for Grazing.		Description of the lands by reference to leading geographical features, and marked or determined boundary lines.
			Cattle.	Sheep.	
Lachlan	Barbagal...	17,920	.....	4,000	Bounded on the east by Mr. Gibson's west boundary of Bogalong; on the west by Mr. Gibson's east boundary of Bland; north by the Barbagal or Carragabal Creek; south by a line running east and west 4 miles south of the aforesaid creek, until it meets the Bogalong and Bland Runs.

RICHARD JULIAN.

No. 14.

Adjusted Run. Schedule No. 4. For Barbagal Run.

Withdrawn from public competition by note of 1st July, 1850.

Mr. Julian, Mr. Stinson, 18 Sept., 1850.

SCHEDULE of Tenders opened on Monday, the 5th August, 1850, for a Run of Crown Lands in the District of Lachlan, called Barbagal, being No. 4 of the adjusted Runs described in the Government Notice of 29th May, 1850.

No.	Name of Party tendering.	Premium offered.	Remarks.
1	Richard Julian	£ s. d. 4 2 6	
2	Samuel Stinson	1 5 0	

The above run having been withdrawn from competition, as notified in the *Government Gazette* of the 1st July last, we beg to recommend that the above tenders be declined.

C. B. RIDDELL.
FRANCIS L. S. MEREWETHER.

GEO. BARNEY.

Approved,—CH. FITZ ROY.

No. 15.

Mr. Commissioner Beckham to The Chief Commissioner of Crown Lands.

Sir,

Crown Lands Office, Binalong, 7 December, 1858.

I do myself the honor to acknowledge the receipt of your letter, drawing my attention to my letter of the 30th May, 1850, recommending that the forfeited run called Barbagal should not be offered to public competition until such time as an accurate survey had been made, as I was led to believe that it formed a portion of this Carragabal Run, and requesting me to inform you whether the boundaries of the adjacent runs have been so determined as to render the further withholding of the Barbagal Run from public competition unnecessary; and beg leave to report that I have now made a careful survey of the stations in question, and find that the land described as the Barbagal Run is comprised in the Carragabal and Uoga Runs, under license to Messrs. Steiland and Walsh, and that there is not unalienated and vacant land for a run, and beg leave to recommend that the Barbagal forfeited run be fully withdrawn from competition.

I have, &c.,

EDGAR BECKHAM,
Commissioner of Crown Lands.

No. 16.

The Chief Commissioner of Crown Lands to Mr. Commissioner Beckham.

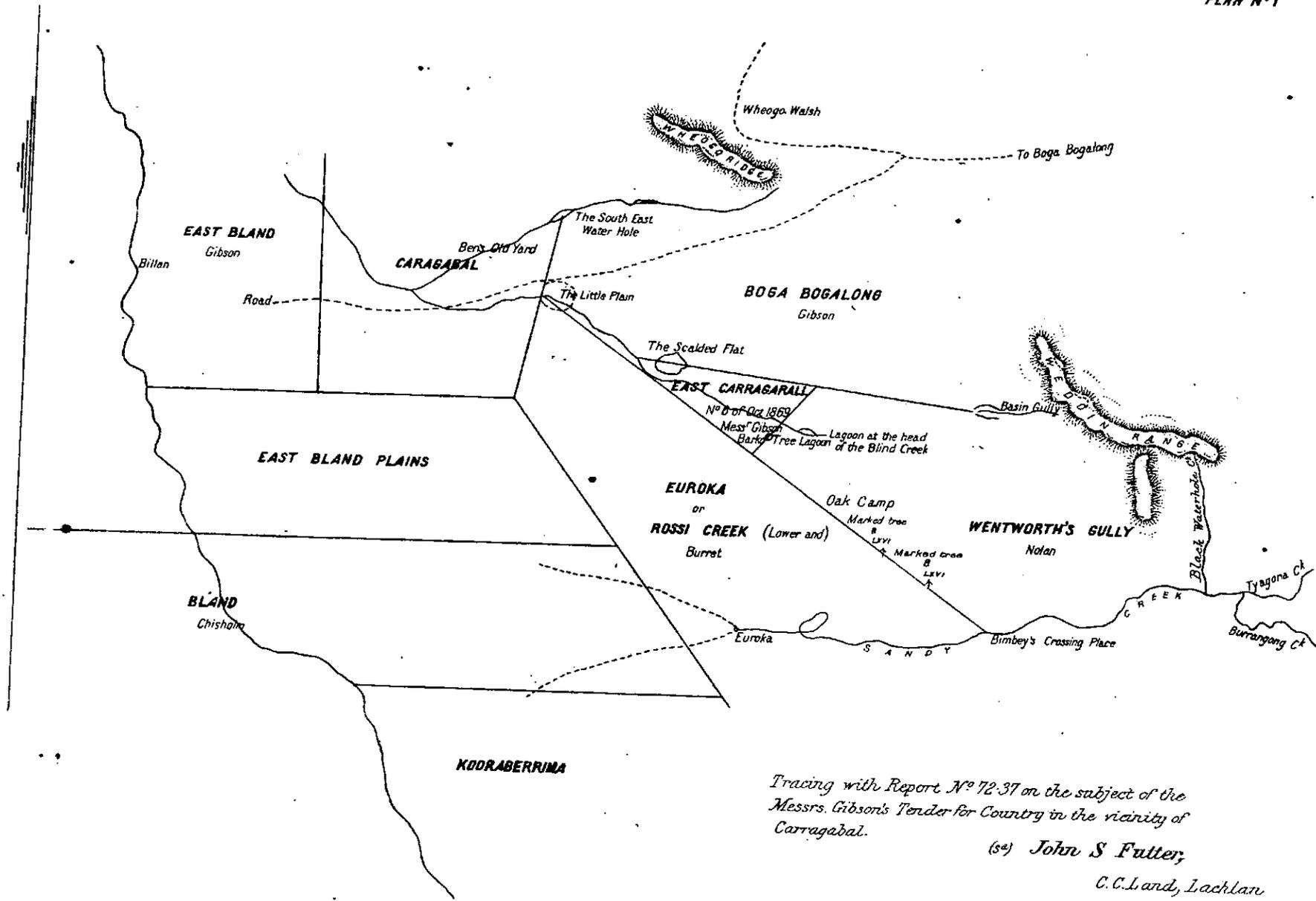
Sir,

10 January, 1859.

I beg to acknowledge the receipt of your letter of the 7th ultimo, and to inform you that, under the report therein contained, the forfeited run called Barbical will not again be offered to public competition.

GEO. BARNEY,
C.C.C.L.

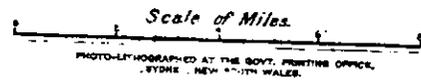
[Three plans.]



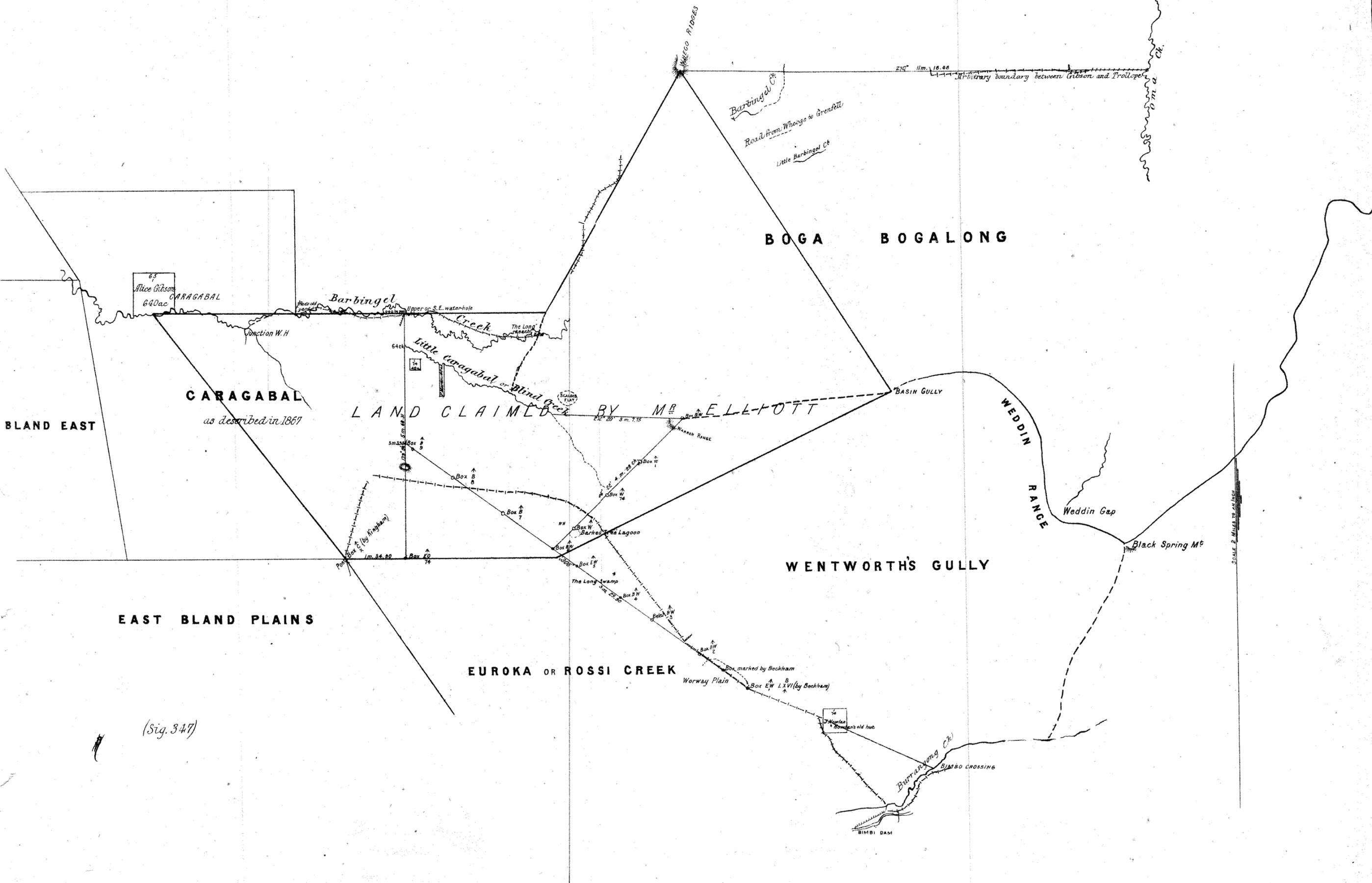
Tracing with Report N° 7237 on the subject of the Messrs. Gibson's Tender for Country in the vicinity of Carragabal.

(s^e) John S Fuller;
C. C. L. and, Lachlan

(Sig. 347)



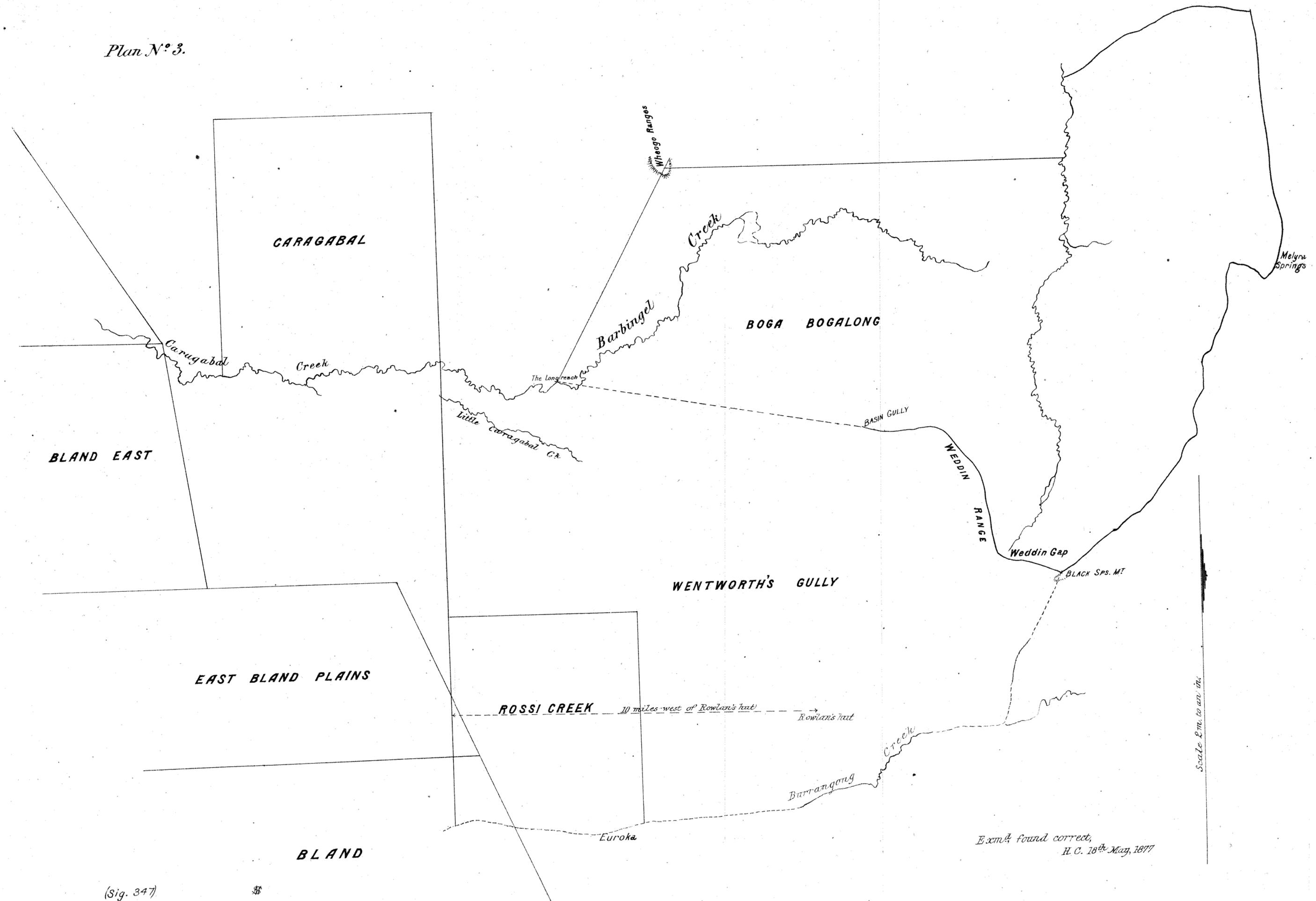
Exam^d found correct,
H. C. 18 May, 1877.



(Sig. 347)

SCALE 2 MILES TO AN INCH

Plan N° 3.



BLAND EAST

CARAGABAL

BOGA BOGALONG

EAST BLAND PLAINS

WENTWORTH'S GULLY

BLAND

ROSSI CREEK

Euroka

WEDDIN RANGE

Weddin Gap

BLACK SPS. MT.

Melyna Springs

Wheogo Ranges

The Long reach

Little Caragabal Cr.

Barbingel Creek

Basin Gully

Barrangong Creek

10 miles west of Rowlan's hut → Rowlan's hut

Scale 2 m. to an in.

Exam^d found correct,
H. C. 18th May, 1877

(Sig. 347)

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ALIENATED CROWN LANDS, PORT JACKSON.

(ALIGNMENT OF, ABUTTING ON WATER FRONTAGE.)

Ordered by the Legislative Assembly to be printed, 19 June, 1877.

RETURN (in part) to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 22nd February, 1876, That there be laid upon the Table of this House,—

- “(1.) A Return and Plan showing the alignment or limit-line of the lands
 “alienated by the Crown to private persons and abutting on the water
 “frontage of Port Jackson, from the western end of Liverpool-street, along
 “the eastern side of Darling Harbour, and of the shores of Port Jackson,
 “to the city boundary at Rushcutter’s Bay.
- “(2.) A Return and Plan showing the alignment or limit-line of the lands
 “alienated by the Crown, and abutting on the waters of Port Jackson,
 “between Glebe Island Bridge, along the western, northern, and eastern
 “sides of Pyrmont, Ultimo, and Darling Harbour, to the western end of
 “Liverpool-street.
- “(3.) A Return showing the several parcels of land covered with water
 “held on sufferance, and on what terms, from the Crown by private persons,
 “along the said alignment, or limit-line, of lands described in sections
 “one and two.”

(*Mr. Macintosh.*)

ALIENATED CROWN LANDS, PORT JACKSON.

ENCLOSURE to the Surveyor General's letter of — January, 1877, being in part satisfaction of information asked for by Mr. Macintosh, respecting alienated lands, Port Jackson, on 22nd February, 1876.

Locality.	Reclamations purchased from the Crown.	Reclaimed lands not yet purchased. (Areas approximate.)		Wharfs and jetties on piles. (Areas approximate.)		
		a. r. p.	a. r. p.	a. r. p.	a. r. p.	
South of Flood's Wharf .....	.....	.....	Applied for by T. D. Edwardes, under 9th section of Crown Lands Act of 1861; purchase not yet completed. Misc. 75-2,430.	0 1 9	Jetty and wharf on piles; permission given to T. D. Edwardes. Misc. 75-2,430.	0 0
Towns' Wharf .....	.....	.....	Applied for by Trustees of the late R. Towns, under 9th section of Crown Land Act of 1861, and approved; survey not yet made. Misc. 75-11.	0 0 37	Jetty on piles; permission given to Charles Smith. Misc. 74-4,797.	0 0 16
Smith's Wharf.....	Charles Smith	0 1 2	.....	.....	Extensions of wharf and jetty on piles; permission given to Charles Smith. Misc. 72-3,345. Permission also given to extend wharf adjoining his southern boundary. S.B. 7, fol. 3.	0 0 9
Cuthbert's Wharf	John Cuthbert	1 1 7½	Fronting part of John Cuthbert's purchased reclamation of 1 acre 1 rood 7¼ perches.	0 0 17	Jetty on piles; no permission traceable.	0 0 4
Foot of Clyde-street .....	.....	.....	Land filled in fronting street ..	0 0 3	.....	.....
Langford's Boat-shed.....	William Langford.....	0 0 10	Fronting part of W. Langford's purchased reclamation of 10 perches.	0 0 0½	.....	.....
Adjoining Langford's .....	.....	.....	Applied for by John Craig and others, under 9th section of Crown Lands Act of 1861, and approved; purchase not yet completed. Misc. 76-942.	0 0 5	.....	.....
Osborne's Wharf.....	.....	.....	Applied for by Trustees of the late Henry Osborne, under 9th section of Crown Lands Act of 1861; purchase not yet completed. Misc. 76-9,298.	0 0 17½	.....	.....
Corporation Reserve .....	.....	.....	.....	.....	.....	.....
Buckley's Wharf.....	.....	.....	Applied for by Staunton Spain, under 9th section of Crown Lands Act of 1861, and approved; purchase not completed. 76-27 S.P.	0 0 2	Jetty on piles; no permission traceable.	0 0 1
Paton's Wharf .....	.....	.....	Applied for by Theophilus Paton, under 9th section of Crown Lands Act of 1861, and approved; purchase not yet completed.	0 0 6	.....	.....
Cureton's Wharf .....	.....	.....	Stone wharf; permission given in 1849 to erect a wharf.	0 0 18	.....	.....
Rountree's Floating Dock ..	Francis Hely and Alex. Harper. } Francis Hely and Alex. Harper, } fronting the preceding.	0 2 24 } 0 1 23 }	.....	.....	Floating dock attached to piles, whole area about 25 perches, area of portion beyond the boundary of their purchased 1 rood 23 perches.	0 0 23
Gas Works	Ralph Mansfield, for the Australian Gas Light Company. } Do. do. } Do. do. }	0 2 32 } 0 0 15 } 0 2 13 }	.....	.....	Wharf on piles, fronting the purchased reclamation of 2 roods 22 perches; no permission traceable.	0 0 6
Grafton Wharf.....	Charles Smith and Henry Challis } Charles Smith } Do. }	0 0 1 } 0 0 18½ } 0 1 34½ }	.....	.....	Four wharfs on piles, and one small jetty in front of the purchased reclamations; permission given to Charles Smith. Misc. 75-2,617.	0 1 15
Clarence and Richmond River Company's Wharf.	R. G. Breillat and N. G. Arginbau. } Trustees of the late T. C. } Breillat.	0 1 17 } ..... }	.....	.....	Wharfs and jetties on piles in front of the purchased reclamation of 1 rood 17 perches.	0 0 33
A.S.N. Co.'s Melbourne Wharf	T. C. Breillat	0 0 9½	.....	.....	Wharf on piles in front of his purchased reclamation of 9½ perches; permission given to A.S.N. Co. Misc. 72-9,326.	0 0 31

Surveyor General's Office,
Sydney, 12th January, 1877.

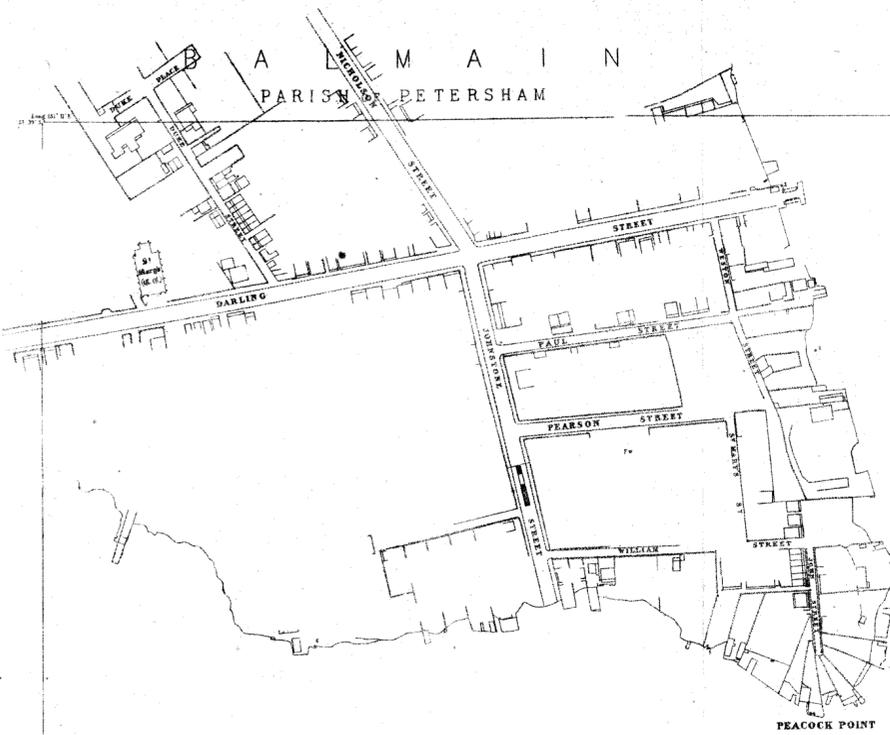
[One plan.]

PLAN

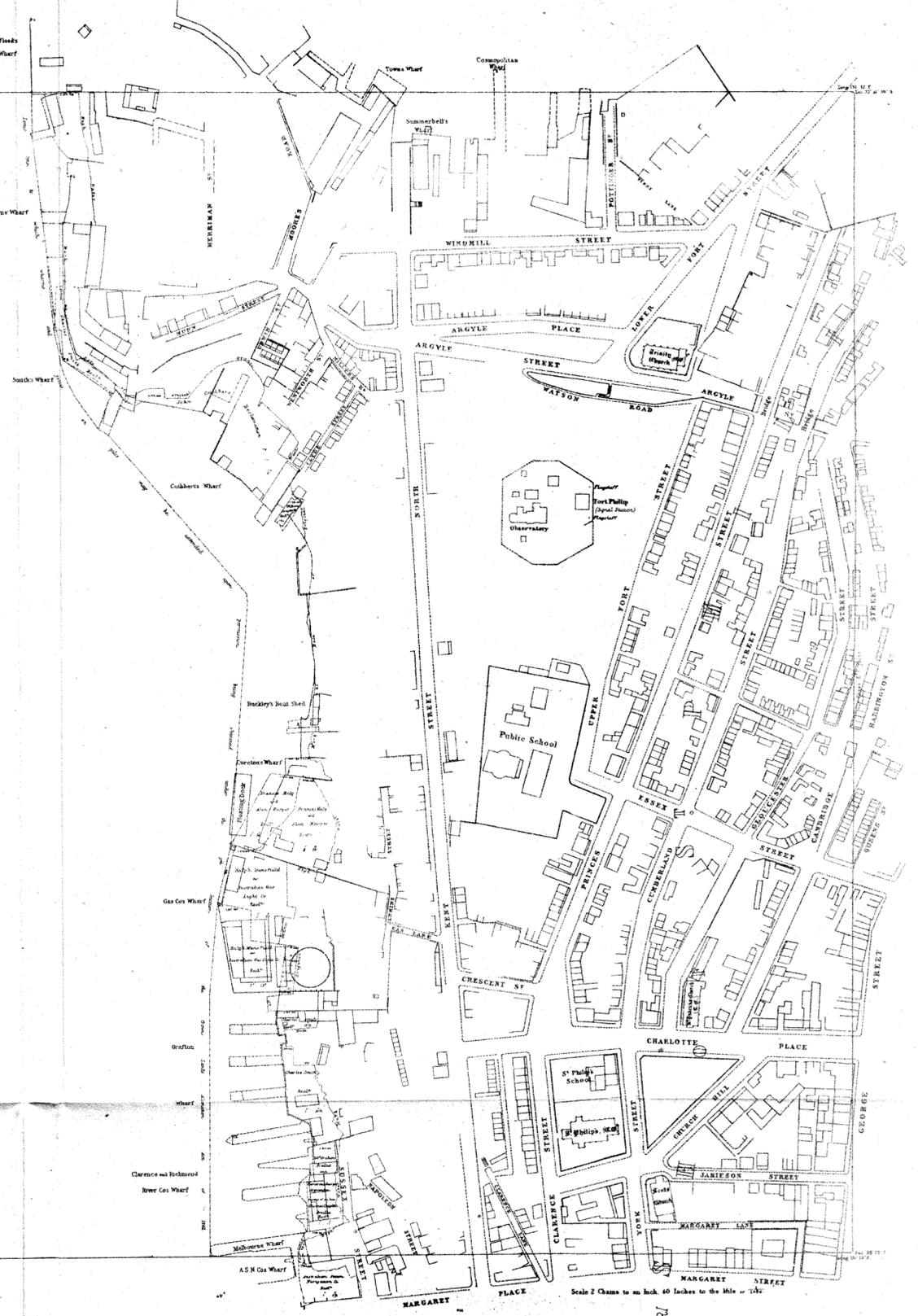
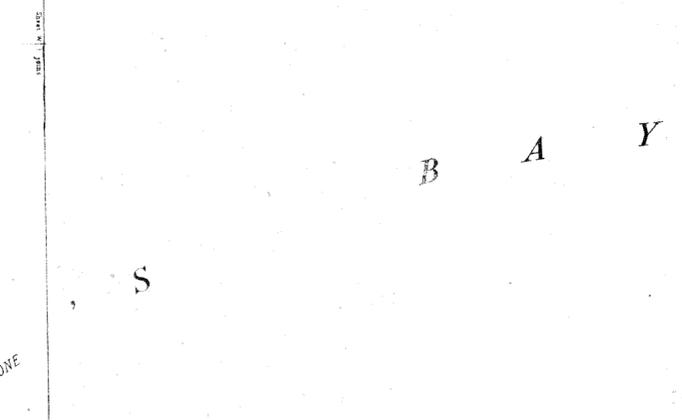
TRIGONOMETRICAL SURVEY
of PORT JACKSON the CITY of SYDNEY and the SUBURBS
Sheet 1 First Edition

The buildings, features &c. which are fixed by the triangulation, and by survey
connected therewith are shown in black, the information in blue is compiled from
Manuscript and other sources.

Plan (in parts) showing the lands abutting on the waters of Port Jackson, surveyed
by the Crown or held on licence, to accompany returns called for by
Parliament, 22nd February 1876 (M^o Macdonald.)



R
L
I
N
G



Reference
Original High Water Mark
Boundary of Reclamations
Batter of Walls
Elevs and Alignment Points
Wharves and Jetties on Pier

Boundary of Reclamations
Trigonometrical Stations
Points of Intersections
Level Lines for Wharves

(Sig. 408)

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.

(CASES OF "FROST v. HARRIS," "DILLON v. MURPHY," AND "LAYCOCK v. OGILVIE"—CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 11 July, 1877.

RETURN to an Order made by the Honorable the Legislative Assembly of New South Wales, dated 24th April, 1877, That there be laid upon the Table of this House,—

"All Papers, Letters, Minutes, and Correspondence, in reference to the cases of Frost v. Harris, land taken up at Wollombi and Windsor; Dillon v. Murphy, land taken up at Young and Burrowa; and Laycock v. Ogilvie, land taken up at the Clarence."

(Mr. McElhone.)

SCHEDULE.

Case of Frost v. Harris.

NO.	PAGE.
1. Application by Abel Harris to Land Agent, Windsor, to select two portions of 40 acres each, county of Hunter, with description and receipt. 16 December, 1872	3
2. Application by same to same, to select certain portions of land at Blackwater, county of Hunter, with description and receipt. 27 July, 1875	3
3. Application by John Thomas Frost to Land Agent, Wollombi, to select certain portions of land on Widdon Creek, county of Hunter, with description and receipt. 25 May, 1876	3
4. John Thomas Frost to the Minister for Lands, with reference to his conditional purchase (see above). 7 August, 1876	4
5. J. McElhone, M.P., to the Minister for Lands, requesting, on behalf of J. T. Frost, that an inquiry may be made into the circumstances as stated in Frost's letter (see No. 4), with minute thereon. 13 September, 1876	4
6. A. Armstrong, Memo. to the Minister for Lands, with reference to the conditional purchase made by Abel Harris, with minutes thereon. 20 October, 1876	4
7. A. Armstrong to Minister for Lands, with reference to auction selection of Abel Harris, with enclosures. 20 October, 1876	5
8. Treasury minute on the selections after auction sale by Abel Harris of Rylstone, with office minutes thereon. 23 October, 1876	5
9. Under Secretary for Lands to Mr. John Frost, notifying him of the cancellation of his selections, with enclosure. 28 November, 1876	6
10. Under Secretary for Lands to Under Secretary for Finance and Trade, requesting that the amount paid by John T. Frost for certain land now cancelled. 28 November, 1876	6
11. J. McElhone, M.P., to the Minister for Lands, requesting a decision in the case of Frost v. Harris, with minutes thereon. 5 December, 1876	6
12. George M. Dunn to the Minister for Lands, requesting that deeds of grant may issue in favour of Abel Harris, in respect of the land purchased by him, with minute and enclosure. 15 December, 1876	7
13. J. McElhone, M.P., to the Minister for Lands, with reference to the case of Frost and Harris, and minute thereon. 23 December, 1876	7
14. J. McElhone, M.P., to the Minister for Lands, further in reference to the case of Frost and Harris, and protesting against the decision given, with enclosure. 8 January, 1877	7
15. Minute of Under Secretary for Finance and Trade, with reference to the acceptance of Mr. Harris's applications, and minutes thereon. 18 January, 1877	8
16. Under Secretary for Lands to Under Secretary for Finance and Trade, requesting refund to Mr. J. T. Frost of the amount paid by him on his applications. 5 February, 1877	8
17. Same to Mr. J. T. Frost, informing to above effect. 5 February, 1877	8
18. Same to J. McElhone, Esq., M.P., in answer to No. 11, informing of decision arrived at in the case of Frost. 5 February, 1877	8
19. Same to G. M. Dunn, Esq., in answer to No. 12, with reference to the issue of the deeds of grant in favour of Abel Harris. 5 February, 1877	9
20. A. Armstrong to Minister for Lands, on the subject of the issue of deeds of grant to Abel Harris. 9 February, 1877	9

Case of Dillon v. Murphy.

1. Application by John Dillon to the Land Agent at Burrowa, to select Crown Lands at Murrumboola, county of Harden, with description and receipt. 8 July, 1875	9
2. Application by John Aloysius Murphy to select Crown Lands, made to the Land Agent at Young, in the county of Harden, and situate at Murrumboola, with description. 19 August, 1875	9
3. Application by John Aloysius Murphy to select Crown Lands, made to the Land Agent at Young in the county of Harden, and situate at Murrumboola, with description and receipt and minutes thereon. 19 August, 1875	10
4. Mr. Henry Freeman to the Secretary for Lands, on behalf of Mr. J. A. Murphy, with reference to Mr. Dillon's claim as the rightful owner of the land selected by Mr. Murphy, with minutes. 18 January, 1876	10
5. Under Secretary for Lands to J. A. Murphy, with reference to his two selections of the 19 August. See Nos. 2 and 3. 31 January, 1876	11

NO.	PAGE.
6. Under Secretary for Lands to Under Secretary for Finance and Trade, requesting the refund to Mr. Murphy of the amount paid by him on the selections at Burrowa on 12 April. 31 January, 1876	11
7. Same to Land Agent, Young, informing him of the cancellation of the selections made by Mr. Murphy on the 19 August. 31 January, 1876	11
8. Mr. Henry Freeman to the Secretary for Lands, on behalf of Mr. Murphy, with reference to conditional purchase of Mr. Murphy, and minutes thereon. 12 February, 1876	11
9. Under Secretary for Lands to Henry Freeman, in reply to his inquiries as to the cancellation of Mr. Murphy's selections. 22 February, 1876	12
10. Crown Solicitor to Under Secretary for Lands, forwarding opinion of the Attorney General with reference to the conflicting claims of Mr. Murphy and Mr. Dillon. 4 July, 1876	12
11. Under Secretary for Lands to H. Freeman, Esq., in reply to his letter of the 12th February (No. 8). 11 July, 1876	12
12. Under Secretary for Lands to J. Dillon, Esq., with reference to the auction selection made by him at Burrowa, on the 8th July, 1875. 11 July, 1876	12
13. Same to Under Secretary for Finance and Trade, requesting the refund to Mr. Dillon of the amount paid by him on land selected at the wrong Land Office. 11 July, 1876	13
14. Same to same, with reference to No. 6, and informing him that the cancellation in question has been revoked. 20 July, 1876	13
15. Description of 133 acres 1 rood, county of Harden, parish of Murrumboola (John A. Murphy).	13
16. Same, similar description	13
17. M. Fitzpatrick, Esq., to the Secretary for Lands, stating reasons in favour of Mr. Dillon being allowed to complete the purchase of the lands applied for by him. 28 July, 1876	13
18. Mr. Henry Freeman to the Secretary for Lands, applying, on behalf of Mr. Murphy, for the speedy issue of the deeds of the land purchased by him, with minutes thereon. 15 August, 1876	14
19. M. Fitzpatrick, Esq., to the Secretary for Lands, requesting information as to the decision arrived at in respect to his letter of the 28th July last. (See No. 17). 26 September, 1876	14
20. Under Secretary for Lands to M. Fitzpatrick, Esq., M.P., in reply. 16 October, 1876	15
<i>Case of Laycock v. Ogilvie.</i>	
1. Application by John Connell Laycock, for the conditional purchase of 200 acres of Crown Land on the Mitchell River, county of Clarence, parish of Newbold, with description. 17 August, 1876	15
2. Application by Emily Connell Laycock for the conditional purchase of 200 acres of Crown Land, with description. 17 August, 1876	15
3. J. C. Laycock to the Secretary for Lands, with reference to the refusal of certain station-holders to permit him to drive cattle over their runs. 18 August, 1876	16
4. Application by D. S. Ogilvie, Esq., for a grant of 50 acres of land in virtue of Volunteer Order, county of Gresham, parish of Camelback, with description, minutes, and enclosure. 23 August, 1876	16
5. Application by John Connell Laycock for the conditional purchase of 200 acres of Crown Land, county of Gresham, parish of Camelback, with description and minutes. 24 August, 1876	16
6. Application by E. D. S. Ogilvie, Esq., for a grant of 50 acres of land in virtue of Volunteer Land Order, county of Gresham, parish of Camelback, with description, minute, and enclosure. 2 September, 1876	17
7. Michael Fitzpatrick, Esq., to the Secretary for Lands, requesting, on behalf of Mr. Laycock, to have his selections measured, with minute of the Minister thereon and sketch. 9 October, 1876	17
8. Under Secretary for Lands to M. Fitzpatrick, Esq., in reply to above. 9 October, 1876	18
9. Michael Fitzpatrick, Esq., to the Secretary for Lands, acknowledging receipt of above, and with reference to No. 7, with minutes. 10 October, 1876	18
10. Heron & Thompson, solicitors, to R. G. Massie, submitting opinion with reference to the validity of Laycock's selections. 19 October, 1876	18
11. R. G. Massie to the Secretary for Lands, with reference to the validity of Laycock's selections, with minute of the Under Secretary thereon. 19 October, 1876	19
12. Telegram from Surveyor General to Surveyor Donaldson, with reference to the measurement of Laycock's conditional purchase. 23 October, 1876	19
13. Application by Edwd. D. Ogilvie, Esq., for the purchase of Crown Lands in virtue of improvements, with description and minutes. 31 October, 1876	19
14. Telegram from Land Agent, Glen Innes, to Mr. Surveyor Donaldson, with reference to Mr. Ogilvie's selections. 31 October, 1876	20
15. Mr. Surveyor Donaldson to the Surveyor General, reporting on the conditional purchases of J. C. Laycock and Emily C. Laycock, with enclosures, appendix, and tracings. 1 November, 1876	20
16. Mr. Henry Heron to the Minister for Lands, with reference to the application of Mr. Ogilvie (see No. 10). 8 November, 1876	21
17. Same to same—further in reference to above, with minute of the Minister thereon. 11 November, 1876	21
18. Land Agent, Casino, to District Surveyor Donaldson, with reference to Laycock's conditional purchases, and minute thereon and sketch. 22 November, 1876	21
19. Memorandum by the Minister for Lands, in re Ogilvie's Land Order and 31st clause applications and the Laycocks' conditional purchases. 1 December, 1876	22
20. Under Secretary for Lands to M. Fitzpatrick, Esq., with reference to the conflicting cases of E. D. S. Ogilvie's Volunteer Land Order selection and the Laycocks' conditional purchases. 1 December, 1876	22
21. Under Secretary for Lands to E. D. S. Ogilvie, Esq., with reference to above. (See also No. 15.) 1 December, 1876	23
22. Copy of description of land taken by John Connell Laycock, on 14 December, 1876. 14 December, 1876	23
23. John Connell Laycock to Under Secretary for Lands, with reference to his conditional purchases. (See Nos. 22 and 1 and 5.) 14 December, 1876	23
24. Michael Fitzpatrick, Esq., to the Secretary for Lands, acknowledging receipt of letter of the 1st December, with reference to the selections of Mr. and Miss Laycock, and minute thereon. 15 December, 1876	23
25. Under Secretary for Lands to Land Agent, Glen Innes, informing him of the refusal of Mr. Ogilvie's application. (See No. 13.) 20 December, 1876	23
26. Same to Under Secretary for Finance and Trade, requesting him to refund to Mr. Ogilvie the deposit received with his application. (See No. 13.) 20 December, 1876	24
27. Under Secretary for Lands to the Hon. E. D. S. Ogilvie, informing him that his application of the 31st October, 1876, cannot be complied with. (See No. 13.) 20 December, 1876	24
28. Emily Connell Laycock to the Secretary for Lands, with reference to her conditional purchase. (See Nos. 2 and 20.) 20 December, 1876	24
29. Michael Fitzpatrick, Esq., to the Secretary for Lands—further in reference to Laycock's selection. (See No. 24.) 23 December, 1876	24
30. Edward D. S. Ogilvie, Esq., to the Under Secretary for Lands, in answer to No. 27, and minute. 28 December, 1876	24
31. The Commissioner of Conditional Purchases to J. C. Laycock, informing him that his applications, made at Grafton and Casino, for conditional purchase, are void (see Nos. 1 and 5), with enclosures. 6 January, 1877	25
32. Same to Miss Emily Laycock, informing her that her conditional purchase, made at Grafton, is void. Enclosure. 6 January, 1877	25
33. Commissioner for conditional sales to the Land Agent, Grafton, informing him that J. C. Laycock's and Emily Laycock's conditional purchases are void, at their own request. 6 January, 1877	25
34. Same to Land Agent at Casino, informing him to above effect. 6 January, 1877	26
35. Same to Under Secretary for Finance and Trade, with reference to deposit money on the above-mentioned selections. 6 January, 1877	26
36. Same to same, on same subject. 6 January, 1877	26
37. Same to same, on same subject. 6 January, 1877	26
38. Under Secretary for Lands to the Hon. E. D. S. Ogilvie, with reference to his application of the 28th December, 1876. (See No. 30.) 16 January, 1877	26

Case of Frost v. Harris.

No. 1.

Application by Mr. A. Harris to The Land Agent, Windsor.

(L.)

Application by Abel Harris, of Bald Hill, Rylstone, Farmer, to select Crown Lands.

RECEIVED this 16th day of December, 1872, at 11 o'clock, by me—

W. H. THOMAS,
Agent for the Sale of Crown Lands.

Sir,

Police District of Windsor, 10 December, 1872.

I hereby tender the sum of £82, as the price by selection (and deed fee) of the Crown Lands hereunder described :—

Place of sale	Wollombi.
Date on which last advertised...	16th February, 1856.
Date on which last offered for sale ...	26th March, 1856.
Lots at last sale	37 and 40.
County	Hunter.
Parish or place... ..	On Table Bay Creek, near Widdin Creek.
Portion	—
Extent of the lots	{ 40 acres.
	{ 40 acres.
Price of the lots	£80.
Fees on the deeds	£2.

I am, &c.,
ABEL HARRIS.

The Agent for the
Sale of Crown Lands at Windsor.

Police District of Windsor, 16 December, 1872.

RECEIVED by me, this day, from the above-named Abel Harris the sum of £82, being the price by selection (and deed fee) of the Crown Lands above described.

W. H. THOMAS,
Agent for the Sale of Crown Lands at Windsor.

No. 2.

Application by Mr. J. T. Frost to The Land Agent, Wollombi.

(L.)

Application by Abel Harris to select Crown Lands.

RECEIVED this 27th day of July, 1875, at o'clock, by me—

W. H. H. BECKE,
Agent for the Sale of Crown Lands.

Sir,

Police District of Windsor, 27 July, 1875.

I hereby tender the sum of £283 18s. 9d. as the price by selection (and deed fee) of the Crown Lands hereunder described :—

Place of sale	Windsor.
Date on which last advertised	16th February, 1856.
Date on which last offered for sale	26th March, 1856.
Lots at last sale	28, 29, 30, 32, 36, 38.
County	Hunter.
Parish or place	Blackwater.
Portion	—
Extent of the lot... ..	277a. 3r. 30p.
Price of the lot	£277 18s. 9d.
Fee on the deed	£6.

I am, &c.,
ABEL HARRIS,
of Rylstone.

The Agent for the
Sale of Crown Lands at Windsor.

Police District of Windsor, 27 July, 1875.

RECEIVED by me, this day, from the above-named Abel Harris, the sum of £283 18s. 9d., being the price by selection (and deed fee) of the Crown Lands above described.

W. H. H. BECKE,
Agent for the Sale of Crown Lands at Windsor.

No. 3.

Application by Mr. A. Harris to The Land Agent, Windsor.

(L.)

Application by John Thomas Frost to select Crown Lands.

RECEIVED this 25th day of May, 1876, at o'clock, by me—

HENRY GORDON,
Agent for the Sale of Crown Lands.
Sir,

Sir,
 Police District of Wollombi, 25 May, 1876.
 I hereby tender the sum of £365 18s. 9d., as the price by selection (and deed fee) of the
 Crown Lands hereunder described:—

Place of sale	...	...	...	...	Wollombi.
Date on which last advertised	...	...	...	...	16th February, 1856.
Date on which last offered for sale	...	...	...	...	26th March, 1856.
Lots at last sale	...	...	...	...	28, 29, 30, 32, 36, 37, 38, 40.
County	...	...	...	...	Hunter.
Parish or place	...	...	...	...	Widdin Creek.
Portion	...	...	...	...	—
Extent of the lots	...	...	...	...	357a. 3r. 30p.
Price of the lots	...	...	...	...	£357 18s. 9d.
Fee on the deed	...	...	...	...	£8.

The Agent for the
 Sale of Crown Lands at Wollombi.

I am, &c.,
 JOHN T. FROST,
 of Rylstone.

Police District of Wollombi, 25 May, 1876.

RECEIVED by me, this day, from the above-named J. T. Frost, the sum of £365 18s. 9d., being the price
 by selection (and deed fee) of the Crown Lands above described.

H. GORDON,
 Agent for the Sale of Crown Lands at Wollombi.

No. 4.

Mr. J. T. Frost to The Minister for Lands.

Sir,
 Widdin Creek, Kerrabee, 7 August, 1876.

See No. 3.

Having purchased at the Wollombi eight blocks of land situated on the Widdin Creek, in the
 county of Hunter, parish of Blackwater, containing 357 acres 3 roods and 30 perches; and since my pur-
 chase another man says the land is his, and that he has the deeds, but there is nothing to show in the sale
 books at Wollombi that the land was sold to anyone but myself; and you will please to let me know at
 your earliest opportunity, for I wish to make use of the land.

Yours, &c.,
 JOHN THOMAS FROST.

No. 5.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,
 Sydney, 13 September, 1876.

I am advised by Mr. John Thomas Frost, of Widdin Creek, Denman, that he, on the 25th of
 May, 1876, purchased at the Land Office, Wollombi, 357 acres 3 roods and 30 perches, and paid the sum
 of £365 18s. 9d. for the same. He advises me the land was last offered for sale at Wollombi on the 26th
 March, 1856. The lots are—

No.	5	6	7	9	12	13	15	17	a.	r.	p.
	...	...	...	...	...	...	...	...	66	3	14
"	6	...	...	...	...	...	...	...	48	2	16
"	7	...	...	...	...	...	...	...	37	2	0
"	9	...	...	...	...	...	...	...	45	0	0
"	12	...	...	...	...	...	...	...	40	0	0
"	13	...	...	...	...	...	...	...	40	0	0
"	15	...	...	...	...	...	...	...	40	0	0
"	17	...	...	...	...	...	...	...	40	0	0

Mr. Frost advises me that a person named Abel Harris bought this land at Windsor, or rather
 says he did so, and has possession of the land, and will not allow him to go onto the land. The proper
 Land Office is at Wollombi, where Frost took up the land. Mr. Frost advises me he wrote you some time
 since in reference to his case, and advised you that Abel Harris stated he had the deeds of the land, but
 up to the present time he has got no reply to his letter. I have the honor to request that you will cause
 an immediate inquiry to be held in this case, and that you will be good enough to let Mr. Harris or me
 know if Mr. Harris is entitled to the land he bought, and if he is that you will give the necessary instruc-
 tions to place Harris in possession of the land he bought and has paid for.

See No. 4.

I have, &c.,
 J. McELHONE.

This matter should be looked to at once to prevent further confusion arising.—T.G., 16/9/76.

No. 6.

Memorandum by Mr. A. Armstrong to The Minister for Lands.

See No. 2.

ABEL Harris made auction selections, 27 July, 1875, portions 28, 29, 30, 32, 36, and 38, county Hunter,
 parish of Blackwater, and has not obtained deeds of grant.

See No. 3.

The said portions were since selected by John Thomas Frost, who selected after auction in May,
 1876, and deeds to Frost are being prepared for issue.

Will you issue instructions to stop issue of deeds to Frost, and cause inquiry into the case in the
 interests of Harris.

All the portions alluded to passed auction at Wollombi in March, 1856.

I am, &c.,
 A. ARMSTRONG,

October 20, 1876.

Stop issue of deeds, and submit case for decision as soon as possible.—T.G., 20/10/76.

Mr. Thurlow,—Deeds to be stayed, and the papers returned to Auction Branch with any papers
 you have in connection with the case.—W.C.E., 23/10/76. Deeds stayed pending inquiry.—23/10/76.

No. 7.

Mr. A. Armstrong to The Minister for Lands.

Sir, Land Agency Office, 26 Bridge-street, Sydney, 20 October, 1876.

Referring to my letter of 9th instant, having reference to the auction selections of Abel Harris, ^{Not with the papers.} concerning which no entry of sale appears in the departmental books, I beg to hand herewith copy of the Land Agent's receipt for the purchase money thereof, together with statutory declaration to effect that such copy is true in every particular, and have the honor to request that Mr. Harris's claim to such lands may be acknowledged without delay, and deeds thereof be issued.

I have, &c.,

A. ARMSTRONG,

Agent for Abel Harris.

[Enclosure A to No. 7.]

I, ANDREW ARMSTRONG, of 26, Bridge-street, Sydney, land agent, do solemnly and sincerely declare, that I have made a copy of a receipt made by W. H. H. Becke, Land Agent at Windsor, on the 27th July, 1875, and that the paper attached hereto is the copy alluded to, that the same is in my handwriting, and is in every particular a true copy of the original receipt to Abel Harris for the purchase money paid upon the portions therein described, and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "*An Act for the effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

Made and signed before me, at
this 20th day of October, 1876.

A. ARMSTRONG.

M. METCALF, J.P.

[Enclosure B to No. 7.]

Windsor, 27 July, 1875.

RECEIVED from Abel Harris, of Rylstone, the sum of £283 18s. 9d., being the purchase money for 227 acres 3 roods and 30 perches of land, situated at Blackwater, in the county of Hunter, which were offered for sale at Wollombi on the 26th day of March, 1856, as lots 28, 29, 30, 32, 36, and 38.

£283 18s. 9d. Deed fee, £6, included.

W. H. H. BECKE,
Agent for the Sale of Crown Lands.

Indorsement upon receipt as above.

Particulars of Harris's Lots—Sale at Wollombi, 26 March, 1856.

Lot.	Area.	County.	Parish.	Deed.	Purchase Money.
	a. r. p.			£	£ s. d.
28	66 3 14	Hunter	Blackwater	1	66 16 9
29	48 2 16	"	"	1	48 12 0
30	37 2 0	"	"	1	37 10 0
32	45 0 0	"	"	1	45 0 0
36	40 0 0	"	"	1	40 0 0
38	40 0 0	"	"	1	40 0 0
	277 3 30				277 18 9
Deeds				£ 6	283 18 9

Assurance fees paid, 11s. 10d., not included herein.

No. 8.

Treasury Minute.

W. H. H. Becke, Land Agent, Windsor.

Selections after auction sale by Mr. Abel Harris, of Rylstone.

THE lands selected by Mr. Harris were offered for sale at Wollombi on the 26th March, 1856.

As the selections were accepted by a Land Agent other than the one in whose district the lands were situated, the moneys remitted (£283 18s. 9d.) were placed to Suspense Account on the 30th July, 1875, and the Under Secretary for Lands was asked by B.C. of the following day whether the selections were to be allowed. Not having yet received a reply thereto, will the Under Secretary for Lands be good enough to inform me how the matter stands?—G.E.

The Under Secretary for Lands.—B.C., 23 October, 1876.

Submitted: On the 27th July, 1875, portions 28, 29, 30, 32, 36, and 38, of the sale at Wollombi ^{See No. 2.} of the 26th March, 1856, were selected by Abel Harris, at Windsor; and on the 25th May last the same ^{See No. 3.} portions were selected by John Frost, at Wollombi. 2. The land was last offered and passed at auction at Wollombi, and since the division of the district has remained in Wollombi (*i.e.* since 1858). The preparation and issue of the deeds have been stayed pending decision as to whom the land is to be granted.—H.O.R., 22/11/76. The land was selected by Harris.

Mr. Frost to be written to, enclosing the accompanying order for refund of his deposit upon the lots purchased by Abel Harris in 1872, of which the latter party has already received the deeds of grant. Inform that Abel Harris had also selected the remaining lots at the Windsor Land Office on the 27th July, 1875, and that he has also the option of obtaining an immediate refund of his deposit in respect of them, otherwise his claim in respect of his selection of the lots at the Land Office at Wollombi will be further considered and dealt with on its merits.—A.O.M., 27/11/76.

No. 9.

The Under Secretary for Lands to Mr. J. T. Frost.

Sir,

Department of Lands, Sydney, 28 November, 1876.

See No. 1
Wollombi sale,
28 March, 1856.
Lots 28, 29, 30,
32, 36, 37, 38, 40.
See No. 1.

In reference to your selections made at Wollombi on the 25 May last, of the portions noted in the margin, I am directed to inform you that your selections of lots 37 and 40 have been cancelled, as the land was previously (viz., in December, 1872) purchased by Abel Harris, and to forward herewith the enclosed notification of such cancellation.

See No. 2

2. With regard to the remaining lots applied for by you, I am to inform you that they also were selected by Harris at the Windsor Land Office, in July, 1875; and that you have also the option of obtaining a refund of the amount paid by you in respect of these lots, otherwise your claim in respect to these portions will be further considered and dealt with on its merits.

I have, &c.,

A. O. MORIARTY.

[Enclosure to No. 9.]

The Under Secretary for Lands to Mr. J. T. Frost.

Sir,

Department of Lands, Sydney, 28 November, 1876.

See

I am directed to inform you that the Colonial Treasurer has been authorized to refund to you the sum of £82, being the amount paid by you for lots 37 and 40, of sale at Wollombi, 26 March, 1856, but cancelled, being previously purchased by Mr. Abel Harris.

2. I am to add, that when the money is ready for payment, notice to that effect will be forwarded to you from the Treasury.

I have, &c.,

W. W. STEPHEN.

No. 10.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Revenue refunded.

Sir,

Department of Lands, Sydney, 28 November, 1876.

See

I am directed to request that you will be good enough to refund to Mr. John T. Frost, of Widdin Creek, the sum of £82, credited at the Treasury, on the 25th May, 1876, being the amount paid by him for lots 37 and 40, of sale at Wollombi, 26 March, 1856, but cancelled, being previously purchased by Abel Harris.

I have, &c.,

W. W. STEPHEN,

Under Secretary.

No. 11.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Sydney, 5 December, 1876.

I have the honor to request that you will give a speedy decision in the case of Frost v. Harris.

Harris purchased the land first, but took it up at Windsor, the wrong Land Office.

Frost took up and paid for the land at Wollombi, the proper Land Office.

Both parties have written and requested me to get the land for them.

According to the decision given in similar cases by yourself, being *Dillon v. Murphy*, and *Ogilvie v. Laycock*, Frost must get the land; but whatever decision is come to, I have the honor to request that you will give a speedy decision.

I have, &c.,

J. McELHONE.

This case presents many features similar to that of the disputed selections of Messrs. Dillon and Murphy, in which it was held under an opinion from the Attorney General that the selection first tendered to the Land Agent of the district was entitled to priority. But I must submit with great deference that such a ruling could not have been designed to require that all cases of the kind should be dealt with on technical grounds apart from the circumstances and merits, and that it cannot be applied to the present case without risking a failure of justice. It appears that the land when offered to sale in 1856 was in the Police District of Macdonald River, and that it was brought to sale at Wollombi as being the principal place of Petty Sessions of the District of Wollombi and Macdonald River, which were united for purposes of Police administration. By a notification of the boundaries of those districts, and of the Windsor District, made in 1858, the land fell within the district of Wollombi, which was from that time and is now the Land Office of the district. In 1872 Harris purchased certain of the lots in the same sale by selection at the Land Office at Windsor, and his selection was accepted without question by the Government, and his deeds issued. In July, 1875, wishing to take other lots of the same sale, he again, naturally, applied at the same office, where his money was received and his selection reported, and (though attention appears to have been pointedly called to the question by the Treasury report) no objection has been raised to the selection until after the land had again been selected by Frost at Wollombi, *i.e.*, nearly a year afterwards. If the selections had been in point of time so nearly together that a doubt might be raised as to priority, it would, of course, be proper to settle the doubt in favour of the first technically correct application. But in the present instance there was abundant time for any informality in the prior application to be noticed and corrected long before the other application was made. That this was not done, is, I submit, the fault not of the applicant, but of this Department; and he surely should not be punished for an informality which was not considered of sufficient consequence to call for notice on the part of the Department. On the other hand, the late applicant can hardly consider himself equitably entitled to be declared the purchaser of land paid for to the Colonial Treasury by another applicant eleven months previously.

Having regard to all the circumstances, it is respectfully submitted that the justice of the case will be subserved by sustaining the original selection, and refunding the purchase money of the second selector.

A.O.M., 11/12/76.

Approved.—T.G., 18/12/76.

See No. 1

See No. 2

No. 12.

Mr. G. M. Dunn to The Minister for Lands.

Sir,

Mudgee, 15 December, 1876.

I have the honor to enclose copy of a receipt for the sum of £283 18s. 9d. for the price of 277 acres 3 roods and 30 perches of land, purchased by Mr. Abel Harris, at Wollombi, on the 27th day of July, 1875, including the assurance and fees for six deeds, and to request that you will be good enough to have the grants of same issued in favour of Mr. Harris without delay. I have been informed that the cause of the delay is the fact that a Mr. John T. Frost purchased the same lands in the month of May, 1876, ten months after, and at a different Land Office, and that a question has arisen as to which of the purchases was made at the proper office. I think, however, the priority of ten months must be held to conclude the matter, the Government having during that period retained the sum of £283 18s. 9d. of Mr. Harris's money, and Mr. Harris having during that period been in possession of the lands. Circumstances have come to my knowledge which lead me to suppose that the land was taken by Frost with a view of putting Harris to annoyance and expense, he (Frost) well knowing that the land was in Harris's possession, and had been purchased by him. Your early attention and decision on this matter will be anxiously awaited.

I have, &c.,

GEO. M. DUNN,
Per G. S. COLEMAN.

See decision on No. 11, and inform writer.—T.G., 18/12/76.

[Enclosure to No. 12.]

Assurance fees, 11/9 paid.—W.H.H.B. No. 10,187. Deed fees, £6, included.

Windsor, 27 July, 1875.

RECEIVED from Abel Harris, of Rylstone, the sum of two hundred and eighty-three pounds eighteen shillings and ninepence, £283 18s. 9d. being the purchase-money for two hundred and seventy-seven acres three roods and thirty perches of land situated at Blackwater, in the County of Hunter, which were offered for sale at Wollombi on the 26th day of March, 1856, as lots 28 and 29, 30, 32, 36, 38.

W. H. H. BECKE,

Agent for the Sale of Crown Lands.

PARTICULARS of Harris's Lots—Sale at Wollombi, 26 March, 1856.

Lots.	Area.	County.	Parish.	Deeds.	Purchase money.
	a. r. p.			£	£ s. d.
28	66 3 14	Hunter	Blackwater	1	66 16 9
29	48 2 16	"	"	1	48 12 0
30	37 2 0	"	"	1	37 10 0
32	45 0 0	"	"	1	45 0 0
36	40 0 0	"	"	1	40 0 0
38	40 0 0	"	"	1	40 0 0
Acres...	277 3 30			6	£277 18 9 6 0 0 £283 18 9

Assurance fees paid, 11/10, not included herein.

No. 13.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Sydney, 23 December, 1876.

I have the honor to call your attention to the case of Frost v. Harris.

I have been informed that the case has been decided in favour of Mr. Harris; if this is the case, I have the honor to call your attention to the cases of Dillon v. Murphy and Laycock v. Ogilvie, in both of which cases you decided that Murphy and Ogilvie were to get the land, as they took up the land at the proper Land Office, although in Dillon's case he applied more than once to take up the land at the proper Land Office, Young, and his money was refused.

If it is a fact that the case is decided against Mr. Frost and in Harris's favour, I have the honor to request you will reconsider the decision, as Mr. Frost stands in a similar position to Murphy and Ogilvie, as he, Frost, took up and paid for the land at the proper office, Wollombi.

I have, &c.,

J. McELHONE.

Mr. McElhone should be informed of the reasons for arriving at decision as set out in Mr. Moriarty's minute on the papers.—T.G., 23/12/76.

No. 14.

J. McElhone, Esq., M.P., to The Minister for Lands.

Sir,

Sydney, 8 January, 1877.

Some time since I had the honor to write on behalf of Mr. John T. Frost, and protest against your decision giving the land to Abel Harris, as Mr. Frost had taken up the land at the proper Land Office, Wollombi.

In similar cases—Dillon v. Murphy and Laycock v. Ogilvie—you decided that Murphy and Ogilvie were to have the land as they took it up in the proper office; in Dillon's case he had tendered the money at the proper office, Young, and his money was refused.

As

As I have had no reply to my protest on behalf of Frost requesting a rehearing of the case, I have the honor to request an early reply, and to again protest against your decision giving the land to Harris, as you have no power to do so under the Lands Act.

I have the honor to enclose you a letter from Mr. Frost, which shows that Harris has commenced an action against him, which I believe is in consequence of your decision.

I have, &c.,
J. McELHONE.

[Enclosure to No. 14.]

Mr. J. T. Frost to J. McElhone, Esq., M.P.

Dear Sir,

Widdin Creek, Kerrabee, 1 January, 1877.

I received your letter telling me that I did not send you the letter you wanted; but you should have received a single letter since you last wrote to me, as I posted it about the 19th of December—it is the letter you told me that I did not send you the right numbers of the blocks of land.

I have not heard any more about the six pieces of land in dispute; and it would be of great importance now, as Harris has actioned me for £200 damages for trespass. The case will come off on 19th of this month, at Mudgee; but I expect it is no use writing to the Minister, as the holidays are on. Hoping to hear from you to-morrow,

I remain, &c.,
JOHN THOS. FROST.

P.S.—I did not send you the order for the £82, as I was buying some land and I paid it in as cash.—J. T. FROST.

No. 15.

Memorandum by The Under Secretary for Finance and Trade.

W. H. H. Becke, Land Agent, Windsor.

See No. 3. REFERRING to my B.C. report of the 31st July, 1875, and my reminder of the 23rd October last, on the subject of the above officer having accepted applications from Mr. Abel Harris for selections of land out of his district, viz., in the district of Wollombi,—Will the Under Secretary for Lands please favour me with his report as to whether the money, £283 18s. 9d., still in suspense, is to be accepted?

G.E.

The Under Secretary for Lands.—B.C., Treasury, 18 January, 1877.

It having been decided that Harris's claim to the land referred to shall be sustained, the money paid by him may now be credited.—W. C. EDWARDS (for the Under Secretary). Lands, B.C., 23 January, 1877. The Under Secretary for Finance and Trade.

To enable the money to be credited as above decided, will the Under Secretary for Lands be good enough to return the voucher of the Land Agent, Windsor, sent to him by my B.C. of the 31st July, 1875.—G.E., B.C., 27 January, 1877. The Under Secretary for Lands.

No. 16.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Revenue refunded.

Sir,

Department of Lands, Sydney, 5 February, 1877.

£283 18s. 9d.

I am directed to request that you will be good enough to refund to Mr. J. T. Frost, of Widdin Creek, Kerrabee, the sum of two hundred and eighty-three pounds eighteen shillings and ninepence, credited at the Treasury on the 25th May, 1876, being the amount paid by him for lots 28, 29, 30, 32, 36, and 38 of sale at Wollombi, 26th March, 1856, but cancelled, being previously purchased by Mr. Abel Harris.

I have, &c.,
W. W. STEPHEN.

No. 17.

The Under Secretary for Lands to Mr. J. T. Frost.

Sir,

Department of Lands, Sydney, 5 February, 1877.

See No. 16.
£283 18s. 9d.

I am directed to inform you, that the Colonial Treasurer has been authorized to refund to you the sum of two hundred and eighty-three pounds eighteen shillings and ninepence, being the amount paid by you for lots 28, 29, 30, 32, 36, and 38 of sale at Wollombi, 26th March, 1856, previously purchased by Mr. Abel Harris, and consequently cancelled.

2. I am to add, that when the money is ready for payment, notice to that effect will be forwarded to you from the Treasury.

I have, &c.,
W. W. STEPHEN.

No. 18.

The Under Secretary for Lands to J. McElhone, Esq., M.P.

Sir,

Department of Lands, Sydney, 5 February, 1877.

See No. 11.
Lots 28, 29, 30,
32, 36, and 38 of
sale at Wollombi,
26 March, 1856.

In reference to your letter of the 5th December last, in which you request to be informed of the decision arrived at in the case of the conflicting claims of Frost and Harris to the portions of land noted in the margin, I am directed to inform you that after full consideration of the facts of the case, the Honorable the Minister for Lands has decided that the selections of Abel Harris must be sustained, and those made by Frost cancelled.

2. I am to add that Frost has been informed that the amount paid by him for the land in question will be refunded to him or his order on application to the Treasury.

I have, &c.,
W. W. STEPHEN.

See No. 17.

No. 19.

The Under Secretary for Lands to Mr. G. M. Dunn.

Sir, Department of Lands, Sydney, 5 February, 1877.

In reference to your letter of the 15th December last, in which you request that the deeds of the lots noted in the margin may be prepared in favour of Abel Harris without delay, I am directed to inform you that your request will be complied with, as the Honorable the Minister for Lands has decided that Harris shall be sustained in his right to the land, and the selections made by Frost cancelled.

See No. 12. Lots 28, 29, 30, 32, 36, 38 of sale at Wollombi, of 26 March, 1856.

I have, &c.,
W. W. STEPHEN.

No. 20.

Mr. A. Armstrong to The Minister for Lands.

Sir, Land Agency Office, 26, Bridge-street, Sydney, 9 February, 1877.

I have the honor to call your attention to my letter, of date October 9, 1876, urging early issue of deeds of grant of auction selection by Abel Harris, at Wollombi,* in July, 1875, as follows:—

See note on No. 7. *Windsor.

	a.	r.	p.
Lot 28	66	3	14
" 29	48	2	16
" 30	37	2	0
" 32	45	0	0
" 38	40	0	0
" 40	40	0	0

situated in the county of Hunter, and to urge early attention thereto.

I have, &c.,
A. ARMSTRONG,
Agent for Abel Harris.

Case of Dillon v. Murphy.

No. 1.

Application by Mr. J. Dillon to The Land Agent, Burrowa.

(D.)

Application by John Dillon to select Crown Lands.

RECEIVED this 8th day of July, 1875, at 11 o'clock, by me—

WILLIAM J. E. WOTTON,
Agent for the Sale of Crown Lands.

Sir, Police District of Burrowa, 8 July, 1875.

I hereby tender the sum of £266 15s., as the price by selection (and deed fee) of the Crown Lands hereunder described:—

Place of sale	Burrowa.
Date on which last advertised	8th March, 1865.
Date on which last offered for sale	12th April, 1865.
Lots at last sale	H and I.
County	Harden.
Parish or place	Murrumboola.
Portions	97, 98.
Extent of the lots	133a. 1r., 131a. 2r.
Price of lots	£133 5s., £131 10s.
Fees on the deeds	£1, £1.

The Agent for the Sale of Crown Lands at Burrowa.

I am, &c.,
JOHN DILLON.

Police District of Burrowa, 8 July, 1875.

RECEIVED by me, this day, from the above-named John Dillon, the sum of £266 15s., being the price by selection (and deed fee) of the Crown Lands above described.

WILLIAM J. E. WOTTON,
Agent for the Sale of Crown Lands at Burrowa.

No. 2.

Application by Mr. J. A. Murphy to The Land Agent, Young.

(D.)

Application by John Aloysius Murphy to select Crown Lands.

RECEIVED this 19th day of August, 1875, at 11:30 o'clock, by me—

J. R. EDWARDS.
Agent for the Sale of Crown Lands.

Sir, Police District of Young, 19 August, 1875.
I hereby tender the sum of £134 5s., as the price by selection (and deed fee) of the Crown Lands hereunder described:—

Place of sale	...	...	...	...	...	Burrowa.
Date on which last advertised	...	...	...	...	...	8th March, 1865.
Date on which last offered for sale	...	...	...	...	...	12th April, 1865.
Lot at last sale	...	...	...	...	...	H.
County	...	...	...	...	...	Harden.
Parish or place	...	...	...	...	...	Murrumboola.
Portion	...	...	...	...	...	97.
Extent of the lot	...	...	...	...	...	133a. 1r.
Price of the lot	...	...	...	...	...	£133 5s.
Fee on the deed	...	...	...	...	...	£1.

The Agent for the
Sale of Crown Lands at Young.

I am, &c.,
J. A. MURPHY.

Police District of Young, 19 August, 1875.
RECEIVED by me, this day, from the above-named J. A. Murphy, the sum of £134 5s., being the price by selection (and deed fee) of the Crown Lands above described.

J. R. EDWARDS,
Agent for the Sale of Crown Lands at Young.

No. 3.

Application by Mr. J. A. Murphy to The Land Agent, Young.

(D.)

Application by John Aloysius Murphy to select Crown Lands.

RECEIVED this 19th day of August, 1875, at 11:31 o'clock, by me—

J. R. EDWARDS,
Agent for the Sale of Crown Lands.

Sir, Police District of Young, 19 August, 1875.
I hereby tender the sum of £132 10s. as the price by selection (and deed fee) of the Crown Lands hereunder described:—

Place of sale	...	...	...	...	...	Burrowa.
Date on which last advertised	...	...	...	...	...	8th March, 1865.
Date on which last offered for sale	...	...	...	...	...	12th April, 1865.
Lot at last sale	...	...	...	...	...	I.
County	...	...	...	...	...	Harden.
Parish or place	...	...	...	...	...	Murrumboola.
Portion	...	...	...	...	...	98.
Extent of the lot	...	...	...	...	...	131a. 2r.
Price of the lot	...	...	...	...	...	£131 10s.
Fee on the deed	...	...	...	...	...	£1.

The Agent for the
Sale of Crown Lands at Young.

I am, &c.,
J. A. MURPHY.

Police District of Young, 19 August, 1875.
RECEIVED by me, this day, from the above-named J. A. Murphy, the sum of £132 10s., being the price by selection (and deed fee) of the Crown Lands above described.

J. R. EDWARDS,
Agent for the Sale of Crown Lands at Young.

[Minutes on No. 3.]

Mr. Edwards,—The within mentioned lots were last offered for sale at Boorowa on the 12th April, 1865, and not bid for, and were selected (after auction) in July last, at Boorowa, by John Dillon; but, as will be seen by these papers, the Land Agent at Young has allowed them to be taken up at his office by J. A. Murphy.—13/9/75.

Will Mr. Trengrouse please say in which district these portions are situated.—W.C.E., 14/9/75.
Young District.—W.A.T.—15 Sept., /75.

The land in question being in the Young Police District when selected by John Dillon, it is submitted whether that purchase is legal.—W.C.E., 22/10/75.

The prior selections having been received in July last by the Land Agent at Burrowa (though incorrectly, not being for land in that district), and having been duly reported, and not up to the present time questioned,—submitted that the priority of right of the earlier selections should not be questioned.—A.O.M., 1 Nov., /75. The prior selection should certainly be sustained.—W.W.S., 3 Nov., /75. Approved.—T.G., 4 Nov., /75. Cancel Murphy's selections, and refund money.

No. 4.

Mr. H. Freeman to The Minister for Lands.

Sir,

18, Bridge-street, Sydney, 18 January, 1876.

I am instructed by Mr. John A. Murphy of Murrumburrah, to invite your consideration of his claim, disputed by one Dillon, to have conveyed to him in the usual manner the several portions of Crown Lands selected by him after auction at Young in August last.

It

It is a matter of fact well known to my client, that this land had been originally advertised for sale in the Land Office at Burrowa (12 April, 1865); but finding after proper inquiry that by formal notice from your department the land had subsequently been withdrawn from sale at Burrowa, and the district altered to Young, Mr. Murphy attended the latter office, paid his money, and in proper form purchased the lots. He made application shortly afterwards for the issue of the Crown grants, but has been informed that the lots he claims (or two of them) had previously been selected at Burrowa by Dillon. See Nos. 2 & 3.

My client has a very important interest at stake in this matter, inasmuch as the land he purchased forms the only convenient means of communication between his woolshed and the washpool on his run. He will, if his claim be rejected, suffer grievous loss; whereas Dillon's can only be speculative upon the extent of the damage which my client may suffer, and to avoid which Mr. Murphy will be called upon to buy him out.

If the case were less clear, or my client in anywise to blame for short performance of any official rule or requirement, then perhaps he might with justice be allowed to suffer. In this case, however, Mr. Murphy, I respectfully submit, has acquired his right by careful compliance with the Regulation which expressly stipulates that "Land can only be taken up or purchased in the office of that district in which it is situated." The land district having by your authority been declared to be "Young," it is perhaps only too evident that any selection made at Burrowa would directly contravene the law. Dillon, who selected at Burrowa, might with at least an equal show of legality have selected at Sydney (or say Coona-barrabran); and I now venture to urge these facts upon your favourable consideration, feeling assured that in view of the premises, indisputable, and truly mentioned here, Mr. Murphy may not suffer the injustice involved in a loss of the land he has fairly purchased. Further, I respectfully beg that until the case can be fully inquired into, the deeds applied for by Dillon may not be prepared to the prejudice of my client.

I have, &c.,

HENRY FREEMAN,
(Late Hy. Withers & Co.)

Submit the papers to me quickly, and stay deeds pending inquiry—W.W.S., 19 Jany.
After carefully reconsidering this case, I must adhere to former decision.—T.G., 7/2/76.
Inform.—9/2/76.

See Nos. 2 & 3.

No. 5.

The Under Secretary for Lands to Mr. J. A. Murphy.

Sir,

Department of Lands, Sydney, 31 January, 1876.

In reference to your two selections of the 19th August last, of lots H and I of the sale at Burrowa of the 12th April last, I am directed to inform you that they have been cancelled, the lands having been previously alienated.

2. I am to add that on application to the Treasury, the sum of £266 15s will be refunded to you or your order.

I have, &c.,

W. W. STEPHEN.

No. 6.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Sir,

Department of Lands, Sydney, 31 January, 1876.

I am directed to request that you will refund to Mr. John A. Murphy or his order the sum of £266 15s., being the amount paid by him for selection after auction of lots H and I of the sale at Burrowa of the 12th April, 1865, these selections having been cancelled, as the lands were previously alienated.

2. I am to add that Murphy's selections were received by the Land Agent at Young on the 19th August, and that the purchase money was credited on the 23rd August last.

I have, &c.,

W. W. STEPHEN.

No. 7.

The Under Secretary for Lands to The Land Agent, Young.

Sir,

Department of Lands, Sydney, 31 January, 1876.

In reference to the two selections made by Mr. John A. Murphy on the 19th August last, of lots H. and I. of the sale at Burrowa of 12th April, 1865, I am directed to inform you that the same have been cancelled, the lands having been previously alienated at Burrowa, at which place the lands were last offered for sale.

I have, &c.,

W. W. STEPHEN.

No. 8.

Mr. H. Freeman to The Minister for Lands.

Sir,

18, Bridge-street, Sydney, 12 February, 1876.

I am instructed by Mr. J. A. Murphy to beg your consideration of the extreme hardship of his case as disclosed in your decision (of which I have heard).

My client is thus made to suffer the loss of land, although purchased by him in strict accordance with the letter of the law; and although he might deplore any injury that Mr. Dillon might be made to sustain by rejection of his claim, yet Mr. Murphy respectfully but firmly submits that Dillon has no right under the law to the land in question. The selection of these areas by Dillon was made wrongly at a Land Office where the application should have been rejected by the agent, as covering land open to selection

selection and sale *only* in another police district. On the other hand, my client selected at the proper office of that land district, and therefore the priority which can only attach to an application legally made should be secured to him. This refusal of Mr. Murphy's claim is fraught with serious loss to him, for the reasons I have already advanced; and I hope I may not be trespassing beyond the limits of respectful appeal when I ask that you will kindly refer the matter for the opinion of the Crown Law Officers, as to the legal and proper claim my client holds to have the land assured to him.

I have, &c.,

HENRY FREEMAN.

Submitted.—H.O.R., 24/2/76. May be referred to Crown Law Officers; all action to be stayed in meantime.—T.G. Referred to the Crown Law Officers.—B.C., Lands Department, 29 March, 1876, W. C. EDWARDS, for U.S.

No. 9.

The Under Secretary for Lands to Mr. H. Freeman.

Sir,

Department of Lands, Sydney, 22 February, 1876.

See No. 7.

In reference to your inquiries, both personally and by letter, respecting the cancellation of John A. Murphy's selections of lots H and I of the sale at Burrowa of the 12th April, 1865, I am directed to inform you that the Minister for Lands, after due consideration of the circumstances of the case, adheres to his former decision; and that the cancellation of the selections in question cannot therefore be reversed.

I have, &c.,

W. W. STEPHEN.

No. 10.

The Crown Solicitor to The Under Secretary for Lands.

Sir,

Crown Solicitor's Office, Sydney, 4 July, 1876.

See former correspondence.

I have the honor to return herewith the papers forwarded to me, with reference to the conflicting claims of Mr. John A. Murphy and Mr. John Dillon to certain land situate at Murrumboola, and to state that I have submitted same to the Honorable the Attorney General, a copy of whose opinion thereon will be found on the other side.

I have, &c.,

JOHN WILLIAMS,

Crown Solicitor.

For descriptions see No. 15 & 16.

Under advice of Attorney General, Murphy's purchase must be recognized, Dillon's application declined; inform all parties of Attorney General's opinion in full.—T.G., 7/7/76. Descriptions amended and deeds prepared.—27 July, 1876.

[Enclosure to No. 10.]

In re Claim of Mr. John A. Murphy to lands at Murrumboola, also claimed by Mr. John Dillon.

It appears to me that the only purchase properly made according to the Regulations was that made by J. A. Murphy. The land in question, originally advertised in the Land Office at Burrowa, had been by notification from the Lands Department withdrawn from sale there, and the district altered to Young. In accordance with this alteration is the action of Murphy, who attends at the office indicated by the Government, and makes his purchase at the proper place. The prior selection at Burrowa by Dillon was manifestly not at the Land Office of the district which the Government had itself prescribed, and was consequently at variance with the Regulation. I cannot see how Murphy's claim can be resisted. His purchase has legal priority (though later in point of time), for he purchased at the only place where, according to the Regulation, he could do so.

Crown Law Offices, 3rd July, 1876.

WILLIAM B. DALLEY,
Attorney General.

No. 11.

The Under Secretary for Lands to Mr. H. Freeman.

Sir,

Department of Lands, Sydney, 11 July, 1876.

See No. 8.

See No. 1.

In reference to your letter of the 12th February last, protesting, on behalf of Mr. John A. Murphy, against the auction selections by Mr. John Dillon of lots H and I, portions 97 and 98, of the sale at Burrowa on the 12th April, 1865, on the ground that the land, although advertised for sale at Burrowa, was improperly selected by Dillon at that place, and requesting that his selection should be declared void,—I am directed to inform you that the case has been referred to the Crown Law Officers, and to enclose for your information a copy of the Honorable the Attorney General's opinion, from which you will perceive that Murphy's selection will be sustained and Dillon's cancelled.

I have, &c.,

A. O. MORIARTY,

Pro Under Secretary.

No. 12.

The Under Secretary for Lands to Mr. J. Dillon.

Sir,

Department of Lands, Sydney, 11 July, 1876.

No. 1.

In reference to the auction selection made by you on the 8th July, 1875, of lots H and I, portions 97 and 98 of the sale at Burrowa on the 12th April, 1865, I am directed to inform you that the same have been cancelled, as the land was illegally selected by you at Burrowa, the opinion of the Honorable the Attorney General, a copy of which I herewith enclose, being to the effect that the land was open to selection only in the Police District of Young, in which it is situated.

2. Upon application to the Treasury, the sum of £266 15s., paid for the lots in question, will be refunded to you on your order.

I have, &c.,

A. O. MORIARTY,

Pro Under Secretary.

See enclosure to No. 10.

No. 13.

No. 13.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Revenue refunded.

Sir,

Department of Lands, Sydney, 11 July, 1876.

I am directed to request that you will be good enough to refund to Mr. John Dillon, or his order, the sum of £266 15s., credited at the Treasury on the 19th July, 1875, being the amount paid by him for lots H and I of sale at Burrowa on the 12th of April, 1865—the sale having been cancelled, as the portions in question were selected at the wrong Land Office. £266 15s.

I have, &c.,

W. C. EDWARDS,

Pro Under Secretary.

No. 14.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Sir,

Department of Lands, Sydney, 20 July, 1876.

In reference to my letter of 31st January last, authorizing you to refund to Mr. J. A. See No. 6. Murphy the sum of £266 15s., being the amount paid by him for lots H and I of the sale at Burrowa on the 12th August, 1865, and credited on the 23rd August, 1875, I am directed to inform you that the cancellation of Mr. Murphy's selection has been revoked, and he is therefore no longer entitled to a refund in respect thereof.

I have, &c.,

A. O. MORIARTY,

For Under Secretary.

No. 15.

Description.

H 33-1,716.

Country Lot—John Aloysius Murphy.

Lot H.

133 acres 1 rood, county of Harden, parish of Murrumboola, portion 97: Commencing on the northern side of a road 1 chain wide, at a point distant 1 chain north from the north-western corner of W. Lehane's portion 96; and bounded thence on the south by that road, dividing it from that portion, bearing east 59 chains and 27 links; on the east by a road 1 chain and 50 links wide bearing north 5 degrees 19 minutes west 17 chains and 59 links, and thence bearing north 22 degrees 49 minutes west 5 chains and 95 links; on the north by the southern boundary of John Dillon's portion 98 bearing west 55 chains and 37 links; and on the west by a line bearing south 23 chains and 4 links, to the point of commencement.

No. 16.

Description.

H 33-1,716.

Country Lot—John Aloysius Murphy.

Lot I.

131 acres 2 roods, county of Harden, parish of Murrumboola, portion 98: Commencing on the western side of a road 1 chain and 50 links wide, at the north-eastern corner of John Dillon's portion 97; and bounded thence on the east by that road bearing north 22 degrees 49 minutes west 4 chains 56 links, north 28 degrees 35 minutes east 15 chains and 75 links, and thence north 32 degrees 27 minutes west 5 chains and 91 links; on the north by a road 1 chain wide, dividing it from part of portion 107 of 320 acres, bearing west 57 chains and 93 links; on the west by a line bearing south 23 chains and 10 links; and on the south by the northern boundary of portion 97 aforesaid, bearing east 55 chains and 37 links, to the point of commencement.

No. 17.

M. Fitzpatrick, Esq., M.P., to The Minister for Lands.

Sir,

251, George-street, 28 July, 1876.

In compliance with your wish, I beg to re-state in writing the case which I submitted to you personally this morning.

On the 12th April, 1865, certain Crown Lands were offered for sale by auction at Boorowa, and, not having been sold, were thereupon open to selection. Mr. John Dillon, of Murrumburrah, was desirous of securing two of these portions, namely, portions 97 and 98, in the parish of Murrumboola, containing respectively 131 acres 1 rood and 131 acres 2 roods, and with that view applied to the Land Agent at Young, on the 1st day of February, 1875. The Agent, not being able readily to find any record of the sale, requested Mr. Dillon to call again, which he did, and was then informed that the matter had been overlooked. Mr. Dillon called again and again at Young, some five times in all, at varying intervals extending in all over five months.

Despairing of getting any satisfaction from the Land Agent at Young, Mr. Dillon wrote to me to take the matter in hand for him; his letter was received on the 25th June, 1875. After two or three elaborate searches in your office, my then assistant, Mr. Henry Freeman, succeeded in finding the plans and papers connected with these lands. Mr. Freeman personally applied to take up the lands there in Mr. Dillon's name, as had been the practice for years theretofore. But this application must be made at the local land office, which it was intimated to him was Boorowa. I conveyed this official intimation to Mr. Dillon, and accordingly on the 8th July, 1875, he attended the Land Office at Boorowa, and paid the price of the lands, £264 15s. Mr. Dillon has been in unquestioned possession of the land from that date until the receipt, some days ago, of your letter of 11th instant, which informed him that his selection had been cancelled, because, under the opinion of the Attorney General, the land could only be legally selected in the Police District of Young, in which it is situated. (It appears that between the date of

See No. 12.

of the attempted sale in 1865 and Mr. Dillon's selection, the boundaries of the Police District of Burrowa had been altered.) It transpired, from the Attorney General's opinion, that the same lands, some time after the selection of them by Mr. Dillon, had been taken up by Mr. J. A. Murphy, whose claim it was advised should be sustained. Now I do not hesitate to say, that if this advice be followed the result will be an act of unexampled injustice. However much the learned Attorney General may have been constrained to give this technical opinion, it cannot be otherwise than abhorrent to his or your sense of Justice that Mr. Dillon should be deprived of the land by a trick of this kind, after holding it for twelve months, and at a time too when he is under contract engagements for fencing and other improvements. He did all that man could do. He applied several times to select at Young, which, as it turns out, was the correct office, and the Land Agent practically refused or declined to accept the money. He applied through me to select at the Land Office in Sydney, where hundreds of other selections had been permitted to be made, and was refused. He then applied to the Land Office at Burrowa, where the land had been offered for sale, and his application was at once accepted. Now, I claim that the Government must be bound by the acts of their agents. This position will not, I think, be disputed. Well then, on the one hand the Government Agent at Young was unwilling or unable to give legal effect to Mr. Dillon's application again and again repeated; and on the other hand the Land Agent at Burrowa, without any demur or hesitation, at once purported to give effect to his selection.

I respectfully maintain that the Government are doubly bound by these acts, and that now to ignore Mr. Dillon's selections would be to ignore their own acts—acts which would be binding upon any citizen, and which the Courts of the Colony would compel him to respect. I cannot persuade myself that you will deprive Mr. Dillon of his land on this wretched quibble. If it be said that the law is as laid down by the learned Attorney General, and that Mr. Murphy is entitled to the benefit of it, then I reply let Mr. Murphy by all means obtain any and all redress that the law will afford, but do not let the Government disavow their own acts.

They have entered into a contract with Mr. Dillon, from which they cannot with honor recede. Let them complete that contract by the issue to him of the deeds of grant improperly delayed until now, and then let Mr. Murphy seek any remedy the law may afford, and which remedy, as I am advised, will not at all be defeated by the issue of the deeds to Mr. Dillon.

I have, &c.,

M. FITZPATRICK.

No. 18.

Mr. H. Freeman to The Minister for Lands.

Sir,

18, Bridge-street, Sydney, 15 August, 1876.

I have the honor once more to apply, on behalf of Mr. John A. Murphy, for speedy issue of the Crown grants, which have been prepared and signed by His Excellency the Governor in favour of my client.

Mr. Murphy learns with regret that the issue of these deeds has been stopped on representations filed by Dillon, whose position in the matter might evoke sympathy perhaps were any real injury or loss inflicted. Such is, I am earnestly to assure you, not the fact; and as my client is prepared to pay promptly and fully for any fencing or improvement actually on the ground, I conceive the hardship is obviated, and appeal *ad misericordiam* may indeed be unnecessary.

Mr. Murphy, having the fullest confidence in your official assurance conveyed by the departmental notification of the admission of his lawful purchase, has, I am advised by him, alienated his interest, and he is now required to complete the conveyance.

I felt justified, in my capacity as agent for Murphy, in advising him, on the eve of his sale, that the case had met with the fullest consideration by the Lands Minister, and at the hands of the Law Officers of the Crown, and that the decision affirming the lawfulness of his tenure, and the consequent illegality of the opposing claim, had been so fairly come to, after mature deliberation, as to leave no room for doubt that his position could not be disturbed.

This matter had lain for many weary months in an unadjusted state, and my client is really the sole sufferer in the matter, inasmuch as the action taken by Dillon in plunging into the very heart of his run, and in an avowed hostile spirit stepping upon the only area available for access from the woolshed to water, was only calculated to harass the Crown tenant, and to extort a high price as the consideration for withdrawal.

I do not feel it my duty, nor is it necessary, to search for motives for this act of adverse selection; suffice it to show, that the purchase which has been made by Dillon does not bear the stamp of legality, and this conclusion having been affirmed by your decision, supported by the positive assurance of the Honorable the Attorney General, that my client does possess the only lawful right, I respectfully ask that you will be pleased to order the speedy issue to Mr. Murphy of his grants.

I have, &c.,

HENRY FREEMAN.

I have again gone over these papers very carefully, and am, I feel bound, again to direct that deeds should issue in Murphy's favour.—T.G., 6/9/76.

No. 19.

M. Fitzpatrick, Esq., M.P., to The Minister for Lands.

Sir,

251, George-street, 26 September, 1876.

I will take it as a favour if you will inform me of the decision of the Government on my letter of 28th July last, in which I submitted to you, by your desire, the claim of Mr. John Dillon on certain after auction lands selected by him at Burrowa, but which were afterwards selected at Young by Mr. John Murphy.

I have, &c.,

M. FITZPATRICK.

See No. 17.

No. 20.

The Under Secretary for Lands to M. Fitzpatrick, Esq., M.P.

Sir,

Department of Lands, Sydney, 16 October, 1876.

In reference to your letter of the 26th ultimo, in which you request to be informed of the decision arrived at in the case of the conflicting claims of Murphy and Dillon to certain lands in the county of Harden, I am directed to inform you that the Honorable the Secretary for Lands, after a careful consideration of the arguments advanced in your letter of the 28th July last, has decided to adhere to the decision conveyed to Dillon, that Murphy's selection shall be maintained.

2. I am to add, that the deeds of the land in question will therefore be issued in favour of J. A. Murphy.

I have, &c.,

W. W. STEPHEN.

Case of Laycock v. Ogilvie.

No. 1.

Application by Mr. J. C. Laycock to The Land Agent, Grafton.

District of Grafton. No. 113 of 1876.

Application by John Connell Laycock, for the Conditional Purchase without competition of 200 acres unimproved Crown Land (13th section).

RECEIVED by me, with a deposit of £50, this 17th day of August, 1876, at 2:30 o'clock.

W. H. THOMAS,

Agent for the Sale of Crown Lands at Grafton.

Sir,

17th August, 1876.

I am desirous of purchasing without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 200 acres; and I herewith tender the sum of £50, being a deposit at the rate of 5s. per acre on the area for which I apply.

To the Agent for the
Sale of Crown Lands at Grafton.

I am, &c.,

JOHN CONNELL LAYCOCK,

Solferino.

DESCRIPTION.

County of Clarence, parish of Newbold, 200 acres unurveyed land, about three or four miles lower down the Mitchell River than E. D. Ogilvie's Heifer Station homestead, with a frontage to the said river.

Mr. Surveyor Donaldson.—J.E.B., for Surveyor General, 4 October, 1876.

No. 2.

Application by Miss E. C. Laycock to The Land Agent, Grafton.

District of Grafton. No. 114 of 1876.

Application by Emily Connell Laycock, spinster, for the Conditional Purchase without competition of 200 acres unimproved Crown Lands (13th section).

RECEIVED by me, with a deposit of £50, this 17th day of August, 1876, at 3 o'clock.

W. H. THOMAS,

Agent for the Sale of Crown Lands at Grafton.

Sir,

17th August, 1876.

I am desirous of purchasing without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 200 acres; and I herewith tender the sum of £50, being a deposit at the rate of 5s. per acre on the area for which I apply.

To the Agent for the
Sale of Crown Lands at Grafton.

I am, &c.,

EMILY CONNELL LAYCOCK,

Solferino.

DESCRIPTION.

County of Clarence, parish of Newbold, 200 acres unmeasured land, to commence at the confluence of Gorge Creek with the Clarence River, and to run west, with a frontage to said river.

Mr. Surveyor Donaldson.—J.E.B., for Surveyor General, 4 October, 1876.

No. 3.

No. 3.

Mr. J. C. Laycock to The Minister for Lands.

Sir,

18 August, 1876.

See Nos. 1 & 2.

At Grafton, I yesterday selected 400 acres of unmeasured unimproved land, on E. D. Ogilvie's run, exactly on the Police District boundary line. I trust that fact will obviate all objections from whosoever brought or forthcoming. I have sold my Glenreagh Run, and sought to take my cattle to the selected land, but the station holders contiguous positively refused in writing to permit me to drive my cattle across the Ramornie and Newbold Runs, thus forcibly closing up every avenue of access to conditional purchaser's driving cattle to their selections, although in my case one day would have sufficed for my purpose.

Yours, &c.,
J. C. LAYCOCK.

No. 4.

Application by The Hon. E. D. S. Ogilvie, M.L.C., to The Land Agent, Richmond River.

Volunteer Order Selection. Casino, No. 22 of 1876.

Application by the Honorable Edward David Stuart Ogilvie, Esq., of Yulgilbar, for a grant of 50 acres of land, under clauses 44 and 45 of the "Volunteer Regulation Act of 1867."

RECEIVED with Certificate, this 23rd day of August, 1876, at 4 o'clock, by—

M. M. CAMPBELL,
Land Agent for Richmond River District.

Sir,

Casino, 23 August, 1876.

In virtue of the enclosed Certificate, I hereby apply for a grant of 50 acres of unimproved Crown Land, hereunder described.

I am, &c.,
EDW. D. OGILVIE,
Yulgilbar, Grafton.

The Crown Lands Agent, Casino.

DESCRIPTION.

County of Gresham, parish of Camelback, 50 acres, on the right bank of the Mitchell River, about a mile above its confluence with the Clarence River: Commencing at a tree marked 111 on the river bank, and bounded thence on the south by a line eastward; on the east by a line north to the Mitchell River; and on the north and west by that river upwards to the point of commencement. This portion of land is about a mile and a half within the southern boundary of the Police District of Richmond River, as shown upon the official map of the County of Gresham.

[Minutes on No. 4.]

Mr. Surveyor Donaldson, to measure if unobjectionable.—J.J.R., for Surveyor General, 4th September, 1876.

Mr. Licensed Surveyor Fisher, to measure if unobjectionable.—P. R. DONALDSON, 25/9/76.

[Enclosure to No. 4.]

Volunteer Land Order—75/284.
Volunteer Force.

Registered, 7/10/75.

1876.

Certificate for Grant of Land.—Casino, 22 of 1876.

I CERTIFY that Private Archibald Gillespie, of the Wollongong Corps of Volunteer Rifles, has served as an efficient Volunteer for the prescribed period of 5 years, thereby entitling him the said private Archibald Gillespie to a grant of land, as specified in clauses 44 and 45 of the "Volunteer Regulation Act of 1867."

JOHN RICHARDSON, Lieut.-Col.,
Commandant.

Sydney, 19 August, 1875.

In consideration of value received, I, A. Gillespie, do hereby transfer to Honorable E. D. S. Ogilvie, Esq., of Clarence River, the within Land Order and all lands I may be entitled to in virtue thereof.

PRIVATE A. GILLESPIE.

7th October, 1875.

Witness,—G. COCHRANE.

No. 5.

Application by Mr. J. C. Laycock to The Land Agent, Casino.

(G.)

Casino, No. 173 of 1876.

Application by John Connell Laycock, for the Conditional Purchase without competition of 200 acres unimproved Crown Land, under section 21 of the "Crown Lands Alienation Act of 1861."

RECEIVED by me, with a deposit of £50, this 24th day of August, 1876, at 3 o'clock.

M. M. CAMPBELL,
Agent for the Sale of Crown Lands at Casino.

Sir,

Casino, 24 August, 1876.

Total area, 400 acres. Selected August, 1876.

I am desirous of purchasing without competition, under the 21st section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 200 acres, which adjoins my conditional purchase of 200 acres, upon which I am now residing, and I herewith tender the sum of £50, being a deposit at the rate of five shillings per acre on the area for which I apply. This is the first selection made by me in virtue of my conditional purchase of 200 acres.

I am, &c.,
J. C. LAYCOCK,
Solferino.

The Agent for the Sale of Crown Lands at Casino.

DESCRIPTION.

County of Gresham, parish of Camelback, 200 acres, adjoining the northern boundary of my conditional purchase of 200 acres, made at Grafton 17th August, 1876, with frontage to the Mitchell River.

[Minutes

[Minutes on No 5.]

It was explained to applicant that, as he has no other conditional purchase in this district, this application is objectionable under the 21st section.

It was suggested that his better course would have been to have now applied under the 13th section for the 200 acres apparently erroneously selected at Grafton, and the 200 acres represented by this application, in one block, and to obtain a refund of the deposit paid in Grafton. He, however, elected to adhere to this application subject to this explanation, and to accept receipt for deposit subject to decision by the Honorable the Minister for Lands.

M. M. CAMPBELL,
Crown Lands Agent.

Mr. Surveyor Donaldson, to measure if unobjectionable. First conditional purchase is satisfactory.—D.L., *pro* Surveyor General, 2 November, 176. B.C., 3/11/76. This is the additional conditional purchase referred to in the 3rd paragraph of my report of 1st November last.—P. R. DONALDSON, 27/3/77.

No. 6.

Application by the Hon. E. D. S. Ogilvie, M.L.C., to The Land Agent, Glen Innes.
Volunteer Order Selection.

Application by Edward David Stuart Ogilvie, of Yulgilbar, Clarence River, for a grant of 50 acres of land, under clauses 44 and 45 of the "Volunteer Regulation Act of 1867."

RECEIVED with Certificate, this 5th day of September, 1876, at 12 o'clock, by—
GEORGE MARTIN,
Land Agent for Glen Innes District.

Sir, Yulgilbar, 2 September, 1876.
In virtue of the enclosed Certificate, I hereby apply for a grant of 50 acres of unimproved Crown Land, hereunder described. I am, &c.,

EDWARD D. S. OGILVIE,
Yulgilbar, Grafton.

DESCRIPTION.

County of Gresham, parish of Camelback, 50 acres unmeasured land without frontage, and to include a cattle camp at "Gap Creek": Commencing at a gum-tree marked v, seventeen chains south of the Mitchell River, at the point of intersection of the northern boundary-line of the Police District of Glen Innes; and from that marked-tree bounded on the north by a line east; on the east by a line south; on the south by a line west; and on the west by a line north, to point of commencement—all four lines to be of equal length.

Mr. Surveyor Donaldson, to measure if unobjectionable.—J.J.R., for Surveyor General, 26 October, 1876.

[Enclosure to No. 6.]

Registered, 23/9/75. Volunteer Force. No. 75-246. Certificate for Grant of Land. 1859.

I CERTIFY that Private John Carry, of the 1st Regiment of Volunteer Rifles (No. 6 Company), has served as an efficient Volunteer for the prescribed period of five years, thereby entitling him the said Private John Carry to a grant of land, as specified in clauses 44 and 45 of the "Volunteer Regulation Act of 1867." W. B. B. CHRISTIE, Captain, Major of Brigade, Pro Commandant.

Sydney, 17 September, 1875. In consideration of value received, I, John Carry, do hereby transfer to Honorable Edward D. S. Ogilvie, Esq., the within Land Order, and all lands I may be entitled to select in virtue thereof. JOHN CARRY, No. 6 Compy., 1st Regt., V.R.

23rd September, 1875. Witness.—ALEX. W. MURILL.

No. 7.

M. Fitzpatrick, Esq., M.P., to The Minister for Lands.

Sir, 251, George-street, 9 October, 1876.

I earnestly invoke your interference in the following matter, to prevent a flagrant abuse of the Land Act. Mr. J. C. Laycock, a hard-working settler in the true sense of the word, was desirous of selecting certain Crown Land on the borders of the Grafton and Casino Police Districts.

Being not quite certain of the fact, but believing the land to be in the Grafton District, he on 17th August last went to the Grafton Office and lodged two applications—one in his own name for 200 acres, and one in the name of his daughter, Miss Emily C. Laycock, for the like area. The Land Agent, being also under the impression that the land, the position of which was pointed out to him on the map, was in the Grafton District, at once accepted the deposit, and gave the usual receipts. On the following Wednesday the Honorable E. D. Ogilvie went to the Casino Office, and in virtue of one or more Volunteer Orders selected or purported to select portions of the same land, on the plea that Mr. Laycock's selections were not valid. There is reason to believe that the land is in the district of Casino, as shown on the within sketch. I now entreat you, in the exercise of the large discretion necessarily placed in you, to allow Mr. Laycock to amend his selection, as has been done in other cases. See No. 1. See No. 2. See Nos. 4 and 6. Appendix A.

As displaying the temper shown in this case, I am instructed to say, that immediately upon Mr. Laycock making his selection it was intimated to him by an agent of Mr. Ogilvie's, that he (Mr. Ogilvie) would be a thorn in Mr. Laycock's side; and as Mr. Laycock's occupation is liable to interruption, and is in fact disputed by Mr. Ogilvie, I beg as a further favour that you will give instructions for the early measurement of these selections. I have, &c.,

MICHL. FITZPATRICK.

[Minute on No. 7.]

So far as these Conditional Purchases and the Volunteer Land Order purchase are affected by the applications for the former, viz., made at Grafton instead of at Casino, I direct that the conditional purchases stand good. Transfer to Casino books. If the Volunteer Land Order purchase made on the Wednesday following by Ogilvie clashes with either of the conditional purchases, as alleged, it should be cancelled.—T.G.

No. 8.

The Under Secretary for Lands to M. Fitzpatrick, Esq., M.P.

Sir,

Department of Lands, Sydney, 9 October, 1876.

See No. 7.
Conditional Purchase 76-113, 200 acres, J. C. Laycock, 17th August, 1876.
Conditional Purchase 76-114, same area, Emily C. Laycock, same date, Grafton.
See No. 4.

In reference to your letter of to-day's date, respecting the conditional purchases mentioned in the margin, which appear to have been made in the wrong Police District, and which clash with a Volunteer Land Order selection made by the Crown tenant, E. D. Ogilvie, I am directed to inform you that the Secretary for Lands has instructed that the conditional purchases should stand good, so far as they and the Volunteer Land Order purchase are affected by the applications for the former having been made at Grafton instead of at Casino; and they will therefore be transferred to the Richmond River Land Office books, if found to come within that district.

2. I am to add, that if the Volunteer Land Order purchase, said to have been made on the Wednesday following the date of the conditional purchases, be found to conflict with either of the selections as alleged, it will be cancelled.

I have, &c.,

W. W. STEPHEN.

No. 9.

M. Fitzpatrick, Esq., M.P., to The Minister for Lands.

Sir,

251, George-street, 10 October, 1876.

See No. 8.

I have the honor to acknowledge receipt of your letter of yesterday's date, wherein you inform me that the conditional purchases of J. C. Laycock and Miss E. C. Laycock, 200 acres each, made at Grafton on 17th August, 1876, will be sustained, and to thank you for the promptitude with which you have dealt with the cases.

See No. 7.

May I further direct your attention to the request contained in my letter of 9th instant, that you would be good enough to issue instructions for the immediate measurement of these conditional purchases.

I have, &c.,

MICHL. FITZPATRICK.

[Minutes on No. 9.]

See Nos. 1 and 2

Mr. District Surveyor Donaldson is requested to report if conditional purchase applications 76/113 and 76/114, Grafton, interfere with any land applied for under Volunteer Land Order by Ogilvie or otherwise, and to what extent. He should place himself in communication with the Land Agents and the persons interested, and furnish report and sketch as early as possible, as the conditional purchase is to stand, even though made at Grafton, as against the Volunteer Land Order.

Mr. Landers,—The Minister for Lands desires telegram to above effect to be sent; then to Alienation Branch (through Records) to inform conditional purchaser's agent of reference to surveyor; and then to me.—F.W.R., for Surveyor General, 17/10/76.

No. 10.

Messrs. Heron & Thompson to Mr. R. G. Massie.

Dear Sir,

Vickery's Chambers, 19 October, 1876.

We have considered the question you placed before us, with reference to the action the Government have taken in having purported to validate (by the notification of the Minister for Lands) an informal application by John Connell Laycock for the conditional purchase of certain property upon the Clarence River, forming portion of Mr. Edward Ogilvie's run, such an attempted validation having a subsequent date to a formal and correct application lodged by Mr. Ogilvie, under a Volunteer Land Order, for a portion of the area intended to be taken up by Laycock.

By the "Volunteer Force Regulation Act of 1867," the efficient Volunteer was entitled to a free grant of 50 acres of such land as might be open to conditional purchase under the 13th section of the "Crown Lands Alienation Act of 1861"; and thus the point now to be considered appears to us to be, whether this 50 acres was open to conditional purchase on the day upon which Mr. Ogilvie lodged his application.

We are strongly of opinion that it was then open for conditional purchase, inasmuch as at that date no application by any other person had been tendered to the "Land Agent for the district," in accordance with the provisions of the "Crown Lands Alienation Act of 1861"; and we consider the notification by the Minister for Lands is *ultra vires*, even were there no "third party" whose rights are affected. And we form our opinion upon this ground:

The 14th section of the 39 Victoria No. 13, upon which the Minister, we presume, would rely, has reference alone to an "error or uncertainty" in the description of land conditionally purchased; the land in question we do not consider was conditionally purchased, as no application whatever was lodged at the proper District Land Office, and it is one thing to amend or validate an "error or uncertainty" in an otherwise correct and formal application, and quite another thing to validate an application informal *ab initio*—so informal, indeed, was the whole proceeding that we consider no application has ever existed.

The power the Minister derives under the 14th section is not a creative one, but a confirmatory or validating one.

We are not asked to point out what legal procedure should be taken in order to protect Mr. Ogilvie or enforce his claims, and we therefore do not suggest any measures; we however believe, that by a clear representation of the facts to the Minister, a consideration of Mr. Ogilvie's claims may be obtained, coupled

coupled with a postponement of a final acceptance of Laycock's application ; and we should advise that the points we have raised should be submitted to the Minister forthwith, with a request that Laycock should not be declared the conditional purchaser of at least the 50 acres applied for by Mr. Ogilvie, but that that area should at once be surveyed in respect of his application.

If this request should not be granted, it will be proper to consider whether Mr. Ogilvie can bring an action of trespass against Laycock. We are, &c.,
HERON & THOMPSON.

No. 11.

Mr. R. G. Massie to The Minister for Lands.

Sir, No. 5, Bridge-street Chambers, 19 October, 1876.

With reference to the action taken by you recently, by which you appear to validate an informal application made by Mr. John Connell Laycock, on behalf of his daughter Emily Connell Laycock, for the conditional purchase of 200 acres of land on the Clarence River, forming a portion of Mr. Edward Ogilvie's run, such an attempted validation having a subsequent date to a formal and correct application lodged by Mr. Ogilvie under a Volunteer Land Order,—I now have to protest against any such attempt, which besides being in itself, I humbly suggest, quite *ultra vires* and illegal, invalidating an application made correctly and legally at the proper Land Office, with a correct description, for at the date of Mr. Ogilvie's application at the Land Office of the district where the land required by him under his Volunteer Land Order was situated, no application had been made by Mr. Laycock or anyone else for any land or portion of land interfering with it.

Under these circumstances, I respectfully request that you will be good enough to reconsider your decision, with a view to its rescission with as little delay as possible, and that you inform Mr. Laycock of this ; and, further, that the District Surveyor (Mr. Donaldson) be instructed to take the necessary steps with a view of securing to Mr. Ogilvie his undoubted rights.

Your earliest attention to this matter will much oblige,
Your, &c.,
ROBERT GEO. MASSIE.

[Minute on No 11.]

In this case a conditional purchase was made by Laycock, but not as required by the 13th clause of the Alienation Act at the Land Office of the district. The Minister, however, approved of the conditional purchase being validated by transferring the application to the proper district. Prior, however, to such authority, the Land Order 50 acres out of it had been taken up by Mr. Ogilvie under Volunteer Land Order. The question therefore seems to be, whether a conflicting claim having in the meantime arisen, the conditional purchase can legally be upheld in its entirety. I should, perhaps, point out, that concessions of this nature have generally been allowed, on the understanding that no claim has arisen clashing with the first but illegal transaction.—W.W.S., 31st Oct.

No. 12.

Telegram from The Surveyor General to Mr. Surveyor Donaldson.

October 23, 1876.

THE Minister directs that you should measure immediately Laycock's conditional purchases, seventy-six, one hundred and thirteen, and fourteen, thousand, taken up in the wrong Police District, and notwithstanding Ogilvie's Volunteer Land Order taken up in the correct district but on a later date.

No. 13.

Application by the Hon. E. D. S. Ogilvie, M.L.C., to The Land Agent, Glen Innes.

(B.)

[Lands Acts Amendment Act, 1875.]

Application for the purchase of Crown Lands in virtue of intended improvements by the holder thereof, under a lease or promise of lease for pastoral purposes.

Crown Lands Office, Glen Innes, No. 4/76.

RECEIVED by me, with a deposit of £100, this 31st day of October, 1876.

G. MARTIN,
Agent for Sale of Crown Lands at Glen Innes.

Sir, Yulgilbar, Grafton, 31 October, 1876.

I hereby apply to purchase, without competition, under the provisions of the 31st clause of the "Lands Acts Amendment Act, 1875," the Crown Land described hereunder, on which I intend to erect the improvements detailed below ; and I herewith tender the sum of £100, being a deposit of £1 per acre on the area for which I apply.
I have, &c.,
EDWD. D. OGILVIE.

The Crown Lands Agent, Glen Innes.

DESCRIPTION OF LAND.

Name of run, or nature of holding—Ogilvie's Cattle Station, pastoral leases. County of Gresham, parish of Camelback. 100 acres, in addition to and adjoining the 180 acres applied for by me on the 2nd September last, under the provisions of the 31st clause of the "Lands Act Amendment Act of 1875." The 100 acres now applied for are bounded, on the north by the 180 acres applied for 2nd September, on the west by the Mitchell River, on the south by Fischer's Creek, and on the east by a line from that creek north to the southern boundary of the 180 acres.

Improvements.

Clearing scrub or brush on river bank, and laying down land with artificial grasses for feeding imported shorthorn stock. [Minutes

[Minutes on No. 13.]

Ogilvie's Cattle Station Run, district of Clarence; W. and E. D. S. Ogilvie, lessees; estimated area, 10,100 acres; date of last appraisement, 4th September, 1871.—G.M., Occupation of Lands, 20th November, 1876.

Submitted,—That this application be refused and the deposit refunded, as right of purchase under clause 31, in virtue of the above-mentioned run, has been already exhausted.—E.B., 4/12/76.

Appd.—T.G., 13/12/76.

No. 14.

Telegram from The Land Agent, Glen Innes, to Mr. Surveyor Donaldson.

31 October, 1876.

* No. 13.

Mr. Ogilvie took up 180 acres on 5th September last, and *100 acres additional to-day by virtue of intended improvements, both parish of Camelback, county of Gresham.

No. 15.

Mr. Surveyor Donaldson to The Surveyor General.

Sir,

Grafton, 1 November, 1876.

See minute on No. 2.

In obedience to instructions of 17th October, 1876, to report on the conditional purchases of J. C. Laycock of 200 acres, and Emily C. Laycock of 200 acres, to what extent they are interfered with by Volunteer Land Orders or otherwise, and to communicate with Land Agent and parties interested, &c., I have the honor to inform you,—

See No. 4.

1st. That the conditional purchase, 76/114, of Emily C. Laycock of 200 acres, made at Grafton on 17th August last, will include the Volunteer Land Order purchase of 50 acres, made by E. D. S. Ogilvie at Grafton on the 23rd August last.

2nd. Mr. Ogilvie objects to this conditional purchase being allowed, on the ground that it is in the Police District of the Richmond River, and not of Grafton, where it was selected; and that it is described as being in the parish of Newbold, county of Clarence, instead of in the parish of Camelback, county of Gresham, in which it really is. Mr. Ogilvie also asserts that Mr. Laycock pointed out the starting point of Emily C. Laycock's conditional purchase, as being a small creek just above Mr. Ogilvie's Volunteer Land Order, and not Gorge Creek as given in his description, which will include the Volunteer Land Order purchase of Mr. Ogilvie; this Mr. Laycock denies, and insists on the land as described starting at Gorge Creek.

See No. 5.

With No. 7.

3rd. With reference to J. C. Laycock's conditional purchase, 200 acres (76-113), taken up at Grafton on the 17th August last, and also an additional conditional purchase of 200 acres taken up at Casino on the 24th August, I have the honor to point out, that in the sketch forwarded to me with Laycock's applications, the position of these selections is shown as being wholly in the Richmond River district, of which Casino is the Land Office.

4th. The description given of the additional selection, viz., to adjoin the northern boundary of my former conditional purchase, together with its having been taken up at Casino and not at Grafton, where the first was erroneously taken up, would imply that the sketch indicates the land intended to be taken.

5th. This land, however, consists of a steep high range and poor useless country, and Mr. Laycock points out that it will be utterly valueless to him, and informs me that he has, from want of knowledge of the locality, made an error in giving this as the spot, and now points out the land as intended to be taken where shown by the red tint on my sketch herewith marked C, and not at B in blue as in sketch referred to.

Appendix B.

See No. 6.

See No. 13.

6th. To measure where Mr. Laycock points out, will include part of a Volunteer Land Order purchase of 50 acres made by Mr. Ogilvie at Glen Innes on 2nd September last, as well as part of a conditional improved purchase of 180 acres taken up by Mr. Ogilvie on 5th September, and an additional conditional improved purchase of 100 acres on 30th October, under 31st section of Act of 1875 (all taken up after Laycock's selection).

7th. Mr. Ogilvie objects to the selection, on the ground that if measured where Mr. Laycock now points out, it will be a change of position from that first taken, as well as that it will include the land taken up by him by Volunteer Land Orders and under 31st section, and that it will be then wholly within the Police District of Glen Innes, instead of the Grafton or Richmond River District in which the selection was made.

See No. 12.

8th. Under these circumstances I could not measure immediately, as instructed by telegram of 23rd instant, and request to be informed whether J. C. Laycock's conditional purchases 76/113 & 173 are to be measured in accordance with the sketch accompanying his application, or where he now points out.

I transmit herewith copies of Land Agent's descriptions, and two letters from Mr. Ogilvie on the matter. I have also seen Mr. Ogilvie and Mr. Laycock respecting the same.

I have, &c.,

P. R. DONALDSON.

[Enclosure A to No. 15.]

E. D. Ogilvie, Esq., to Mr. Surveyor Donaldson.

Dear Sir,

Yulgilbar, 16th October, 1876.

On reaching the Gorge on Friday morning last, I found Mr. Laycock there, and upon my requesting him to point out the position of the land he claimed to have selected, he intimated that he desired to include the land upon which my fence is erected and which I claim, and Mr. Fisher on his arrival declined to measure either my land or that claimed by Mr. Laycock.

I now learn from my superintendent and two men who are putting up fence for me, that Mr. Laycock not only stated that he did not lay any claim to the land upon which my fence stands, but that he *actually pointed out his starting point as being at the confluence of a small running creek which joins the nearer point above my selection*, and which was, he said, the creek mentioned in his application as Gorge or George's Creek.

See No. 2.

But the fact is, that he having since made another selection lower down the river on the run of Mr. Greaves, he now wants to deprive me of mine, because it intervenes between his two. I trust that a sense of justice will induce you to use your official influence and authority to thwart so unjustifiable an attempt to play fast and loose. That Mr. Laycock, previous to his making the last selection on Newbold Run, distinctly stated that the land upon which my fence is erected was not included in that for which he had applied, can be proved by three competent witnesses.

I remain, &c.

EDWD. D. OGILVIE.

[Enclosure

[Enclosure B to No. 15.]

E. D. Ogilvie, Esq., to Mr. Surveyor Donaldson.

Yulgilbar, 19 October, 1876.

Dear Sir,

Laycock has now shifted his ground, and claims to take his selection made at Grafton on the 17th August, and his additional selection made at Casino on the 24th, all in the Glen Innes District, and in such a way as to deprive me of my 50 acre block taken by Volunteer Land Order at Grafton, on the 6th September, to secure my main cattle camp for that part of my run. In the presence of my superintendent, Laycock pointed out to the Land Agent at Casino, on the official map, the position of the land he had selected at Grafton the previous week, and in taking at Casino an additional selection he pointed it out and described it as adjoining the northern boundary of his first selection. I enclose herewith a sketch showing the position of his selection as pointed out at Casino: the original selection is that marked A, and the additional selection that marked B. My Volunteer Land Order selection is indicated at C, and the land that Laycock now says that he claims is indicated by a dotted line and marked D. I also enclose copies of Mr. Laycock's applications for his original and additional selections respectively, and ask you if the boundary of the latter, speaking as it does of his northern boundary, does not conclusively prove that the land he now advances a claim to is not the land he selected. My selection is a valuable one as securing an important cattle camp, and I trust that I shall not vainly invoke official protection against the attempt to deprive me of it by a trick.

I remain, &c.,
EDWD. D. OGILVIE.

[Appendix to enclosure B to No. 15.]

Grafton.

1876.—Selected under 13th section.

August 17th. John Connell Laycock, 200 acres, county Clarence, parish of Newbold, unsurveyed land, about 3 or 4 miles lower down the Mitchell River than C. D. Ogilvie's heifer station homestead, with a frontage to the said river.

Casino.

John Connell Laycock, 24th August, 1876, 3 o'clock, 200 acres. Gresham, Camelback, adjoining the northern boundary of my conditional purchase of 200 acres, made at Grafton, 17th August, 1876, with a frontage to the Mitchell River.

[Enclosure C to No. 15.]

The Acting Land Agent, Casino, to Mr. Surveyor Donaldson.

Land Office, Casino, 25 October, 1876.

Dear Sir,

Mr. Campbell is at present on leave in Sydney, so that I cannot send you any tracing of Laycock's land, but I have enclosed copy of the entry in the Land Book, which may guide you a little.

Yours, &c.,
H. H. JAMES,
Acting Land Agent.

[Appendix to enclosure C to No. 15.]

John Connell Laycock, 200 acres, selected 24th August, 1876, under 21st section. County Gresham, Camelback, adjoining the northern boundary of my conditional purchase of 200 acres, made at Grafton, 17th August, 1876, with frontage to the Mitchell River.

No. 16.

Mr. H. Heron to The Minister for Lands.

Vickery's Chambers, 8 November, 1876.

Sir,

Referring to my interview with you yesterday, with reference to the application of Mr. Edward Ogilvie for 50 acres of land on the Clarence River, under a Volunteer Land Order, I beg to lay before you the letter I addressed, in the name of my firm, to Mr. Massie, giving him my opinion on Mr. Ogilvie's position.

I trust that, in accordance with your promise, you will furnish your decision on this question in the course of this week.

I have, &c.,
HENRY HERON.

No. 17.

Mr. H. Heron to The Minister for Lands.

Mr. Ogilvie's Application.

11 November, 1876.

Sir,

The importance to my client, Mr. Ogilvie, of receiving your decision before you leave town is so great, that I venture to address you to-day, although I am aware it is not one upon which the public are allowed to see you; but I trust that in accordance with your statement that you would be able to give your decision before you left, you will inform me what decision you have arrived at in this case.

I have, &c.,
HENRY HERON.

[Minute on No. 17.]

I find that the papers are with the Surveyor, and any reconsideration of the case must remain until the papers are returned in due course.—T.G., 11/11/76.

No. 18.

The Land Agent, Casino, to Mr. Surveyor Donaldson.

Crown Lands Office, Casino, 22 November, 1876.

Dear Sir,

I was on leave in Sydney when you asked for sketch of Laycock's conditional purchases, I now send an approximate one of all in that spot.

Laycock distinctly told me that the conditional purchases at Grafton were adjoining the northern side of the Clarence and Richmond River Police boundary; and I gave him a sketch showing them as such, with which he was satisfied.

Yours, &c.,
M. M. CAMPBELL.

This letter and sketch refers to the applications of Laycock's conditional purchases reported on by me, 1st November, 1876.—P.R. DONALDSON, 24 November, 1876.

No. 19.

Memorandum by The Minister for Lands.

In re Ogilvie's Volunteer Land Order and 31st clause applications and the Laycocks' Conditional Purchases.

See No. 15.

THIS matter having again been brought under my notice in connection with the accompanying report from Mr. Surveyor Donaldson (and other papers herewith), from which it appears that the questions at issue between Mr. Ogilvie and the Laycocks are not confined to the land as to which, on the representations of Mr. Fitzpatrick (Laycock's agent), instructions were given on the 9th ultimo for the survey of the conditional purchase of Emily C. Laycock, and for the rejection of Volunteer Land Order of Ogilvie for 50 acres of the same land. There are, it appears now, other conflicting applications of practically the same parties in the same vicinity, as to which the same, or substantially the same, difficulties arise. In the latter cases the land was conditionally purchased by J. C. Laycock at Grafton, the Land Office of a neighbouring district, and an additional conditional purchase at the proper Land Office, *i.e.*, Casino; but Mr. Laycock requested the surveyor to measure the land (the position of which is plainly shown upon a sketch supplied by Mr. Laycock's agent) in a different position, and so as to conflict with another selection of Mr. Ogilvie by Volunteer Land Order, and an application from him under clause 31 of Amendment Land Act. Thus, it is clear the case has a wider bearing than was supposed at the time I gave directions as to the conflict between E. C. Laycock's conditional purchase and Ogilvie's Volunteer Land Order, in addition to which I am now driven to deal with the whole of the cases by the protests of Mr. Ogilvie under the strict provisions of the law, which precludes me from exercising any discretion or responsibility in the matter. A reconsideration of the former decision has therefore become imperative. It is clear to me now that the conditional purchases of the Laycocks will remain invalid unless I remedy the defect in the original applications, *i.e.*, the making of the application at the wrong Land Office, as they would be invalidated if contested (which they would assuredly be) by the party who has by application at the proper office obtained a legal title to the land applied for by him, and which forms a part of the land applied for irregularly by the Laycocks.

See No. 13.

Having regard to all the circumstances, it seems to me now advisable to confine my interposition in the case as between the Laycocks and the Government, to deal with the applications as having been correctly made in so far as they do not interfere with the legal rights (which have been insisted upon, and which have since arisen) of third parties, in other words with the land selected and applied for at the proper Land Offices by Mr. Ogilvie.

In accordance with the determination, the option may be left to the Laycocks of having their conditional purchases so measured in each case as to embrace the full area applied for out of adjacent land, or of having it measured exclusive of the land selected and applied for by Mr. Ogilvie the difference of deposit being refunded, or having their applications set aside altogether.

A plan showing the positions of the conflicting applications should be forwarded to the Laycocks' agent with this decision. T.G., 1/12/76.

No. 20.

The Under Secretary for Lands to M. Fitzpatrick, Esq., M.P.

Sir,

Department of Lands, Sydney, 1 December, 1876.

Referring to the conflicting case of E. D. S. Ogilvie's Volunteer Land Order selection, and the Laycocks' conditional purchases,—I am directed to inform you that this matter has again been brought under the notice of the Minister for Lands, in connection with a report from Mr. Surveyor Donaldson and other papers; and it now appears that the questions at issue between Mr. Ogilvie and the Laycocks are not confined to the land as to which on your representations instructions were given on the 9th ultimo for the survey of the conditional purchase of Emily C. Laycock, and for the rejection of the Volunteer Land Order application of Ogilvie for 50 acres of the same land.

There are, it seems, other conflicting applications of practically the same parties in the same vicinity, as to which the same or substantially the same difficulties arise.

In the latter case the land was conditionally purchased by J. C. Laycock at Grafton, the Land Office of a neighbouring district, and an additional conditional purchase at the proper Land Office, *i.e.*, Casino; but Mr. Laycock requested the surveyor to measure the land (the position of which is plainly shown upon a sketch supplied by you as Laycock's agent) in a different position, and so as to conflict with another selection of Mr. Ogilvie by Volunteer Land Order, and an application also by Mr. Ogilvie under 31st clause of the Amending Land Act.

Thus, it is clear that the case has a wider bearing than was supposed at the time the Minister gave directions as to the conflict between E. C. Laycock's conditional purchase and Ogilvie's Volunteer Land Order selection; in addition to which the Minister is now compelled to deal with the whole of the cases, by the protests of Mr. Ogilvie, under the strict provisions of the law, which precludes him from exercising any discretion or responsibility in the matter. A reconsideration of the former decision has therefore become imperative.

It appears clear, I am to state, that the purchases of the Laycocks will remain invalid, unless the Minister for Lands remedies the defect in the original applications, *i.e.*, the making of the applications at the wrong Land Office, as they would be invalidated if contested (which they would assuredly be) by the party who has by application at the proper office obtained a legal title to the land applied for by him, and which forms a part of the land applied for irregularly by the Laycocks.

Having regard to all the circumstances, it seems to the Minister now advisable to confine his interposition to the case as between the Laycocks and the Government, to deal with the applications as having been correctly made in so far as they do not interfere with the legal rights (which have been insisted upon, and which have since arisen) of third parties—in other words, with the land selected and applied for at the proper Land Offices by Mr. Ogilvie.

I am to add, that in accordance with this determination, the option will be left to the Laycocks of having their conditional purchases so measured in each case as to embrace the full area applied for out of adjacent

adjacent land, or of having them measured exclusively of the land selected and applied for by Mr. Ogilvie the difference of deposit being refunded, or finally having their applications set aside altogether. Tracing not with the papers sent to Mr. Fitzpatrick.

A tracing showing the position of the conflicting applications is forwarded herewith.

I have, &c.,

W. W. STEPHEN.

No. 21.

The Under Secretary for Lands to The Hon. E. D. S. Ogilvie, M.L.C.

Sir,

Department of Lands, Sydney, 1 December, 1876.

Referring to the conflicting cases of your Volunteer Land Order and 31st Clause applications and the Laycocks' conditional purchases,—I am now directed to inform you, that under a report received from the surveyor, and the circumstances shown by other documents, the Minister for Lands has decided that the option may be left to the Laycocks of having their conditional purchases so measured in each case as to embrace the full area applied for out of the adjacent land, or of having them measured exclusively of the land selected and applied for by you, or finally having their applications set aside altogether. See No. 15.

I have, &c.,

W. W. STEPHEN.

No. 22.

Copy of description of Lands elected by Mr. J. C. Laycock on 14 December, 1876.

C.P. No. 76-137.

Applicant, John Connell Laycock. Police District, Glen Innes. Date, 14 December, 1876. Time, 12. Area, 640 acres. • Section, 13.

DESCRIPTION.

640 acres, county of Gresham, parish of Camelback.

640 acres, commencing at the north-west corner of Ogilvie's 280 acres, under 31st section of Amended Land Act, and on the right bank of the Mitchell River; thence east along the river to the intersection of the northern boundary of the Police District of Glen Innes; thence east along that boundary to a tree marked x; thence by lines south and west to the south-east corner of Ogilvie's land; thence along the eastern and northern boundaries of that land, to point of commencement.

No. 23.

Mr. J. C. Laycock to The Under Secretary for Lands.

Sir,

Glen Innes, 14 December, 1876.

Having this day applied for a conditional purchase of 640 acres at the Glen Innes Land Office, the described boundaries of which include my two purchases of 200 acres each, in the county of Gresham and parish of Camelback, made at Grafton and Casino on the 17th and 24th August last,—I have the honor to request refund of my deposits made at those places on the dates above stated, as I find that my applications were then lodged at the wrong Land Offices. See No. 22. See Nos. 1 & 5.

I have, &c.,

JOHN CONNELL LAYCOCK.

No. 24.

M. Fitzpatrick, Esq., M.P., to The Minister for Lands.

Sir,

251, George-street, 15 December, 1876.

I have the honor to acknowledge receipt of your letter of the 1st instant, in the matter of the Laycocks' case, in conflict with certain claims of the Honorable E. D. S. Ogilvie, in which you have deemed it advisable to reverse your former decision in the case, giving Mr. and Miss Laycock the option of having their selections measured so as to exclude land claimed by Mr. Ogilvie, or of having their applications cancelled; and having submitted the said letter to my client, I now beg to request on his behalf the return of the deposit upon Emily Laycock's 200 acres, Mr. Laycock electing to have the full area measured for him to exclude the land claimed by Mr. Ogilvie. May I beg that you will cause this refund to be expedited, as the applicant desires to re-select. See No. 20.

I have, &c.,

MICHL. FITZPATRICK.

[Minute on No. 24.]

Under decision of the 1st December last hercon, the conditional purchase application (No. 76/114) should be declared void; further, under letter No. 23, refund should take place on conditional purchases 76/113, Grafton, and 76/173, at Casino. See No. 19. See No. 2. See Nos. 1 & 5.

Conditional purchase application of 14th December, 1876, Glen Innes, should be placed herewith for action in this Branch.—J.H.R., 22nd December, 1876. See No. 22.

No. 25.

The Under Secretary for Lands to The Land Agent, Glen Innes.

Sir,

Department of Lands, Sydney, 20 December, 1876.

I am directed to inform you that the application, under the 31st clause of the "Lands Act Amendment Act of 1875," of which particulars are given in the margin, has been refused, and I am to request that you will be good enough to erase the notation from the office map, and note the refusal in the register in which the application is recorded. See No. 13. C.I.P. No. 1,120. Local No. 4. Dated, 31st October, 1876. Applicant, Hon. E. D. Ogilvie. Area, 100 acres. County, Gresham. Parish, Camelback. Run, Ogilvie's Cattle Station.

I have, &c.,

W. W. STEPHEN.

No. 26.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Revenue refunded.

Sir,

Lands Department, Sydney, 20 December, 1876.

£100.
See No. 13.

I am directed to request that you will be good enough to refund to Honorable E. D. S. Ogilvie, of Yulgilbar, Grafton, or upon his order, the sum of £100, credited at the Treasury, on the 10th November, 1876, being the deposit received with an application under 31st clause, made at Glen Innes, on the 31st October, 1876, to purchase 100 acres in the county of Gresham, parish of Camelback, the application having been refused.

I have, &c.,

LINDSAY G. THOMPSON,
Pro Under Secretary.

No. 27.

The Under Secretary for Lands to The Hon. E. D. S. Ogilvie, M.L.C.

Sir,

Department of Lands, Sydney, 20 December, 1876.

See No. 13.
C.L.P. No. 1,120.
Date of selection,
31st October,
1876.
Nature of hold-
ing, Ogilvie's
Cattle Station
Run.
County, Gresh-
am.
Parish, Camel-
back.
Area, 100 acres.

I am directed to inform you that your application, particularized in the margin hereof, to purchase certain land under the 31st clause of the "Lands Act Amendment Act of 1875," cannot be complied with, as by previous applications you have already exhausted your right to purchase within that run under the clause of the Act referred to.

2. I am to say that the Treasury has been authorized to refund to you, or upon your order, the deposit of £100 paid on the application in question, and will communicate with you when the amount is ready for payment.

I have, &c.,

W. W. STEPHEN.

No. 28.

Miss E. C. Laycock to The Minister for Lands.

Sir,

Gorge Creek, Newbold, 20 December, 1876.

See No. 2.

See No. 20.

As you are aware, I happened to select, on the 17th August last, 200 acres of land in the wrong Land Office; and as you have finally decided that Mr. Ogilvie is entitled, in virtue of a Volunteer Land Order, to decrease my area by 50 acres; and as you have kindly given me, by your letter of 1st December last, the option of having my conditional purchase so measured as to embrace the full area applied for out of adjacent lands, or measured exclusively of the land selected and applied for by Mr. Ogilvie, the difference of deposits being refunded, or finally a refund of the whole deposit of £50,—may I beg therefore, as my live stock are in jeopardy, and my goods and chattels hourly exposed to the elements, thereby entailing loss, that you will refund my deposit at once, and speedily enable me to choose a fixed place of abode.

I have, &c.,

EMILY CONNELL LAYCOCK.

No. 29.

M. Fitzpatrick, Esq., M.P., to The Minister for Lands.

Sir,

251, George-street, 23 December, 1876.

See No. 24.

With reference to my letter of the 15th instant, applying for the return of the deposit upon Emily Laycock's selection of 200 acres in accordance with your recent decision, and notifying that Mr. J. C. Laycock had elected to have the full area measured for him, I am now instructed by Mr. Laycock, that owing to his not being able to arrange satisfactorily with the surveyor as to this measurement, he would prefer taking back his deposit as in his daughter's case.

May I therefore beg that you will cause instructions to issue for the refund in this case as early as possible.

I have, &c.

MICHL. FITZPATRICK.

No. 30.

The Hon. E. D. S. Ogilvie, M.L.C., to The Under Secretary for Lands.

Sir,

Yulgilbar, 28 December, 1876.

See No. 27.

I have the honor to acknowledge receipt of your communication of the 20th instant, informing me that my application of 31st October last (No. 1,120), to purchase, under the 31st clause of the "Lands Act Amendment Act of 1875," 100 acres of my Ogilvie's Cattle Station Run, county of Gresham, parish of Camelback, cannot be complied with, because by previous applications I have already exhausted my right to purchase within that run under the clause of the Act referred to.

The run in question is appraised at over 12,000 acres, and of this area I have purchased 150 and pre-lease 150 acres only. I am therefore entitled to apply for more than 400 acres under the 31st clause above referred to, whereas I have applied for 300 acres only. This quantity was not all applied for at one and the same time, but it forms *one block*. My first application was for 180 acres, but 200 acres having been erroneously measured, I, to obviate the necessity for a re-measurement, paid an additional £20 into the Treasury, and applied for the 20 additional acres, and finding the 200 acres insufficient to include all the land which I desired to clear and cultivate, I made application for 100 acres more to adjoin the 200 acres, making a total of 300 acres in a leasehold the area of which is sufficiently extensive to entitle me to apply for more than 400 acres.

See No. 13.

I submit, therefore, that the refusal conveyed in the communication to which I am now replying, must be founded upon some erroneous data, and should be recalled.

I have, &c.,

EDWD. D. OGILVIE.

Mr. Ogilvie's application, No. 966, for 180 acres, bars any second application, the run containing not two 5 miles square.—15/1/77. This application is not with the papers.

No. 31.

25

No. 31.

The Commissioner of Conditional Purchases to Mr. J. C. Laycock.

(C.P. Nos. 76-113; 76-173.)

Department of Lands, Conditional Sales Branch,

Sir,

Sydney, 6 January, 1877.

I am directed to inform you that the applications made by you at Grafton and Casino, on the 17th and 24th August, 1876, respectively, for the conditional purchase of 200 acres of land each, are void at your own request. See Nos. 1 & 5. Deposit paid, £100.

2. Enclosed are forms which, on being filled up in accordance with the instructions thereon, and Two forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your deposit.

I have, &c.,

A. O. MORIARTY,

Commissioner.

[Enclosure A to No. 31.]

(C.P. 76/173.)

NEW SOUTH WALES.

Revenue refunded.

Department of Lands, Conditional Sales Branch : Dr. to J. C. Laycock,—

Sydney, 6 January, 1877.

Particulars.	Amount refunded.
For the following refund, viz. :—	£ s. d.
Land Office at Casino; date of selection, 24th day of August, 1876; deposit paid on 200 acres, £50;	50 0 0
selection void; deposit to be refunded on 200 acres	

[Enclosure B to No. 31.]

(C.P. 76/113.)

NEW SOUTH WALES.

Revenue refunded.

Department of Lands, Conditional Sales Branch : Dr. to J. C. Laycock,—

Sydney, 6 January, 1877.

Particulars.	Amount refunded.
For the following refund, viz. :—	£ s. d.
Land Office at Grafton; date of selection, 17th day of August, 1876; deposit paid on 200 acres, £50;	50 0 0
selection void; deposit to be refunded on 200 acres.....	

No. 32.

The Commissioner of Conditional Purchases to Miss E. C. Laycock.

(C. P. 76-114.)

Department of Lands, Conditional Sales Branch,

Madam,

Sydney, 6 January, 1877.

I am directed to inform you that the application made by you at Grafton, on the 17th August, 1876, for the conditional purchase of 200 acres of land, is void at your own request. See No. 2. Deposit paid, £50.

2. Enclosed is a form which, on being filled up in accordance with the instructions thereon, and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your deposit.

I have, &c.,

A. O. MORIARTY,

Commissioner.

[Enclosure to No. 32.]

(C.P. 76/119.)

NEW SOUTH WALES.

Revenue refunded.

Department of Lands, Conditional Sales Branch : Dr. to Emily Laycock,—

Sydney, 6 January, 1877.

Particulars.	Amount refunded.
For the following refund, viz. :—	£ s. d.
Land Office at Grafton; date of selection, 17th day of August, 1876; deposit paid on 200 acres, £50;	50 0 0
selection void, at applicant's request; deposit to be refunded on 200 acres	

No. 33.

The Commissioner of Conditional Purchases to The Land Agent, Grafton.

(C.P. Nos. 76-113, 76-114.)

Department of Lands, Conditional Sales Branch,

Sir,

Sydney, 6 January, 1877.

I am directed to inform you that the applications of J. C. Laycock and Emily Laycock, respectively, made on the 17th August, 1876, for the conditional purchase of 200 acres of land each, are void at their own request. See Nos. 1 and 2.

2. A form for refund of deposit has been forwarded for the signature of the applicant, the nature of which you will be so good as to explain to him if required.

I have, &c.,

A. O. MORIARTY,

Commissioner.

No. 34.

The Commissioner of Conditional Purchases to The Land Agent, Casino.

(C.P. No. 76-173.)

Department of Lands, Conditional Sales Branch,

Sir,

Sydney, 6 January, 1877.

See No. 5.

I am directed to inform you that the application of J. C. Laycock, made on the 24th August, 1876, for the conditional purchase of 200 acres of land, is void at his own request.

2. A form for refund of deposit has been forwarded for the signature of the applicant, the nature of which you will be so good as to explain to him if required.

I have, &c.,

A. O. MORIARTY,

Commissioner.

No. 35.

The Commissioner of Conditional Purchases to The Under Secretary for Finance and Trade.

Conditional Purchase—Revenue refunded.

(C.P. No. 76-113.)

Department of Lands, Conditional Sales Branch,

Sir,

Sydney, 6 January, 1877.

District, Grafton; name, J. C. Laycock; date of selection, 17th Aug., 1876; area, 200 acres; deposit, £50.

I am directed to inform you that the conditional purchase noted in the margin being void at applicant's request, you will be good enough to refund to the selector the sum of £50, being the deposit money paid thereon.

2. I am to add, that a receipt form for the disposal of the money has been forwarded to the applicant, with instructions to fill up same and transmit it to the Treasury.

I have, &c.,

A. O. MORIARTY,

Commissioner.

No. 36.

The Commissioner of Conditional Purchases to The Under Secretary for Finance and Trade.

Conditional Purchase—Revenue refunded.

(C.P. No. 76-114.)

Department of Lands, Conditional Sales Branch,

Sir,

Sydney, 6 January, 1877.

District, Grafton; name, Emily Laycock; date of selection, 17th Aug., 1876; area, 200 acres; deposit, £50.

I am directed to inform you that the conditional purchase noted in the margin being void at applicant's request, you will be good enough to refund to the selector the sum of £50, being the deposit money paid thereon.

2. I am to add, that a receipt form for the disposal of the money has been forwarded to the applicant, with instructions to fill up same and transmit it to the Treasury.

I have, &c.,

A. O. MORIARTY,

Commissioner.

No. 37.

The Commissioner of Conditional Purchases to The Under Secretary for Finance and Trade.

Conditional Purchase—Revenue refunded.

Department of Lands, Conditional Sales Branch,

Sir,

Sydney, 6 January, 1877.

District, Casino; name, J. C. Laycock; date of selection, 24th Aug., 1876; area, 200 acres; deposit, £50.

I am directed to inform you that the conditional purchase noted in the margin being void at applicant's request, you will be good enough to refund to the selector the sum of £50, being the deposit money paid thereon.

2. I am to add, that a receipt form for the disposal of the money has been forwarded to the applicant, with instructions to fill up same and transmit it to the Treasury.

I have, &c.,

A. O. MORIARTY,

Commissioner.

No. 38.

The Under Secretary for Lands to The Hon. E. D. S. Ogilvie, M.L.C.

Sir,

Department of Lands, Sydney, 16 January, 1877.

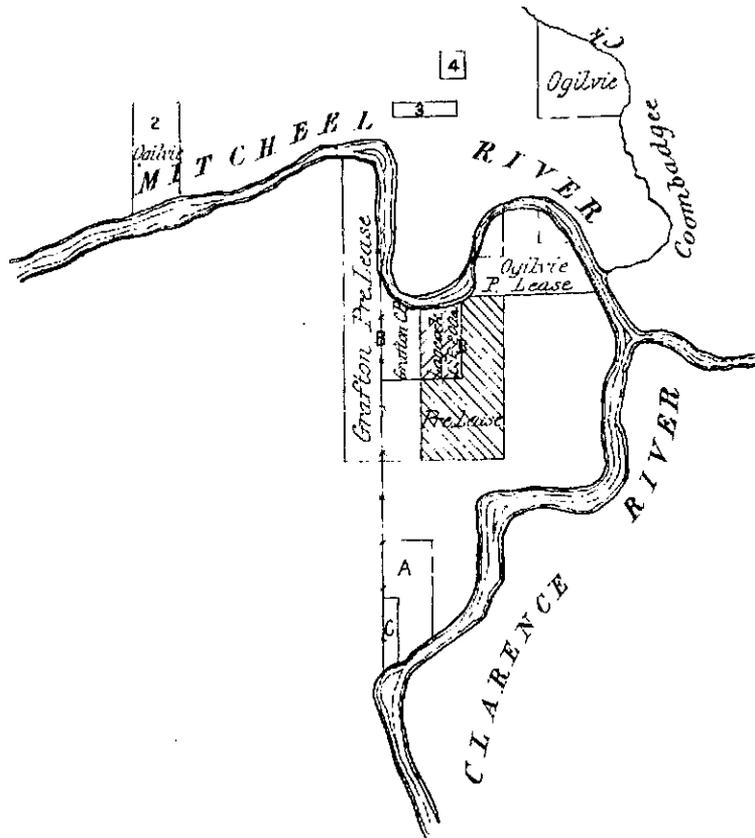
See No. 30. C.I.P. 1,120; date, 31st Oct., 1876; area, 100 acres; county, Gresham; parish, Camelback, Ogilvie's cattle. C.I.P. 866.

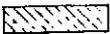
Referring to your letter of the 28th ultimo, protesting against the cancellation of the provisional improved purchase particularized in the margin, and urging in support of your protest that the run upon which the land in question is situated contains an area sufficient to entitle you to purchase 400 acres in virtue of intended improvements,—I am directed to inform you that your application of the 5th September last bars any second application, as the run does not contain two blocks of 5 miles square.

I have, &c.,

W. W. STEPHEN.

[Four plans.]



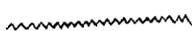
- Police boundary —————
- C.P. 200 ac. 
- Pre-lease 
- A - J. C. Laycock
- B - E. C. Laycock
- C - E. D. Ogilvie's L. O.

(Sig. 459)

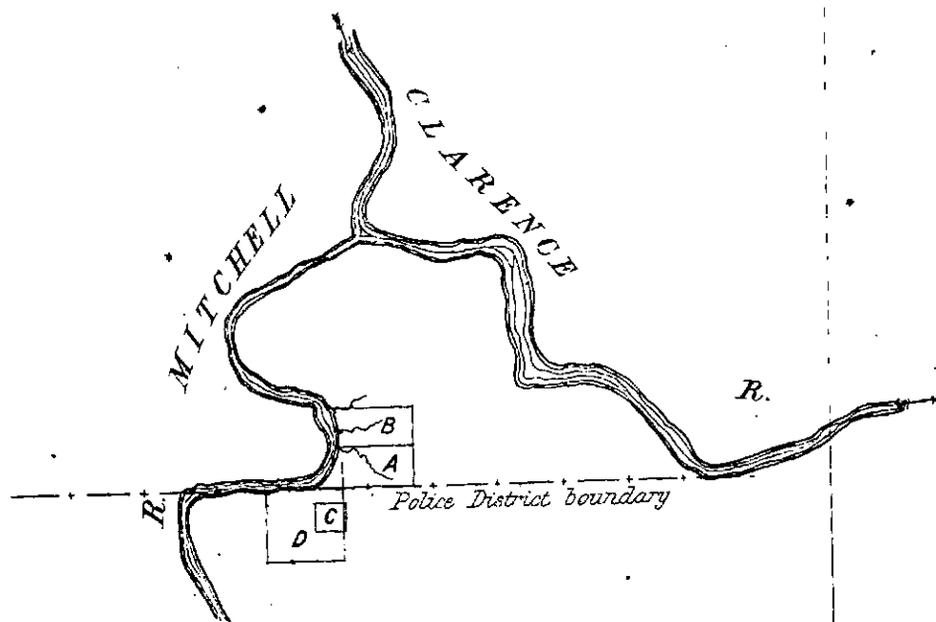
SKETCH

from the

COUNTY OF GRESHAM.



Scale, 2 Miles to an Inch



(Sig. 459)

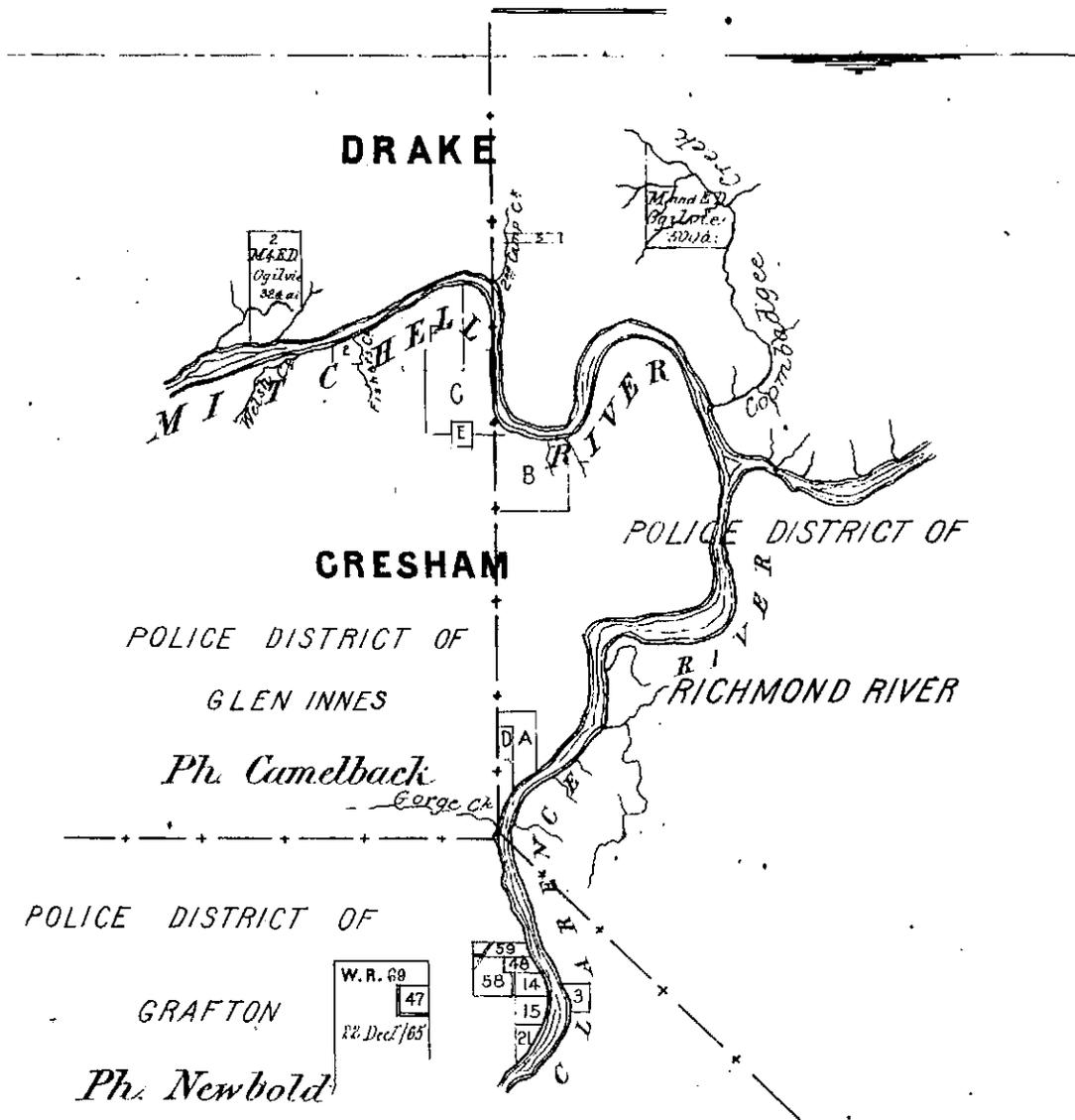
SKETCH

Showing F. C. Laycock's and J. C. Laycock's C.P.s, also F. D. Ogilvie's Volunteer Land Orders.

COUNTY OF DRAKE.

Scale, 2 Miles to an Inch

F. C. Laycock's C.P. shown in Red at A; J. C. Laycock's C.P.s shown as he wishes them measured, in Red at C; J. C. Laycock's C.P.s, as shown on Sketch accompanying his application, in Blue at B; E. D. Ogilvie's V.L.O.s in Brown D and E; E. D. Ogilvie's C.I.P. in Brown at F.



NOTE - The portions marked A and C are tinted Red on Original Plan
 " " " D, E, and F. " Brown " " "
 " " " B " " Blue " " "

Transmitted to the Surveyor General with my report of 1st November, 1876, N^o 76|124.

P. R. Donaldson, Surveyor.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CONDITIONAL PURCHASE OF HENRY DEONG.
(CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 21 December, 1876.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 20 July, 1876, That there be laid upon the Table of this House,—

“Copies of all Correspondence, papers, and minutes in reference to the selection of Henry Deong, a Chinaman, the transfer of which is sought to be made lawful by the Bill to ‘legalize certain conditional and other purchases,’ because he was not a naturalized subject at date of transfer of his selection to another.”

(*Mr. Jacob.*)

SCHEDULE.

NO.	PAGE.
1. Application by Henry Deong for the conditional purchase of certain land in the county of Gough, with minutes thereon. 20 February, 1873	2
2. Mr. Licensed-Surveyor Garland to the Surveyor General, enclosing plan, and reporting on Deong's conditional purchase, with minutes thereon. 31 May, 1873	2
3. Under Secretary for Lands to Henry Deong, asking for certificate of naturalization. 21 May, 1874	3
4. Same to same, requesting a reply to above. 29 July, 1874	3
5. Same to same, again requesting a reply to No. 3. 22 October, 1874	3
6. Same to same, drawing his attention again to No. 3. 19 December, 1874	3
7. Notification of alienation of Henry Deong's conditional purchase to W. C. Cardew, with minutes thereon. 24 March, 1875	3
8. Circular calling on Henry Deong to show cause as to his alleged nonfulfilment of the terms of his conditional purchase. 15 November, 1875	4
9. Commissioner Blythe reporting on above conditional purchase, with minutes thereon and enclosures. 10 December, 1875	4
10. Under Secretary for Lands to Wm. Goodfellow with reference to the conditional purchase of Henry Deong. 29 January, 1876	5

CONDITIONAL PURCHASE OF HENRY DEONG.

No. 1.

[Alienation Act, section 13.]

Application for the Conditional Purchase, without competition, of unimproved Crown land.

District of

No. 67, of 1873.

Application by Henry Deong for the conditional purchase, without competition, of 40 acres unimproved Crown land.

Received by me, with a deposit of £10, this 20th day of February, 1873, at 12 o'clock.

THOMAS BETTERIDGE,

Agent for the Sale of Crown Lands at Inverell.

Sir,

Sydney, 20 February, 1873.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 40 acres; and I herewith tender the sum of £10, being a deposit at the rate of 5s. per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,

H. DEONG,

Inverell.

To the Agent for the

Sale of Crown Lands at Inverell.

DESCRIPTION.

County of Gough, parish unnamed, 40 acres, at the Gilghi Creek, and on the south side of C. Calthorpe's conditional purchase, made 15th April, 1872.

Minutes thereon.

Mr. J. M. Simpson,—To measure if unobjectionable.—W.A.T. (for Surveyor General), 25 March, 1873, B.C., 27 March, 1873. It is suggested that this instruction be sent to Mr. Licensed-Surveyor Garland, who is working in the locality.—J. M. SIMPSON, L.S. The District Surveyor, Armidale, 23/4/73.

No. 2.

Mr. Licensed-Surveyor Garland to The Surveyor General.

Sir,

Inverell, 31 May, 1873.

In compliance with your instructions of 27th March, 1873, I have the honor to enclose to you a plan of a portion of land of 40 acres in parish of Clive, county of Gough, applied for under the 13th clause of the "Crown Lands Alienation Act of 1861," by Henry Deong.

2nd. There is no permanent water on the ground.

3rd. The applicant resides on his conditional purchase.

4th. The improvements consist of a hut, value £30.

5th. The instrument used was a theodolite, and the date of survey was 26th May, 1873.

I am, &c.,

B. CLAYTON GARLAND,

Licensed Surveyor.

Minutes thereon.

The Surveyor General.—M. O'C. BLAKE (for Deputy Surveyor General), 1 July, 1873. Dealt with in Charting Branch. *If applicant, who is a Chinaman, has taken certificate of naturalization.*—J.H.L., 25 February, 1874. Forwarded to the Land Agent, Inverell, who is requested to supply this Department with the information sought by abovenamed.—W.B. (for U.S.), B.C., 16 March, 1874. I can find no records of any certificate of naturalization granted to Henry Deong.—THOS. BETTERIDGE, Land Agent. The applicant, who is a Chinaman, should be requested to furnish this Department with a copy of the certificate of his naturalization.—H.B., 6/5/74. Submitted. No reply to hand. No reply yet noted. Should he be reminded the third time?—8/12/74. Yes.—10/12/74. The letters sent to H. Deong on the 21st May and 29th July last were returned unclaimed, and sent to Crown Land Agent to forward to him.—25/1/75. This should, I presume, be resubmitted at the end of June.—9/4/75. Yes. No reply has been received to the four (4) letters sent to H. Deong. Submitted. For inquiry before a Commissioner, as to whether applicant was a naturalized British subject at date of application.—A.O.M.

No. 3.

The Under Secretary for Lands to Mr. H. Deong.

(C.P. 73-1,513.)

Sir,

Department of Lands, Sydney, 21 May, 1874.

In reference to the conditional purchase of 40 acres made by you at Inverell on the 20th February, 1873, I am directed to inform you that as aliens cannot hold land it will be necessary for you to furnish a copy of your certificate of naturalization before the matter can be further dealt with.

I have, &c.,

W. W. STEPHEN.

No. 4.

3

No. 4.

The Under Secretary for Lands to Mr. H. Deong.

(C.P. No. 73-1,513.)

Sir,

Department of Lands, Sydney, 29 July, 1874.

In reference to my letter addressed to you on the 21st May, 1874, on the subject mentioned below, I am directed to draw your attention to the matter, and to request the favour of a reply at the very earliest opportunity.

I have, &c.,

WM. BLACKMAN,

For the Under Secretary.

SUBJECT ALLUDED TO.

Respecting your conditional purchase of 40 acres, made at Inverell on the 20th February, 1873, and requesting you to furnish a copy of your certificate of naturalization.

No. 5.

The Under Secretary for Lands to Mr. H. Deong.

(C.P. No. 73-1,513.)

Sir,

Department of Lands, Sydney, 22 October, 1874.

In reference to my letter addressed to you on the 21st May, 1874, on the subject mentioned below, I am directed to draw your attention to the matter, and to request the favour of a reply at the very earliest opportunity.

I have, &c.,

WM. BLACKMAN,

For the Under Secretary.

SUBJECT ALLUDED TO.

Respecting your conditional purchase of 40 acres, made at Inverell on the 20th February, 1873, and requesting you to furnish a copy of your certificate of naturalization.

No. 6.

The Under Secretary for Lands to Mr. H. Deong.

(C.P. No. 73-1,513.)

Sir,

Department of Lands, Sydney, 19 December, 1874.

In reference to my letter addressed to you on the 21st May, 1874, on the subject mentioned below, I am directed to draw your attention to the matter, and to request the favour of a reply at the very earliest opportunity.

I have, &c.,

WM. BLACKMAN,

For the Under Secretary.

SUBJECT ALLUDED TO.

Respecting your conditional purchase of 40 acres, made at Inverell on the 20th February, 1873, and requesting you to furnish a copy of your certificate of naturalization.

No. 7.

[Alienation Act, section 13.]

Notification of alienation of Conditional Purchase under the "Crown Lands Alienation Act of 1861," where there is no additional Conditional Purchase in virtue thereof.

Notification of Alienation of Conditional Purchase by Henry Deong, in the District of Inverell.

I HEREBY notify to you, as the agent for the sale of Crown Lands for the District of Inverell, that I have (after a residence thereon of at least twelve months) this day alienated to William Goodfellow, of Inverell, the 40 acres of land situated in the county of Gough, parish unnamed, which I selected at Inverell as a conditional purchase under the 13th section of the "Crown Lands Alienation Act of 1861," on the 20th February, 1873, having no additional conditional purchase in virtue thereof.

H. DEONG,

Inverell.

Dated at Inverell, this 20th March, 1875.

To the Agent for the sale of Crown Lands at Inverell.

I have duly registered the above notification of alienation in the records of this office.—W. C. CARDEW, Agent for the Sale of Crown Lands. District of Inverell, Land Office, 24th March, 1875.

H. DEONG.

Minutes thereon.

The Crown Lands Agent, Inverell, is requested to inform the parties interested in this transfer that it cannot be allowed. Hy. Deong was called upon to furnish proof of his naturalization (being a foreigner), and although repeatedly reminded has failed to do so.—W.B. (for the Under Secretary), B.C., 28 April, 1875. The Crown Lands Agent, Inverell. Received from Land Agent, Inverell, at Court of Inquiry, Inverell, 10th December, 1875.—SYDNEY BLYTHE, Commissioner.

No. 8.

No. 8.
Circular.

(C.P. 73-1,513.)

Sir,

Department of Lands, Sydney, 15 November, 1875.

Not necessary.

I am directed to invite your attention to the notice in the *Government Gazette* of the 19th instant, by which you will perceive that your claim to the conditional purchase made by you at Inverell on the 20th February, 1873, has been referred by the Minister for Lands to Mr. Commissioner Blythe for inquiry, in accordance with the 25th clause of the "Lands Act Amendment Act of 1875," and the regulations relating thereto, as to the alleged non-fulfilment by you of the conditions of residence and improvement.

2. I am to inform you that due notice of the time and place appointed for the purpose will be given you by the Commissioner referred to.

I have, &c.,

W. BLACKMAN,

For the Under Secretary.

Mr. Henry Deong, Inverell.

No. 9.

Report of Commissioner Blythe on case of Henry Deong—40 acres Inverell, 20th February, 1873—County of Gough, parish of Clive.

In this case it appears that from the evidence that Deong, who is a Chinaman, not having been naturalized, conditionally purchased 40 acres, and afterwards alienated same to William Goodfellow.

There appears no doubt as to the conditions of residence and improvements having been duly carried out both by Deong and his alienee, Goodfellow, and the only question as it seems to me is the naturalization; if, as is the case, Deong was not a naturalized subject at the time of taking up the land and in fact is not now one, I submit that the fact of his obtaining at once his certificate of naturalization would not cure the original defect.

There appears no doubt that both Deong and his alienee acted in ignorance of the law, and if it be possible I would suggest that should the Minister decide to forfeit this conditional purchase, Goodfellow may be allowed to re-select it, of course paying his deposit again. This course seems to me to be a fair and just one, and Goodfellow will be only too thankful to be allowed to thus secure his home.

SYDNEY BLYTHE, J.P.,

Commissioner.

Minutes thereon.

There is no question of *forfeiture* in this case—the difficulty is as to the validity of the selection; it having been made by a foreigner not naturalized. Submitted, that as the selection was duly received without question and the difficulty not raised until over 12 months afterwards, and as moreover the selector was then allowed by the land agent to transfer his interest to the present occupant, who would alone be damnified by its being now declared void, the selection should be suffered to stand. It appears that the present holder of the selection is in undisturbed possession, and the land being improved is not open to selection by any other person; the only difficulty, that as to the legal sufficiency of the holder's title, is therefore probably unimportant.—A.O.M., 28/12/75. Could not this be cured in the C. P. Validating Bill?—T.G., 26/1/76. There is another case I think in which it now is proposed to validate a conditional purchase. This may be done at the same time if approved.—A.O.M., 27.

[*Enclosure to No. 9.*]

MINUTES of Proceedings taken at Court of Inquiry, held at Inverell (pursuant to *Gazette* notice), this 10th day of December, 1875, before Sydney Blythe, Esq., J.P., Lands Commissioner, Northern District.

In the matter of Henry Deong, 40 acres, Inverell, 20th February, 1873, county Gough, parish Clive.

Henry Deong, being duly called, appears personally. This witness on oath states:—My name is Henry Deong; I took up a selection of 40 acres on 20th February, 1873, at Gilghi, about 5 miles from Inverell; I commenced to live on it in March, on 18th same year; when I had erected the house I lived there for fifteen months; I spent about £70 or £80 in improvements; at the end of the fifteen months I transferred this selection to William Goodfellow, and have not been on ground since; I am not a naturalized subject; at the time I took up the land I did not know that I ought to be naturalized; nobody ever told me so, or I would have been naturalized; it was close up ten months after I transferred the land to Goodfellow that I knew I ought to have been naturalized; Goodfellow told me then, but I had no money; I know now that it costs £1 16s.; I had not the money then; I cannot afford it now; I got £45 from Goodfellow for the selection; I drank a good deal of that; I did not get any letters from the Government; I went away to Burburgate and all about there.

Sworn at the Police Office, Inverell, this 10th

HENRY DEONG.

day of December, 1875, before me,—

SYDNEY BLYTHE, J.P.,

Commissioner.

And this witness on oath, saith as follows:—My name is William Goodfellow; I remember purchasing from the last witness a selection of 40 acres, situated at Gilghi, on the 22nd of May, 1874; I paid him £45; I commenced to reside on the place seven days afterwards; I am a married man, and took my wife and family on the land; I am now residing on the land, and have done so ever since; I have spent about £80 in improvements—a weatherboard cottage, 3 rooms; another cottage of four rooms, weatherboard and bark, about 50 rods of fencing, kitchen, and garden; I first saw Deong about ten months after I purchased the place as to his being naturalized; that was in consequence of my receiving a communication from the Lands Department; Deong seems to be quite ignorant about naturalization; I asked him to get out his certificate; he complained he had not got the fees; I told him I would pay the fees, but never could get him to come; he promised on two occasions, but did not come; I am quite willing now to pay his fees; at the time that land was transferred to me I was not aware that it was necessary for the Chinaman to be naturalized before he could transfer the land; if I had been aware I would have seen that the law was complied with; I delivered two letters from Government to Deong; if I am deprived of this land it will be a loss to me of £120; I have tried faithfully and to the best of my knowledge to carry out the Act.

Sworn at Police Office, Inverell, this 10th

WILLIAM GOODFELLOW.

day of December, 1875,—

SYDNEY BLYTHE, J.P.,

Commissioner.

[This closed Evidence.]

No. 10.

The Under Secretary for Lands to Mr. W. Goodfellow.

Sir,

Department of Lands, Sydney, 29 January, 1876.

Referring to the conditional purchase noted in the margin, your interest in which was derived by transfer from Henry Deong, a Chinese, I am directed to inform you that it appears from the evidence adduced at the Commissioner's Court of Inquiry, that Deong was not a naturalized British subject at the date of conditional purchase application, and on that ground the selection is illegal.

40 acres, 20th
February, 1873,
Henry Deong,
13th section,
Inverell.

2. I am, however, to state, that as the Minister for Lands has good reason to believe that the original selector acted in ignorance of the law, and that the cancellation of the purchase would be a case of hardship for you, in view of your having made the land your *bonâ fide* home, and expended a large sum of money thereon, he has approved of the selection being made good by special Act of Parliament.

3. The necessary steps to secure this end will be taken shortly, and in the meantime you will not be disturbed in your possession of the land.

I have, &c.,

(For the Under Secretary),

A. O. MORIARTY.

[Plan.]

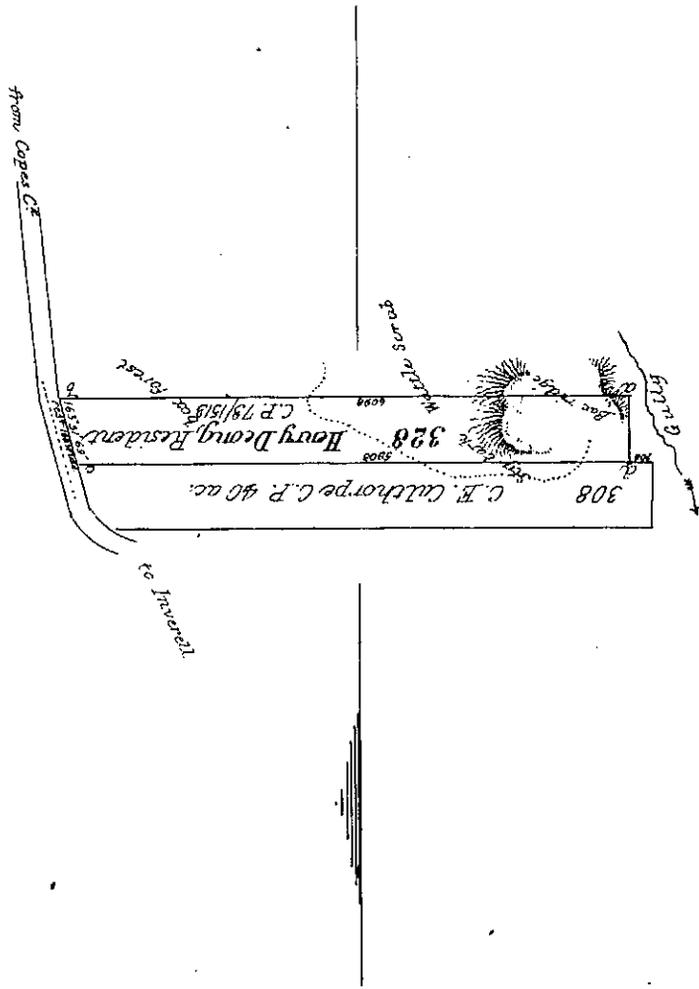
TRACING

showing portion 328, in the

Parrish of Clive, County of Gough.

Applied for by Henry Deong (Applicant) under the 13th clause of the C.I. Act of 1861.

C.P. No 79/1513.



Reference to Corries.

Con	Bearing	From	Lhs.	No on Cree
C	N 83° 45' E.	Box	28	328
D	S 61° 50' W.	Yewlands	14	328
C	S 60° 0' E.	Strangely	47	308-328
C	S 36° 45' W.	Box	61	328

Date of Survey 26th May/73.
Value of Improvements, £90.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CONDITIONAL PURCHASES ON PULLAMING RUN.
(PETITION OF THOMAS A. JOHNSTON.)

Ordered by the Legislative Assembly to be printed, 15 December, 1876.

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

The humble Petition of Thomas Andrew Johnston, of Hartfell, near Gunnedah, in the Colony of New South Wales, landholder,—

SHOWETH :—

1. That on the eighth day of March, one thousand eight hundred and fifty-eight, the following notification appeared in the *New South Wales Government Gazette*, viz. :—

Crown Lands Office,
Sydney, 9th March, 1858.

CROWN LANDS BEYOND THE SETTLED DISTRICTS.

Reserves from Lease.

It is hereby notified for general information that His Excellency the Governor General has been pleased, with the advice of the Executive Council, to direct that the several portions of Crown lands hereunder described shall be reserved from lease under Her Majesty's Order in Council of 9th March, 1874 (?), subject to the following limitations in favor of the licensed occupants of runs.

2. The formation of the intended reserve may in any case be defeated wholly or in part by the licensed occupant whose run is thereby affected, exercising within twelve months from the present date the pre-emptive right conferred upon him by Her Majesty's Order in Council of 9th March, 1847, in respect to the whole or any portion of the land proposed to be reserved.

3. No such pre-emption can be of less extent than 160 acres, and if of less extent than 320 acres the cost of measurement will have to be borne by the purchaser.

4. The price at which the licensed occupant of the run will be allowed thus to purchase without competition will be £1 per acre, or such higher price as may be fixed by valuers appointed under the eighth section of chap. 2 of the Order in Council in any case in which a valuation may be deemed advisable.

5. Every lot of land to be selected must be measured in accordance with general rules laid down in the 7th section, chap. 2, of the same Order in Council.

6. Should the licensed occupant fail to exercise his pre-emptive right in respect to the whole or any part proposed to be reserved within twelve months from the present date, the reservation of the whole or the remainder, as the case may be, will then become absolute and indefeasible.

7. It is of course distinctly to be understood that by this general formation of reserves the Government does not in any way divest itself of the right of making hereafter such further reserves whether before or after the issue of the leases as the public interests may dictate.

8. The foregoing regulations are intended to apply to runs out of which reserves are now for the first time about to be made.

GEORGE BARNEY,
Chief Commissioner of Crown Lands.

No. 42, Pullaming.

Counties of Pottinger and Buckland, on the Mooki River, at the junction of Cubil Ponds Creek, containing 5,760 acres : Commencing on the right bank of the Mooki River, at the junction of the Cubil Ponds Creek, and bounded thence on part of the east by a line bearing north 1 mile 40 chains ; on the north by a line bearing west 3 miles ; on the west by a line bearing south, crossing the Mooki River, 3 miles ; on the south by a line bearing east 3 miles ; and on the remainder of the east by a line bearing north 1 mile 40 chains to the commencing point aforesaid. This reserve is supposed to form part of the Pullaming and Gunnedah Runs. It embraces several huts and other minor improvements.

2. That one John Browne, being then the lessee of the Pullaming Station, did exercise his right to purchase a portion of the land so reserved as hereinbefore stated to the extent of 748 acres.

3. That in consequence of the passing of the " Crown Lands Alienation Act of 1861 " a notice appeared in the *New South Wales Government Gazette* in the words and figures following, that is to say :—

Department of Lands,
Sydney, 24th December, 1861.

His Excellency the Governor, with the advice of the Executive Council, directs it to be notified that in pursuance of the provisions of the " Crown Lands Alienation Act of 1861," the lands specified in the Schedule appended hereto shall be reserved from sale until surveyed for the preservation of water supply or other public purposes.

JOHN ROBERTSON.

"4. Pullaming, Mooki River, 7½ ditto. No. 42, ditto."

4. That notwithstanding that the said piece of land was so reserved from lease since the year 1858, the said John Browne has been in possession of the same up to the present, using it and exercising exclusive control over it, and preventing any other person from using the same.

5. That in the *New South Wales Government Gazette* of the 16th of March, 1875, a notice appeared in the words and figures following, that is to say:—

Department of Lands,
Sydney, 16th March, 1875.

LAND SALES.
In pursuance of the provisions of the "Crown Lands Alienation Act of 1861," I, the Minister for Lands, do hereby notify that the following lots of land will be offered for sale by public auction at the undermentioned places at 11 o'clock on the days specified, at the upset price affixed to each lot respectively. Deposit, 25 per cent.

THOMAS GARRETT.

And the following lots of land were then and by a subsequent notice similar to the above to be offered for sale at Gunnedah on the 26th day of April, 1875:—

		£	s.	d.	£	s.	d.		
AE	117	320	0	0	1	0	0	Buckland ...	Corridoon ...
AF	118	70	1	0	1	0	0	do ...	do ...
AG	119	320	0	0	1	0	0	do ...	do ...
AH	120	79	0	0	1	0	0	do ...	do ...
AI	121	51	2	0	1	0	0	do ...	do ...
AJ	122	53	3	0	1	0	0	do ...	do ...
AK	123	61	2	0	1	0	0	do ...	do ...
AL	124	80	0	0	1	0	0	do ...	do ...
AM	125	92	0	0	1	0	0	do ...	do ...
AN	126	92	0	0	1	0	0	do ...	do ...
AO	128	72	3	0	1	0	0	do ...	do ...
AP	129	144	2	0	1	0	0	do ...	do ...
AQ	130	58	1	0	1	0	0	do ...	do ...
AR	132	56	2	0	1	0	0	do ...	do ...
AS	133	59	0	0	1	0	0	do ...	do ...
AT	134	54	2	0	1	0	0	do ...	do ...
AU	135	82	3	0	1	0	0	do ...	do ...

On the right bank of the Mooki River and adjoining and near the eastern and western boundaries of W.R. 112, extending from the western boundary of H. Perrell's conditional purchase of 80 acres, No. 4, westerly to the eastern boundary of J. Browne's improved purchase of 72½ acres and No. 116, Carroll and Pullaming Runs; 74-12,975.

6. That on the 22nd day of April, 1875, your Petitioners went to the land agent for the land district within which the above lands were situated and conditionally purchased the following lots above mentioned for his children, who are hereinafter named:—

Lot 117—320 acres	...	Norman Hall Johnstone.	Lot 118	} 185 acres... .. Eveline Hall Johnstone.
125	} 256 acres	...	122	
126			123	
127			Maywell Hall Johnstone.	

7. That the said Norman Hall Johnstone, Maywell Hall Johnstone, and Eveline Hall Johnstone, all of whom are infants under the age of 21 years, entered upon and took possession of the lands so conditionally purchased by me as aforesaid in their names, and they were subsequently informed that their purchases were void, because they were within the boundaries of the before described reserve.

8. That your Petitioner would point out to your Honorable House that the lands so conditionally purchased by him as aforesaid were first advertised (by order of Honorable Minister for Lands) for sale in the *New South Wales Government Gazette* on the 13th of March, 1875, and that such advertisement was continued from that date up to the time when your Petitioner conditionally purchased the same.

9. That although your Petitioner was aware that the lands so advertised for sale had at one time formed a part of the reserve No. 4, hereinbefore mentioned, your Petitioner thought when he saw such lands offered for sale by the authority of the Minister for Lands that they had been duly and properly withdrawn from the reserve aforesaid of which they did form part.

10. That your Petitioner has since he selected the lands hereinbefore mentioned, learnt that in the beginning of the month of March, 1875, the attention of the Department of Lands was called by the Reserves Branch to the fact that the lands hereinbefore mentioned as having been selected by your Petitioner as aforesaid were within the boundaries of the Pullaming Reserve, No. 4, notified 24th December, 1861, as is hereinbefore mentioned, and it was then pointed out that the said lots should be withdrawn from sale, pending the revocation of the reserve before mentioned, and on the 23rd of March, 1875, it was recommended by the Surveyor General that that portion of the Pullaming Reserve, No. 4, within which the hereinbefore mentioned portions were situated should be cancelled, and a minute to that effect was submitted by the Minister for Lands to the Executive Council on the 31st March, 1875, and by a subsequent minute the Minister for Lands directed that the revocation recommended by him should be held over pending further inquiry.

11. That your Petitioner would respectfully point out to your Honorable House the fact that the lands so conditionally purchased by him as aforesaid were by the Lands Department discovered to be within a reserve on the 4th of March, 1875, and were notwithstanding advertised for sale in the *Government Gazette* on the 13th of March, 1875, and that this advertisement was continued up to the time when your Petitioner so conditionally purchased the lands as aforesaid.

12. Your Petitioner would also respectfully inform your Honorable House that in consequence of his having so conditionally purchased the lands as aforesaid (he believing that the Minister for Lands would not allow them to be advertised for sale unless there was a legal right to sell them) he, with his said children, entered into possession of them and endeavoured to maintain possession of them against the lessee of the run, the said John Browne, and in consequence of such possession the said John Browne commenced proceedings in the Supreme Court against your Petitioner, and he was put to great expense in endeavouring to defend the action brought against him by the said John Browne, although he was not able to do so successfully.

13. That your Petitioner's said children, if they are not confirmed in the possession of the lands hereinbefore mentioned as having been selected by your Petitioner, will be unable to conditionally purchase other lands, owing to the passing of the "Crown Lands Amendment Act of 1875," and they being under the age of persons capable of conditionally purchasing lands.

Your Petitioner therefore humbly prays that your Honorable House will take into your consideration the premises, and cause justice to be done to the children of your Petitioner, as hereinbefore mentioned. And your Petitioner, as in duty bound, will ever pray, &c.

Hartfell, 11th December, 1876.

THOMAS ANDREW JOHNSTON.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(GIBSON'S CONDITIONAL PURCHASES—REPORT OF COMMISSIONER ROSE.)

Ordered by the Legislative Assembly to be printed, 8 February, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly, dated 30 January, 1877, That there be laid upon the Table of this House,—

“ A copy of the Report of Commissioner Rose on the disputed claims of
“ J. and W. Gibson, on the one hand, to two Conditional Purchases,
“ claimed by Mr. H. Ricketson as improved lands.”

(*Mr. McElhone.*)

CROWN LANDS.

Mr. Commissioner Rose to The Under Secretary for Lands.

Sir,

Albury, 31 December, 1876.

In pursuance of your instructions of the 6th October last, I have inquired into the nature and value of certain improvements alleged by Mr. H. Ricketson to have existed on areas conditionally purchased by Messrs. J. and W. Gibson at the Land Office at Deniliquin on the 6th of January last.

I herewith transmit the depositions taken by me in this case at a Court of Inquiry held under the provisions of the 25th section of the "Lands Acts Amendment Act of 1875," on the 21st of November last at Deniliquin. Before giving the results of the evidence it may be desirable to state the circumstances which have led to this inquiry.

On the 1st of November, 1875, Mr. Henry Ricketson applied for permission, under the provisions of the 2nd section of the "Lands Acts Amendment Act of 1875," to purchase three areas in the county of Townsend, parish of Derrulaman; and on the 16th of November, 1875, another area in the same county and parish.

On the 15th of August last Mr. Licensed-Surveyor G. J. Lee reported to the Surveyor General that he had measured the four areas as improvement purchases for Mr. Ricketson. They are shown in the tracing which accompanied Mr. Lee's report as portions Nos. 20, 22, 23, and 29. The improvements on these portions are valued by Mr. Lee as follows:—On portion No. 20, £320; on No. 22, £320; on No. 28, £290; and on No. 29, £210.

The improvements on portions Nos. 20 and 29 are reported as beneficial to the working of the run, those on portions Nos. 22 and 23 as not necessary for the working of the run.

On the 6th of January last at the Land Office at Deniliquin John Gibson conditionally purchased an area of 640 acres in the county of Townsend, parish of Derrulaman, and William Gibson a like area in the same county and parish; the latter selection adjoining the former. The two selections, according to Mr. Lee's tracing, run into portions Nos. 20, 22, 28, and 29, and on this ground are opposed by Mr. Ricketson.

I will now endeavour to state the results of my inquiry into the nature and value of the improvements on these portions at the time the Messrs. Gibson made their conditional purchases.

1. As to portion No. 20, it is admitted by Mr. Lee in his evidence (p. 29) that the hut and yards indicated at the south-western corner ought to have been shown as 27 chains from the east boundary of water reserve No. 904, so that they will really be within the lines of George Archer's conditional purchase when measured, as it has to be, in the position indicated by the blue lines in the middle of the tracing of portion No. 20. This selection was made on the 23rd of January, 1875, and the improvements on it, namely, the house and yards just mentioned, were made by Mr. Ricketson in the following November, December, and January. Mr. Ricketson therefore has not any claim to portion No. 20 in virtue of these improvements. (See Hawley's evidence, p. 39 of depositions.) This conditional purchase, taken up in the name of George Archer is a very clear case of dummyism, and I think that it is very much to be deplored that Mr. Lee should have furthered Mr. Ricketson's endeavours to mislead the Department of Lands in this matter.

2. As to portion No. 22, the improvements on this question are considered by Mr. Lee to be not necessary for the working of the run. On reference to the tracing of this portion it will be seen that a house is indicated about 10 chains from the east boundary of portion No. 21, and within the east boundary of John Gibson's selections, as defined by Mr. Lee. It is admitted by this gentleman in his sworn testimony that this house is really 41 chains from the east boundary of portion No. 21 (p. 32) and is thus not within the lines of John Gibson's conditional purchase, as shown in the tracing. Mr. Lee's evidence on this point is confirmed by that of Mr. Hawley (p. 42) and throws such discredit on his report and tracing that I feel it necessary to direct attention to it. In November, 1875, the house on this portion contained two rooms only, and it was not enlarged to its present size until after the 6th of January last. (See Hawley's evidence, page 42 of depositions.) The value of this house before the 6th of January last was probably not more than £50. Mr. Hawley valued it at £100 (p. 42), and Mr. Lowden at £39 5s., without chimney (p. 47). The only other improvements on portion No. 22 is some old wire fencing, about 55 chains, worth between £25 and £30. The price of fencing between the east boundary of portion No. 21 and the east boundary of John Gibson's area, as set out in the tracing, is worth about £15.

3. As to portion No. 28 the improvements are valued by Mr. Lee at £290, but are not considered by him as necessary for the working of the run. The hut in this case is also shown in a wrong position on the tracing. It was erected in February last, and therefore after the conditional purchase was made by William Gibson. (See evidence of William Gibson, Frederick Mayger, and John Gibson, in William Gibson's case.) The only improvement on portion No. 28, at the time William Gibson made his conditional purchase, was some old brush fencing, about 100 chains, worth not more than £25.

4. As to portion No. 29, Mr. Lee reports that the improvements at time of survey consisted of an iron house containing three rooms, and drafting yards, worth together £210. He states in his report that he considers these improvements to be beneficial to the working of the run. The house and yards are shown on the tracing C. The house has an existence, the yards never had. (See evidence in W. Gibson's case, given by William Gibson, John Gibson, William Lowden, and William Hawley.) Mr. Hawley also admits that the house on this portion was not built until after the 6th of January last. It follows, therefore, that Mr. Ricketson has no right to oppose William Gibson in his conditional purchase, because of the improvements on this portion. The house is worth about £80.

The results of the examination at the Court of Inquiry, as to the value of improvements claimable by Mr. H. Ricketson on the 6th January, 1875, on portions Nos. 20, 22, 28, and 29, may be summarized as follows:—

1.

See exhibit D, alluded to in depositions.
See exhibit C, alluded to in depositions.

Tracing exhibit C.

See Depositions.

1. In estimating the value of improvements on portion No. 20, which may affect John Gibson's interests, only that part of the area must be considered which is east of George Archer's conditional purchase. The improvements on this division of the area consist of about 30 chains of old wire fencing, worth about £15, and about 40 chains of old log fencing, worth about £10. Total value of improvements, about £25.
2. The improvements on portion No. 22 are, an iron house, worth about £50, on the 6th of January last, and about 55 chains of old six-wire fencing, worth about £27 10s. Total value of improvements, £77 10s.
3. The only improvements on portion No. 28 on the 6th of January last was some old brush fencing, about 100 chains, worth not more than £25.
4. The improvements on portion No. 29 on the 6th of January last consisted of a cottage worth not more than £30.

As far as Mr. Ricketson's improvements are concerned, it appears to me that they do not affect the conditional purchases of John and William Gibson. As your instructions confine me to an examination into the value of these improvements, I shall not presume to offer comments upon some other aspects of these cases which demand consideration. I would, however, refer to the description of John Gibson's selection, which is so faulty that I imagine that it must either be declared void or amended under the provisions of the 14th section of the "Lands Acts Amendment Act of 1875." On reference to the depositions in John Gibson's case, full evidence on this matter will be found, which I trust will be of use in any action to be taken in the matter.

I herewith return all papers connected with the cases sent for my information and guidance.

I have, &c.,

A. C. S. ROSE,
Commissioner.

[Enclosure.]

John Archer Broughton, being duly sworn, saith:—I am Crown Lands Agent for the district of Deniliquin; on reference to my Conditional Purchase Register I find that Charles Tulk, on the 28th of January, 1875, took up a conditional purchase of 40 acres under the 13th section of the "Lands Alienation Act of 1861"; the description of the area thus selected is as follows:—"40 acres, county of Townsend, parish of Derrulaman, situated on the Tuppal Creek, and adjoining the eastern boundary of water reserve No. 904"; this purchase was made by William Hawley, as agent for Charles Tulk; William Hawley was then, and I believe is now, manager of a station for Mr. Ricketson, the name of which I believe is Cornella; on the same day a conditional purchase under the same section was taken up for George Archer by the same William Hawley; the description is as follows:—"40 acres, county of Townsend, parish of Derrulaman, situated on Tuppal Creek, about 20 chains east from Charles Tulk's north-east corner c. p. of 40 acres made this day, and bounded by lines s., e., n., to contain the area applied for"; the selections still stand in the names of Charles Tulk and George Archer; I now produce my Conditional Purchase Register for January, 1876; I find, on reference to it, that on the 6th of January, 1876, John Gibson took up, under the 13th section of the "Crown Lands Alienation Act of 1861," as amended by the "Crown Lands Amendment Act of 1875," an area of 640 acres; the description is as follows:—"County of Townsend, parish of Derrulaman: Commencing at a point about 30 chains east of reserve No. 904, on left bank of Tuppal Creek, running north to south boundary of C. P. L. A. No. 49; thence west to reserve No. 904; thence east 80 chains; thence north 80 chains to Tuppal Creek; thence by that creek to point of commencement." This purchase still stands in the name of John Gibson; I also find, on reference to my Conditional Purchase Register, that William Gibson, on the 6th of January, 1876, took up, under the same section, namely, the amended 13th section, an area of 640 acres; the description is:—"County of Townsend, parish of Derrulaman: Commencing at south-west corner of John Gibson's c. p. of this day, and bounded by a line running south 80 chains, east 80 chains; thence north 80 chains; thence west 80 chains, to point of commencement." This purchase still stands in the name of William Gibson.

Taken and sworn before me, at Deniliquin, }
this 21st day of November, 1876,— }

A. C. S. ROSE, Commissioner.

J. A. BROUGHTON, L.A.

Charles James Robinson, being duly sworn, saith:—I am a draughtsman in the Survey Department of New South Wales, and have been attached to the Crown Lands Office at Deniliquin since the 24th of May last; my predecessor in the local office was Mr. Arthur Manton; I produce the office map of the parish of Derrulaman, showing water reserve No. 904; on reference to the conditional purchase Register I find that, on the 28th January, 1875, Charles Tulk made a conditional purchase of 40 acres; the area as chartered is in accordance with the description given in the Conditional Purchase Register; I have just referred to the description of an area of 40 acres, taken up the same day by George Archer, and have compared it with the map; the area appears to me to be correctly chartered; on referring to records under date 6th of January, 1876, in the Conditional Purchase Register, I find that an area of 640 acres was conditionally purchased by John Gibson; on comparing the description of this area with the map I find that it is correct, although the description is not very clear; the description is as follows:—"County of Townsend, parish of Derrulaman: Commencing at a point about 30 chains east of reserve No. 904, on left bank of Tuppal Creek, running south to south boundary of C. P. Land Agent's No. 49; thence west to reserve No. 904; thence east 80 chains; thence north 80 chains to Tuppal Creek; thence by that creek to point of commencement." In my office map the conditional purchase of John Gibson begins 20 chains east of reserve 904. With regard to applications for conditional purchases, my duty is to read the descriptions over, and to plot the areas on the map as they are taken up.

By Mr. Boyd: The blocks as shown on my map are only approximately correct; we are supposed to plot them according to the description given; my map shows no improvement purchases; for anything known to us in the local Land Office there might or might not have been improvements on the areas taken up by John and William Gibson.

By Commissioner: My duties are simply those of a draftsman in the local Land Office; a part of my duty is to inform intending conditional purchasers as to the areas which they intend to take up, whether

whether or not they are open to selection, as far as the means at my command will allow me to do so ; it is no part of my duty to draw up descriptions for conditional purchasers ; if I ever did any such work it would be done as a private individual, not as a public officer ; as far as I am aware my duties are precisely like those of my predecessor, Mr. Manton.

Taken and sworn before me, at Deniliquin, }
this 21st day of November, 1876,— }

C. J. ROBINSON.

A. C. S. ROSE, Commissioner.

Frederick Henry Mayger, being duly sworn, saith :—I am an agent for conditional purchasers at Deniliquin ; on the 6th of January last I acted as agent for John Gibson in the conditional purchase of an area of 640 acres, in the county of Townsend, parish of Derrulaman, under the 13th section of the "Crown Lands Alienation Act of 1861"; I wrote out the application myself ; before I drew the application out, three days before the purchase was made, and three days before I wrote out the application, I was on the area Mr. Gibson was about to apply for ; I saw an iron house there ; I reckoned that there were two 40-acre conditional purchases, one of which adjoined the water reserve No. 904 ; the iron hut I took to be on one of these 40-acre blocks, the one to the east of the other ; this hut was worth between £20 and £30 ; I saw nothing else but an old brush fence, nine or ten years old ; it had been a good fence, but was then very old ; I saw no wire fence, excepting a boundary fence between Mr. Landale's run and Mr. Ricketson's run, it was partly on one run, partly on the other ; I saw no yards within the area ; I was going over for Mr. John Gibson ; after having gone over this land I went on the following Thursday to the Land Office, at Deniliquin, that is, on the 6th of January, 1876, and Mr. Manton gave me, *vivá voce*, a description of the land I wanted for John Gibson ; I drew up the description accordingly ; Mr. Manton at once marked off in pencil the areas taken up by John Gibson and William Gibson ; the hut was only a few chains from the Deniliquin road ; something less than 20 chains, I should say that it was 10 chains ; it was a hut of about 12 by 20 feet ; when I saw it there was no verandah, no skillion rooms, no chimney.

By Mr. Boyd, for H. Ricketson : I saw only one hut on the 40-acre block ; I saw another hut about 1 mile to the east, beyond Gibson's area ; the brush fence was strictly speaking a log fence ; it was not sheep and cattle proof ; the wire fence was a six-wire I believe ; this fence does not cross the creek along Mr. Gibson's north boundary ; it is entirely on the south side of the creek.

By Mr. Gillott, for John Gibson : There was not a tree ringed as far as I could see.

Taken and sworn before me, at Deniliquin, }
this 21st day of November, 1876,— }

F. H. MAYGER.

A. C. S. ROSE, Commissioner.

John Gibson, being duly sworn, saith :—On the 6th of January, 1876, at the Land Office at Deniliquin I conditionally purchased an area of 640 acres in the county of Townsend, parish of Derrulaman ; I had previously (that is, on Christmas Day 1875, and on the 3rd of January, 1876) been over the country I desired to take up ; I examined it thoroughly ; I believed that there was a hut on this land at that time, but now I do not believe that this hut was on the land desired by me ; this hut was worth not more than £30 to £35 ; there were no indications of any person residing there ; the grass was growing right up to the door ; there were no trees ringed when I was there ; I saw a wire fence, a boundary-fence, along the creek, composed of six wires ; a very old fence, much of the wire had perished, and in many places it was propped up to keep it from tumbling down ; it must be close on 20 years old ; there was another fence, 10 or 12 years old, a stub fence—that is, two trees placed on the ground parallel, and between them boughs and branches ; Mr. Ricketson, sometime in March last, trimmed up this fence, brushed up the top of it ; I do not know any other cottage on the area applied for by me ; there was a cottage to the east of my area on Taylor's Creek ; this cottage was worth about from £30 to £35 ; it was about 20 feet by 12 feet ; my intention was to have mentioned in the description that my south boundary should go 20 chains south of Tulk's and Archer's conditional purchases ; the omission of this part of the description has seriously affected my conditional purchase ; I began to put up my house early in March ; I lived there ; Mr. Ricketson, between the 6th of January and the 15th of August, ringed a lot of timber on my selection, put up some drafting yards for sheep, cut down some of the timber on my land, and made additions to the hut on George Archer's selection by adding to it a verandah, two skillion rooms, and a chimney ; the brush yards and other improvements were made whilst I was sick, *i.e.*, from the 18th of January to about the middle of February ; I remember that Mr. Manton told Mr. Broughton, the Crown Lands Agent, that the description was quite right ; this was when I took up the selection on the 13th of January last ; I took out a description of my purchase to Mr. Lee ; I read the description from the Conditional Purchase Register, and Mr. Manton copied it down ; I read the copy afterwards, and it agreed with the register I gave Mr. Lee the copy ; this was on the Bullatala Creek, about 4 or 5 miles from my selection ; he read this description, and said that he would be down on our ground and survey it in about a fortnight ; he promised to send me a messenger to inform me before he measured the land, as he would, he said, require me on the land ; I never received any message, nor has my conditional purchase ever been surveyed ; I have made numerous applications to Mr. Lee, but he has never measured my selection ; in February some men, who, I believe, were employed by Mr. Ricketson's manager, ringed a lot of timber on my land ; they continued to do this work after I went to the land till they left me only 12½ chains by 50 chains ; the timber was on the whole very good ; I never saw Mr. Ricketson in connection with this selection.

By Mr. Boyd : I believe that the fence by the Tuppal Creek has six wires ; I never discovered any error in my description until to-day ; I have often read it through before, but I never discovered the error until to-day.

Taken and sworn before me, at Deniliquin }
this 21st day of November, 1876,— }

JOHN GIBSON.

A. C. S. ROSE, Commissioner.

William

William Watson, being duly sworn, saith :—I am a farmer, and reside at Aratula and Moroco ; I know the Tuppal Creek road running to Moroco ; I know the crossing-place over that creek ; I know the fence running along the Tuppal Creek there ; that fence was put up sixteen or seventeen years since ; it was put up by Mr. Tyson ; I used to carry on the road the time the fence was put up ; it is a post and wire fence, without any rail ; I know a hut not far from the road, about a mile and a half from the creek by the road ; I came along by it on the 10th or 11th of January last ; it was a new iron hut of two rooms, about 20 feet by 12 ; there was no verandah to it ; no skilling, only two rooms ; I never saw anybody about it ; about a month afterwards I saw a lot of men there building yards near the hut ; since I was there before, a skilling on one side and a verandah on the other had been added to the hut ; this was in February ; I did not notice any timber ringed there when I was there in January ; in February, and subsequently, I saw men ringing timber there ; where John Gibson's house stands the timber is not ringed, but it is ringed within 50 yards of it in some directions ; there is a stub fence, about eight years old, running from the creek across the Deniliquin road ; twelve months ago the mile of that fence from the creek towards the road was worth about £12 ; when new it was worth about £25 a mile.

By Mr. Boyd, for H. Ricketson : Mr. Ricketson, about two years ago, had a case against me in the Police Office, and gained it ; I have no spite against Mr. Ricketson.

Taken and sworn before me, at Deniliquin, }
this 21st day of November, 1876,— }

WILLIAM WATSON.

A. C. S. ROSE, Commissioner.

Alexander Fraser, being duly sworn, saith :—I am a farmer, and reside on the Albury road, about $3\frac{1}{2}$ miles from the Tuppal Creek ; on Christmas Day, last year, I went with John Gibson to a spot on the left-hand side of the Tuppal Creek ; we crossed over the creek at the crossing which leads to M'Laren's ; about $1\frac{1}{2}$ or 2 miles from the crossing-place is a piece of land claimed by John Gibson ; we came to a marked tree ; we drove about this spot ; we came to a stub fence running from the Tuppal Creek crossing the road and going to the Bullatal ; I remember the time this fence was put up—it was in the year 1868 ; as far as I can remember, I was for five years at M'Laren's, and travelled frequently along the road to Deniliquin ; there is no other stub fence within miles of the one I have mentioned ; this fence was made up of dead timber and live timber, all gathered together ; when I saw it that Christmas Day with John Gibson it was good enough for sheep, but of no earthly use for cattle ; it was worth from £10 to £12 a mile at that time ; I know where the fence crosses the road ; John Gibson's house is about half-a-mile from the nearest point of the road, and the house must be about a mile and a-half from the Tuppal Creek ; the stub fence was probably put up at about £20 to £25 a mile ; on the day I have mentioned we came across a two-roomed iron hut ; it was about 6 chains from the road ; it is about 10 chains from John Gibson's hut ; this hut was worth from £15 to £20 ; it is one of those huts called "Sardine Boxes ;" there were no brush or other yards anywhere near ; on the 12th November instant I again went over the ground ; the hut had been increased by the addition of a lean-to containing two rooms and a verandah, and a fireplace and chimney had been made ; some sheep-yards had been constructed subsequently to our first visit ; these yards were made after John Gibson had gone to reside on the land ; there is a wire fence running along the south side of the Tuppal Creek ; for a considerable part of the line from the boundary of the water reserve to the point where it joins the stub fence this fence keeps pretty close to the creek, but in one place there is a bend, and the fence keeps away from the creek there ; I have been acquainted with this fence eleven or twelve years ; this wire fence was on the ground before I knew the place ; it has either six or seven wires ; it is now very much worn ; there are merely wires and posts—no rails ; the posts are now to a great extent rotten at the bottom, and lean in various directions—some are propped up ; the wire is rusted and broken, and in some places patched ; beyond the limits of Gibson's area this fence has been shifted in some places over the creek, so as to admit Mr. Ricketson's sheep to the water ; on Christmas Day last none of the timber in this place, where John Gibson now lives, had been ringed ; on my last visit I noticed that the trees had been all ringed close up to Mr. Gibson's door.

By Mr. Boyd, for H. Ricketson : I saw no chimney to the hut on Christmas Day ; I could see that the fence was rotten without examining it ; it is from my own independent judgment that I come to the conclusion that the stub fence is worth only £12 a mile.

Taken and sworn before me, at Deniliquin, }
this 21st day of November, 1876,— }

A. FRASER.

A. C. S. ROSE, Commissioner.

Tobias Nieman Dahl, being duly sworn, saith :—I know the crossing-place known as the "Old Crossing-place," on Tuppal Creek, it goes to M'Laren's ; I know the road going to Moroco ; I know the crossing-place over the creek going along that road ; I know where John Gibson now resides on the south side of Tuppal Creek ; I know a stub fence running from the creek up to and past Gibson's house ; I have known this country for years ; at the beginning of this year I was engaged to put up a house not far from John Gibson's house ; I went to the place in February last ; I was there also in the middle of January and at the end of that month ; at the end of the month I saw a number of men putting up sheep-yards about a hundred yards from the right-hand side of the road coming from the crossing-place ; standing at Gibson's door one can see the yards distinctly ; the yards are about half-a-mile before you come to the brush fence, between the crossing-place and the fence ; when I was there in January, in the middle of January, I saw a hut there ; people were then making additions to this hut ; at the end of January people were ringing the timber about Gibson's place.

By Mr. Boyd, for H. Ricketson : I have not lived with Mr. Gibson lately ; he is a friend of mine ; I visit him often.

Taken and sworn before me, at Deniliquin, }
this 22nd day of November, 1876,— }

TOBIAS NIEMAN DAILL.

A. C. S. ROSE, Commissioner.

John

Exhibit A.

John Gibson being duly sworn, saith: I produce a tracing of the conditional purchase now occupied by me, which was prepared by Mr. Manton, who was then Government Draftsman in the Crown Lands Office at Deniliquin; this tracing he gave me about a month after I took up my land.

Taken and sworn before me, at Deniliquin, }
this 22nd day of November, 1876,— }

JOHN GIBSON.

A. C. S. ROSE, Commissioner.

Exhibit B.
Exhibit C.

For H. Ricketson, George Joseph Lee, being duly sworn, saith: I am a licensed surveyor for the Colony of New South Wales; twelve months ago I had instructions from the Survey Department to measure some portions on the Cornella Run for Mr. Henry Ricketson, some of them for conditional purchases, some as improvement purchases; in March or April of the present year I measured those portions for Mr. Ricketson; I had no instructions at that time to survey any land for Mr. John Gibson; an application for a conditional purchase of 640 acres by John Gibson was referred to me for my report about March last; I have not read the description in the application now handed to me, and I am sure that is the description I had to report upon, although I cannot say whether the document now held by me is the one sent to me; the tracing now handed to me was made by me at that time; the dotted blue lines show the area applied for by John Gibson, as far as I can understand it; if I had had Gibson's application to survey upon I should before undertaking the survey have applied to my superior officer for further instructions, because I could not understand the description; the application does not describe any area of 640 acres; I certainly should not have taken upon me to amend this description; I surveyed portion No. 20, county of Townsend, parish of Derulaman, on the 27th of March, 1876; I measured 320 acres as improved land for Mr. Ricketson; there was then upon the area £320 worth of improvements; I never allowed Mr. Ricketson one penny for timber-ringing on this land; there was an iron house with four rooms and verandah, drafting yards, 60 chains of wire fencing, 60 chains of brush-fencing; these I value at £320.

£26.

£33.

Exhibit C.

Exhibit C.

Exhibit C.

Exhibit D.

Exhibit C.
Witness reads
2nd item of
report Exhibit D.By Commis-
sioner—Exhibit
C.

By Mr. Gillott, for J. Gibson: I had the application for the purchase of this portion No. 20 before I surveyed it; it is dated 1st November, 1875; I am frequently, as a licensed surveyor, employed to survey lands applied to be purchased under the 2nd section of the "Crown Lands Acts Amendment Act of 1875"; when I receive instructions to measure such land, I inspect the land traverse it to get position of the improvements, and then value the improvements; in accordance with instructions I value improvements at what they are worth when I inspect them; I did not make any inquiry as to when these improvements on portion 20 were made; I do not know when these improvements were put up; I did not notice whether the hut had been up 20 years or not; I valued the improvements at what they were worth when I saw them; there was no finish inside, no canvass, no timber lining; stripping the hut of verandah, lean-to's, chimney, and mantel-piece, and leaving only two rooms, the hut would be worth £60; I did not measure the hut; I know neither its height, length, nor breadth; the roof was ridged; I did count the sheets of iron, but I cannot say how many there were—my memorandum is not here; I did not measure the hardwood in the building; if the place was floored I must have taken notice of it; I am sure that I have no memorandum of this item; there are 52 chains of brush fencing on portion 20; I ran this; I consider it worth £40 a mile when I saw it; it was not cattle proof; I value it from information given to me; I have had great experience in these things; the fence may have been cattle proof; there was a seven-wire fence about 63 chains; it was an old fence; it was worth £75 a mile; a new fence like that would probably be worth £90 a mile; the posts of that fence may have been propped up in places; I do not know how many tons of wire would go to such a fence; I do not know how many posts per mile are required for such a fence; I do not know how far apart the posts are placed; the iron building, as I saw it, I valued at £215; I have deducted the value of the other improvements from £320, and this leaves £215 for the cottage; this is how I have arrived at the value of the cottage; there are drafting-yards which I value at £60; the cottage I have been speaking of is shown in my tracing as about 15 chains to east of boundary of water reserve No. 904; this hut and some yards are not shown on this tracing as within George Archer's conditional purchase; the hut and the yard are not correctly shown in this tracing; they are really about 27 chains from the water reserve boundary; the yards and the hut are really within the area of George Archer's conditional purchase as I have received instructions to measure it; this conditional purchase as now shown by faint lines is 20 chains from Tulk's north-east corner; this is in accordance with the application made by George Archer; the conditional purchase of George Archer as originally surveyed by me was 53 chains from Tulk's north-east corner; at the time of making this survey I had instructions to survey the improvement portions, and as Archer was not residing I thought it better to place it where I did; I was also told by Archer's agent where to survey his conditional purchase; Archer's agent is Mr. Hawley; Mr. Hawley is Mr. Ricketson's manager; Mr. Hawley told me he was Archer's agent; Mr. Hawley told me to measure Archer's selection where portion No. 21 is now shown on the tracing before me; this survey was made on 17th March of this year; the document now placed in my hands is my report to the Surveyor General of New South Wales, dated 15th August, 1876, on certain portions of improved land applied for by Mr. Henry Ricketson, and other portions as shewn in the tracing; this tracing was done off a rough plot—a working plan—to give the Lands Department information about the portions therein shown; this portion was measured as pointed out by his agent, and as near the description as possible.

Non-resident Archer's description is: "40 acres, county of Townsend, parish of Derulaman, situated on the Tuppall Creek, about 20 chains east from Charles Tulk's north-east corner conditional purchase of 40 acres made this day; and bounded by south, east, north to contain the area applied for." It was not impossible to survey Archer's portion within 20 chains of Tulk's north-east corner, but I held an application for the purchase of a portion of improved land about the same spot, and I thought that it was therefore better to measure the conditional purchase to east of portion 20; the application for this improvement purchase was November, 1875; the date of Archer's selection was 28 January, 1875; I gave priority to the former, although made ten months after the other, because I thought that it would make a better plan; exhibit C is only a rough sketch; my report was to give information as to the land applied for, and the tracing was to illustrate the report; it is usual to send in a correct tracing for the guidance of the head of my department; the fact of the hut and yards on the tracing being several chains

chains from where they ought to be shown is not material; the cottage on portion No. 22 is called "Tuppall Cottage"; this cottage is about 10 chains from east boundary of portion 21 as shown in tracing; the cottage is 41 chains from eastern boundary of portion 21; it is very probably not shown in its correct position on the tracing; I pegged the portion every 10 chains; I cannot say whether I could or could not see this house, as I was surveying the eastern boundary of portion 22; I cannot now say how far, even within 10 chains, this house is from the east boundary of portion No. 22; it is somewhere on the block, that is all I know; all I wished to show was that the improvements were somewhere on the land; I do not know how long the cottage had been erected; as far as I can recollect it was an iron house with six rooms; I do not remember whether it was lined, or floored, or partitioned off; I have described it as a six-roomed house, so I conclude it was partitioned; I do not remember the size of the house; I have no idea whatever; my mind is a blank as to the position and size of the house; the fence on this portion is worth £56 5s.; the cottage is valued by me at £243 15s.; there is a creek on the land which runs into the Tuppall Creek; I cannot say whether the house is on the north or south side of that creek; portion No. 26 in the tracing represents two conditional purchases of John M'Meckin; the one is an original, the second an additional purchase; the date of the original is 27th February, 1873; the description is as follows:—"County of Townsend, parish of Toowool, 160 acres, situated on the road from Deniliquin to Morocco, about 2 miles from Morocco boundary; and bounded by that road on the north and by lines running south, west, and east to contain the area of 160 acres." I know the Morocco boundary; I never have chained from that boundary to portion 26; Morocco home station is about 4 miles from the west boundary of the run; I will not swear that I have not put portion 26 3 miles too far from the west boundary of Morocco Run; M'Meckin's additional purchase is described as follows:—"County of Townsend, parish of Toowool, 160 acres; bounded on east by my previous conditional purchase, and on remaining sides by lines to include the area applied for." This was surveyed 30th March, 1876; I do not know through which part of this area the road ran; I am not certain whether the road ran through it at all; portion No. 27 was surveyed by me about the same time—sometime in March of this year; it was vacant land; I was instructed to measure it; Mr. Henry Ricketson applied to have it measured; I believe that John Gibson's house is within the boundaries of No. 27, but I have not shown it on the tracing; I have seen John Gibson's house; I do not know what it is worth; I had no reason to show William Gibson's house; I had no reason for not showing John Gibson's house; I remember John and William Gibson calling at my camp at the time I was surveying those portions; it must have been after January last; I do not remember asking the Gibsons' at any time if their selections commenced at the mile-peg; I do not remember telling them that the peg was on the Tittle Plain; the eastern boundary of reserve No. 904 was close to my camp; in February I had several conversations probably about that time, with John Gibson, but I really do not remember the matter of those conversations.

Exhibit C.

By Mr. Boyd, for H. Ricketson: It was absolutely impossible for me to measure John Gibson's selection according to the description.

By Mr. Giltott, for J. Gibson: I never tried to measure; I never applied to Gibson for any information about his selection.

By Commissioner: My report is dated 15th August, 1876; the tracing represents things as they were in March and April; all the huts, yards, and other improvements marked on the tracing existed in March and April; John Gibson was engaged in erecting a house during one of those months; the plot from which the tracing is drawn was made at time of survey; before I left the locality John Gibson had probably more than half finished his house; John Gibson's house was being erected to the north of William Gibson's, and was, as far as I remember, on the south boundary as shown on tracing of portion No. 20; Gibson's applications were received by me in the middle of July last; I had then completed the survey of the portions shown on the tracing; John Gibson's house seemed intended for a family building; it was to contain several rooms; I believe that Gibson's family was living in this house before I finished the survey; I should say that this house finished would be worth over £200; I did not think that it was necessary to mention John Gibson's house in my report, because it fell within the lines of portion No. 20; I believe his house to be within the southern boundary of portion 20; I think that William Gibson's house is north of the mile-peg; I will not say whether it is north or south of this peg.

Taken and sworn before me, at Deniliquin,)
this 22nd day of November, 1876,— }

G. J. LEE.

A. C. S. ROSE, Commissioner.

William Hawley, being duly sworn, saith: I am superintendent of Cornella Station, of which Mr. Henry Ricketson is lessee; Mr. Licensed-Surveyor Lee was at Durrulaman from December to April last, as far as I can recollect, measuring land; I remember that he had to measure an area taken up in the name of George Archer; it consisted of 40 acres; was taken up on the 28th of January, 1875; it is situated at Durrulaman; the purchase was made at the Crown Lands Office at Deniliquin; I took it up in the name of George Archer, as his agent; there was a man named Archer living on the station at the time, and the selection was taken up for what was supposed to be a brother of his; I received no positive instructions from anybody to take up this land for him; I never saw him; I am sure that he never lived on this selection; when Mr. Lee was at Durrulaman he asked me when I intended to have the selection measured; he told me that the land was applied for about 20 chains from Charles Firth's north-east corner; I pointed out the place I meant the application to refer to, which is more to the eastward; he did not object; the land was better where I got the selection measured; there are some improvements on the area which Archer's purchase would cover if measured according to description; these improvements were commenced at the beginning of November of last year; they consisted of an iron cottage of two rooms; I estimated it when finished to be worth £100; these two rooms were finished at the end of November or beginning of December last; there are also some sheep-yards, which were begun in January of this year, and finished, I think, the same month; the men were ready to start with them before the 6th January; these yards are worth about £60; there are about 7 chains of fencing, worth about £6; there is a hut on portion 22, containing six rooms, and having a verandah; the value of this house is about £250; it is about 40 chains from the east boundary of portion 21, and is about 50 chains from Tuppall Creek;

Exhibit C.

Creek; there is a wire-fencing along the south bank of Tuppal Creek; it is a seven-wire fence, split posts, no rails; it is about eight or nine years old; it is in good order; I know what the state of it was in March last; it was then worth from £70 to £80 per mile; there is a brush or log-fence running through portion 20, worth about 10s. a chain; there is some timber-ringing on the eastern side of portion 20, worth about £5.

Taken and sworn before me, at Deniliquin, }
this 22nd day of November, 1876,— }

WILLIAM HAWLEY.

A. C. S. ROSE, Commissioner.

William Hawley, being re-sworn, saith: The fence along Tuppal Creek I believe to be seven-wire; I remember seeing seven wires in that fence, but whether at that particular part, that is, to the northern portions 20, 21, and 22, I cannot say; the fence is eight or nine years old, as I take it; I have been superintendent at Cornella two years; at Araboola two years; in all I have been in Mr. Ricketson's employment ten years; it was not a new fence when I first passed through it nine or ten years ago; where I went through the fence it is the same fence then as now; I should say that it was not an old fence then; Pine is 6 miles distant now; a six-wire fence now would cost £80 a mile in that place; the posts in the old fence are, I think, 8 or 9 feet apart; everything is much cheaper now; we paid 1s. per acre for timber-ringing; I refuse to say who instructed me to take up Archer's conditional purchase; I had instructions for Mr. Ricketson to use the name of George Archer for a conditional purchase if I required it; the cottage on portion No. 22 is near the south-east corner of the portion; it contains six rooms; in November of last year it contained two rooms only; there was an iron chimney, no flooring or lining; it was worth then £100; the additions to this cottage were being prepared at the time the main building was going on; I will not swear that the additions were not made after the 6th of January last; the log fencing was worth in March last £35 a mile; I am sure that John Gibson's house is not within portion 20; it is about 100 yards to the south of Taylor's Creek.

See his preceding evidence.

Taken and sworn before me, at Deniliquin, }
this 23rd day of November, 1876,— }

WILLIAM HAWLEY.

A. C. S. ROSE, Commissioner.

William Henry Hooper, being duly sworn, saith: On the 15th of September last Messrs. Mort and Watson, my principals, bought from Mr. Thomas Johnson, of Deniliquin, a small quantity of 9-foot iron; we gave 9s. per sheet for it.

By Mr. Gillott: I know Mr. Lowden; he is Mr. Johnston's foreman; if we run short we buy from Johnston, and when he runs short we buy from him; Mr. Ricketson did not buy any iron from us at that time, at least from our branch at Deniliquin.

Taken and sworn before me, at Deniliquin, }
this 23rd day of November, 1876,— }

W. H. HOOPER.

A. C. S. ROSE, Commissioner.

William Lowden, being duly sworn, saith:—I am a builder and contractor; I am manager for Mr. Johnston, who is a building contractor at Deniliquin; I prepare estimates, and have charge of all building works undertaken by Mr. Johnston; on Tuesday night last I visited John Gibson's house on his selection; we crossed the Tuppal Creek, and came to a weather-board house and found John Gibson's family there; the next morning I inspected, on Mr. Gibson's behalf, a log fence about 100 and 150 yards from Gibson's house; I saw sufficient of the fence to satisfy me as to the character of it; this fence as far as I saw it was not topped up; it was in a state of decay; the fence, taking the portion of it I inspected, was not worth more than £14 per mile; a new fence is worth £23 to £30 a mile; I inspected some log-yards near Gibson's house; there were about 26 chains of brush and log fencing; there are about 18 chains of old dividing fencing worth nothing at all; the 26 chains I value at £5 or £6 or £7; I next inspected the four-roomed house near the yards; there was a verandah in front, and a chimney; the length of the building is 23 feet 10 inches; the width over-all, that is, lean-to's and all, 17 feet 8 inches; the lean-to's are 5 feet 6 inches; the other rooms are 12 feet, verandah 5 feet 6 inches; the height of the building is 8 feet; the building is of iron, not lined; I would erect a house there like that for £61 5s.; I would take a contract for a dozen houses like that, and allow 10 per cent. discount; in Melbourne we constructed them for £28 10s.; the verandah of that house is worth about £6; the skillings are worth about £12; the chimney is worth a matter of £3 or £4; I next inspected a six-wire fence on Tuppal Creek; I am positive that there are only six wires, no rails; I went about a mile along the fence; it is an old fence, a great many years old; the wire is slack and broken in a good many places; it would not bear straining now; I believe that it never has been strained; I saw no straining posts, but the strainers may have been knocked away; the posts are pine; they cost at the stump about 18s. a hundred; a new fence of that description would be worth about £75 a mile; as it stands now it is worth from £30 to £35 a mile; it is cattle proof but not sheep proof; I inspected a cottage on improved purchase No. 22; I saw the pegs with I.P. 22 on them; that cottage I value at £88 10s.; these prices I give now are the prices I am ready to do the work at.

On portion 20.

By Mr. Boyd, for H. Ricketson: I am speaking of prices at the present time; the price of wire has fallen very little since the railway came to Deniliquin; I have known 8 feet iron to cost 6s. and 6s. 6d., and never 8s.; inside the yards are made up of old posts, old timber, and old palings.

By Mr. Gillott: We buy every brand of iron in the market; the "Gospel Oak" is the best brand; the cottages I have described are built of the "Castle" brand, it is 26 gauge; the railway has made very little difference in cost of freight of iron and wire; if John Gibson's house were completed it would be worth £200; it is worth about £100 now; the cottage on portion 22 is six-roomed, three main rooms and three lean-to's; if this had only two main rooms, no skilling, no verandah, no chimney, it would be worth £39 5s. only.

By

By Mr. Boyd: There are a great many acres of timber ringed about there, but whether on portion 22 I do not know; I am positive that to my knowledge 8 feet iron was never selling at Deniliquin at 8s. last year.

Taken and sworn before me, at Deniliquin, }
this 23rd day of November, 1876,— }

WM. LOWDEN.

A. C. S. ROSE, Commissioner.

William Henry Hooper, being duly sworn, saith:—I am book-keeper for Mort and Watson, of Deniliquin, storekeepers; they deal largely in iron; in August, 1875, our price for 8-foot iron was 8s. per sheet; this was the best quality of iron; I do not know the gauge; 8-foot iron was scarcer than any other in 1875; that was our price; what Johnson sold it for I do not know.

Taken and sworn before me, at Deniliquin, }
this 23rd day of November, 1876,— }

W. H. HOOPER.

A. C. S. ROSE, Commissioner.

John Gibson, being duly sworn, saith:—Yesterday I went out to my selection with William Lowden; I showed him the cottage on George Archer's selection in the middle of portion 20 on the tracing; we went north to Tuppall Creek; there are six wires in the fence there; the posts are all bored for six wires with an inch augur; this fence was there, I believe, twenty years ago; I know that it is eighteen years old; we went east to portion 22, and across that portion diagonally to a cottage about 8 chains from the south-eastern boundary, and about 10 chains from the southern boundary; the hut as shown on the tracing is about half a mile out of position; my house is about 10 or 12 chains to the north of the mile-peg on the water-reserve boundary, and about half-a-mile to the east; I know portion 20; I know the pegs indicating the southern boundary of portion 20; my house is to the south of that boundary; I was on the 27th of March last living in this house; in April my children came and lived there; I was putting on the roof in March last; Taylor's Creek is a large creek; my house is to the south of that creek; this creek is not shown on the tracing. Recalled,
23/11/76.
c.
Exhibit C.

By Mr. Boyd: Mr. Lee was on the ground when I chose the spot for my house; he directed me where to go to find the mile-peg; I considered that my ground came to the mile-peg; Mr. Lee asked me whether one of our selections did not begin at the mile-peg; my house will be worth £150 when lined and papered; not a tenth part of it is composed of old materials bought by me from the arcade; I bought other stuff from Gill and Lacy at 18s. per hundred feet; I do not know what quantity I bought.

By Mr. Gillott, for Mr. Gibson: The iron from the arcade was quite good; as my house stands it is worth £100.

By Commissioner: Mr. Surveyor Lee measured portion 27 in March last; I believe I was then living on my conditional purchase.

Taken and sworn before me, at Deniliquin, }
this 23rd day of November, 1876,— }

JOHN GIBSON.

A. C. S. ROSE, Commissioner.

Henry Ricketson, being duly sworn, saith: I am the lessee of Derrulaman; when I took possession of that run there was a wire fence running along the south bank of Tuppall Creek; this fence was purchased by me as a part of the improvements of the run; it was erected by M'Laren; I think that this fence has been up fourteen or fifteen years, and not longer; it has since been made sheep-proof; the part of the fence on my side belongs to me, that on Mr. Landale's to him; it is not a boundary-fence; there may be only six wires; I was under an impression that there were seven wires; I believe that it was in Landale's time that the other three wires were added; I never went along that fencing; Landale took down some of this fencing and put it up on his side; this was to allow me to have access to the Tuppall Creek; this fence in places is on the other side of the creek; that is Landale's portion; the Tuppall Creek is the natural boundary of our runs.

Taken and sworn before me, at Deniliquin, }
this 23rd day of November, 1876,— }

HENRY RICKETSON.

A. C. S. ROSE, Commissioner.

Francis George Finley, being duly sworn, saith: I am Acting District Surveyor for the District of Deniliquin; I have been in this position for the past three years; for about two years, up to within the last two months, Mr. George Joseph Lee, a licensed surveyor, has been carrying on surveys under my supervision within the district of which I have charge; on the 11th July last I instructed Mr. Lee to measure, if unobjectionable, the areas applied for by John and William Gibson on the 6th of January last as conditional purchases; in his report Mr. Lee stated that he had already measured the areas thus applied for as improvement purchases for Mr. Henry Ricketson, and one as an area to be offered at auction, measured at request of Mr. Ricketson, namely, No. 27; the object of that report of Mr. Lee was to explain how the Gibsons' conditional purchases were interfered with by applications of Mr. Ricketson for improved lands; the tracing shown to me accompanied the report; I expected Mr. Lee to make a report as to how matters stood with regard to the lands applied for by the Gibsons, at the time he made the survey for Ricketson; if at the time of making those surveys Mr. Lee was aware that John Gibson was building a house on the area applied for by him, it was his duty to mention such house in his report; it was equally his duty to do this as to mention any of Mr. Ricketson's improvements; in the diagram there is a tracing showing portion No. 21, which was measured by Mr. Lee as a conditional purchase for George Archer; the portion as so measured is not according to the description given by the conditional purchaser; it is situated too far to the east by 30 chains; I do not think that Mr. Lee followed the instructions of the department in thus measuring this area; the proper course would have been for Mr. Lee to have reported the matter before surveying the area; as Mr. Lee reported the conditional purchaser as non-resident he ought not to have listened to any suggestion by that person's agent as to an alteration in the position of the area; Archer's purchase, according to his description, is to be again measured, and is to be placed

in its proper position, as indicated by the faint blue lines of the tracing; the hut and yard shown within portion No. 20 appear to be a quarter of a mile out of position; assuming that the improvements upon portion No. 20 were erected after Archer's area was taken up, I consider that they are his, and the existence of these improvements will not prevent the carrying out of the survey of his land in the middle of portion No. 20; in that case, according to the practice of the Lands Department, Mr. Ricketson's improvement purchase portion No. 20 goes for nothing; I do not consider that John Gibson's conditional purchase will be allowed to stand with Archer's purchase, severing it into two areas; both the improvement purchase and the conditional purchase are now in my opinion objectionable, and I shall be obliged to report against both, that is, if the improvements in virtue of which the improvement purchase was made are within George Archer's area; George Archer's description is vague, inasmuch as it says "about 20 chains east from Charles Tulk's north-east corner;" it is about 30 chains out of position; on more accurately scaling it I find that it is 28 chains too much to eastward; from my point of view, as District Surveyor, I hold that John Gibson's description is imperfect; if I had had the survey of the area desired by Gibson I should have had an interview with him, and have measured it conditionally, and reported it to the department; the fact of the matter being in dispute, as it was, and is, I should take other measures; if Mr. Manton misled the conditional purchaser I have nothing to do with it; I have to do with the descriptions only; the tracing on the office map shows Gibson's selection to be a rectangular portion with the north-west corner cut off by Archer's and Tulk's selections.

By Mr. Boyd: Mr. Manton as draftsman, in my opinion, was bound to give advice to conditional purchasers about the situation of land, but not to dictate descriptions to conditional purchasers; Mr. Lee was bound to measure for Mr. Ricketson the improvement portions, if he had instructions to do so.

By Commissioner: If an area of 640 acres were allowed to John Gibson in the form delineated on the office map, the southern boundary of it would be 25 chains at least below Archer's southern boundary, and it would extend about 47 chains from east boundary of Archer's purchase to the east boundary of the area.

By Mr. Gillott: I consider it to be the duty of the draftsman attached to a local land office to read over descriptions of applications for conditional purchases, and to point out to the Crown Lands Agent any errors or defects which he may find in them.

F. G. FINLEY.

Taken and sworn before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

D. [Alienation Act, sections 13, 14, and 19.]

Application for the conditional purchase, without competition, of unimproved Crown land.

District of Deniliquin.

No. 2 of 1876.

Application by William Gibson for the conditional purchase, without competition, of 640 acres unimproved Crown land, 13th section.

Received by me, with a deposit of £160, this 6th day of January, 1876, at 10 o'clock.

J. A. BROUGHTON,
Agent for sale of Crown Lands at Deniliquin.

Sir,

6 January, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 640 acres; and I herewith tender the sum of £160, being a deposit at the rate of 5s. per acre on the area for which I apply.

I have, &c.,

To the Agent for the sale of Crown Lands, Deniliquin.

WILLIAM GIBSON,
Deniliquin.

DESCRIPTION.

County of Townsend, parish of Derrulaman, 640 acres: Commencing at the south-west corner of John Gibson's conditional purchase of this day, and bounded by a line running south 80 chains, thence east 80 chains, thence north 80 chains, thence west 80 chains, to the point of commencement.

D. [Alienation Act, sections 13, 14, and 19.]

Application for the conditional purchase, without competition, of unimproved Crown lands.

District of Deniliquin.

No. 1 of 1876.

Application by John Gibson for the conditional purchase, without competition, of 640 acres unimproved Crown land, 13th section.

Received by me, with a deposit of £160, this 6th day of January, 1876, at 10 o'clock.

J. A. BROUGHTON,
Agent for sale of Crown Lands at Deniliquin.

Sir,

6 January, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown lands hereunder described, containing 640 acres; and I herewith tender the sum of £160, being a deposit at the rate of 5s. per acre on the area for which I apply.

I have, &c.,

To the Agent for the sale of Crown Lands, Deniliquin.

JOHN GIBSON,
Deniliquin.

DESCRIPTION.

County of Townsend, parish of Derrulaman, 640 acres: Commencing at a point about 30 chains east of reserve 904, on the left bank of Tuppall Creek, running south to the south boundary of conditional purchase Land Agent's No. 49, thence west to reserve 904, thence east 80 chains, thence north 80 chains to Tuppall Creek, thence by that creek to the point of commencement.

William

William Gibson v. Henry Ricketson—Deniliquin, 24/11/76.

William Gibson, being duly sworn, saith :—On the 6th of January, 1876, an application for a conditional purchase of 640 acres was made by me at the Land Office at Deniliquin ; it is signed by me ; the description was drawn up by Mr. Frederick Mayger, as my agent ; the description I find, on referring to the application now handed to me, is as follows :—640 acres, county of Townsend, parish of Derrulaman : Commencing at the south-west corner of John Gibson's C. P. of this day ; and bounded by a line running south 80 chains, thence east 80 chains, thence north 80 chains, thence west 80 chains, to point of commencement. I attended personally at the Land Office ; Mr. Broughton, the Crown Lands Agent, was there, and so was Mr. Manton, the draftsman ; Mr. Mayger read the description to Mr. Broughton in Mr. Manton's presence, who said that it was right ; I know a tree known as the mile tree, which is on the eastern boundary of water reserve 904, and a mile from Tuppal Creek ; about 20 chains south from that tree I built my house ; before beginning the house Mr. Surveyor Lee told me where to find that tree, and said that anywhere below that tree would be right ; my house is of weatherboard, with iron roof, and containing two rooms ; I value it at between £50 and £60 ; there is an old log fence running through my conditional purchase ; it was brushed up some time since, but now it is in a state of decay ; the hut marked on portion 28 is 10 chains from the cross log fence ; this cottage was not there when I took possession of my conditional purchase ; it was erected in February last ; the only sign of improvement on my area was the old fence ; in the tracing, portion 29, shows a house and yards ; I positively swear that there are no yards there now, and there never have been at any time any yards there ; the hut was erected in February last ; I understand perfectly where portion 29 is ; the nearest yards to portion 29 are on Archer's selection ; I have fenced down the water reserve to the old log fence ; I have fenced from the old log fence to the eastern boundary of my area, and thence up to the northern boundary.

Exhibit C.
See tracing,
which shows
about 15 chains.
Exhibit C.

By Mr. Boyd : My brother John Gibson's south boundary I intended to be my north boundary ; Mr. Surveyor Lee had seen the description of our purchases when he pointed out the marked tree to us ; the log fence might once have been a cattle fence ; it certainly would not keep cattle in now ; there are about 40 chains of fencing across portion 29 ; there are 80 chains from north to south ; I swear that my house is south of the mile-peg.

By Mr. Gillott : The fencing I have erected is sheep proof, and is made of trees and brush ; the fence on the boundary of the water reserve is fine wire, and a top rail ; I do not know its value ; the posts are of gum-tree.

Taken and sworn before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

WILLIAM GIBSON.

Frederick Mayger, being duly sworn, saith :—On the 3rd of January last I visited portion 28, which was not then surveyed ; there were no improvements then whatever, excepting an old brush fence ; I also the same day visited portion 29 ; I did not notice any house, nor did I see any yards there ; on the 3rd of August last I went to portion 28, and in the exact spot where John Gibson and I dismounted we found an iron house built, which was not there on my first visit.

Taken and sworn before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

F. H. MAYGER.

John Archer Broughton, being duly sworn, saith :—I am Crown Lands Agent at Deniliquin ; I find on reference to my Conditional Purchase Register that on the 6th of January last a conditional purchase of 640 acres was taken up by William Gibson ; the purchase is situated at Derrulaman ; the evidence I have already given as to Tulk's and Archer's conditional purchases at this Court is applicable to this case.

Taken and sworn before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

J. A. BROUGHTON, L.A.

Francis George Finley, being duly sworn, saith : I am Acting District Surveyor for the District of Deniliquin ; I have been in this position for the past three years ; for about two years, up to the last two months, Mr. George Joseph Lee, a licensed surveyor, has been carrying on surveys under my supervision within the district of which I have charge ; on the 11th July last I instructed Mr. Lee to measure, if unobjectionable, the areas applied for by John and William Gibson on the 6th of January last as conditional purchases ; in his report Mr. Lee stated that he had already measured the area thus applied for as improvement purchases for Mr. Henry Ricketson, and one as an area to be offered at auction, measured at request of Mr. Ricketson, namely No. 27 ; the object of that report of Mr. Lee's was to explain how the Gibsons' conditional purchases were interfered with by applications of Mr. Ricketson for improved lands ; the tracing shown to me accompanied the report ; I expected Mr. Lee to make a report as to how matters stood with regard to the land applied for by the Gibsons' at the time he made the survey for Ricketson ; if, at the time of making those surveys, Mr. Lee was aware that John Gibson was building a house on the area applied for by him it was his duty to mention such house in his report ; it was equally his duty to do this as to mention any of Mr. Ricketson's improvements ; in the diagram there is a tracing showing portion No. 21, which was mentioned by Mr. Lee as a conditional purchase for George Archer ; the portion as so measured is not in accordance with the description given by the conditional purchaser ; it is situated too far to the east by 30 chains ; I do not think Mr. Lee followed the instructions of the department in thus measuring this area ; the proper course would have been for Mr. Lee to have reported the matter before surveying the area ; as Mr. Lee reported the conditional purchaser as non-resident he ought not to have listened to any suggestions from that person's agent, as to an alteration in the position of

Exhibit C.

of the area; Archer's purchase according to his description is to be again measured, and placed in its proper position as indicated by the faint blue lines of the tracing; the hut and yards within portion No. 20 appear to be a quarter of a mile out of position; assuming that the improvements upon portion No. 20 were erected after Archer's area was taken up I consider that they are his, and the existence of these improvements will not prevent the carrying out of the survey of his land in the middle of portion No. 20; in that case, according to the practice of the Lands Department, Mr. Ricketson's improvement purchase No. 20 goes for nothing; I do not consider that John Gibson's conditional purchase will be allowed to stand with Archer's survey severing it into two areas; both the improvement purchase and the conditional purchase are now, in my opinion, objectionable, and I shall be obliged to report against both; this is, if the improvements by virtue of which the improvement purchase was made are within George Archer's area; George Archer's description is vague, inasmuch as it says about 20 chains east from Charles Tulk's north-east corner; it is about 30 chains out of position; on more accurately scaling it, I find that it is 28 chains too much to eastward; from my point of view, as District Surveyor, I hold that John Gibson's description is imperfect; if I had had the survey of the area desired by Gibson I should have had an interview with him, and have measured it conditionally and reported it to the Department; the fact of the matter being in dispute as it was, and now is, I should have taken other measures; if Mr. Manton misled the conditional purchaser I have nothing to do with it—I have to do with the description only; the tracing on the office map shows Gibson's selection to be a rectangular portion with the north-west corner cut off by Archer's and Tulk's selections.

By Mr. Boyd: Mr. Manton, as draftsman, in my opinion was bound to give advice to conditional purchasers about the situation of land, but not to dictate descriptions to conditional purchasers; Mr. Lea was bound to measure for Mr. Ricketson for improvement portions, if he had instructions to do so.

By Commissioner: If an area of 640 acres were allowed to John Gibson in the form delineated on the office map the southern boundary of it would be 25 chains at least below Archer's southern boundary, and it would extend about 47 chains from east boundary of Archer's purchase to the east boundary of the area.

By Mr. Gillott: I consider it to be the duty of the draftsman attached to the local land office to read over descriptions of applications for conditional purchases, and to point out to the Crown Lands Agent any errors or defects which he may find in them.

Taken and declared before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

F. G. FINLEY.

Exhibit C.

John Gibson, being duly sworn, saith: The hut as shown on portion 28 is placed inaccurately; this hut was not there on the 3rd of January last; the hut on portion 29, as shown in the tracing, is put several chains over 30 chains too far to westward; this hut was not there on the 3rd of January last; there never were any yards on this portion; I have been over the ground often, and I am confident that there were never any yards within a mile and a half of this spot; I first saw the iron hut on portion 29 at the beginning of February last; I swear that there were no yards there then, and there are no yards there now; my brother's fence along the water reserve east boundary is worth between £60 and £70 a mile; his new brush fencing is worth between £20 and £30 a mile; there is about a mile and a half of it.

Taken and sworn before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

JOHN GIBSON.

Exhibit C.

William Lowden, being duly sworn, saith: On Wednesday morning last, the 22nd of November instant, I visited a house on portion 28; on reference to the tracing I see portion 29; I saw an iron house on this portion—a three-roomed iron house; I see on the tracing that some yards are marked close to this house; I had a copy of this tracing with me and I looked for these yards but could not find any, nor could I see any traces of yards; the house I value at £80; one can see a long distance in that country, which is lightly timbered; this house has a verandah on two sides and one end; it is a more expensive kind of house than the others.

Taken and sworn before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

W. LOWDEN.

William Hawley, being duly sworn, saith: I see, on reference to the tracing marked C, a hut indicated; it was erected at the beginning of January last, not before the 6th of that month; I see portion 29 on the tracing; the house indicated there was put up not before the 6th of January last; I see yards indicated on the tracing in portion 29; there are no yards there and there never were as far as I know; the cottage on portion No. 28 is called "Pine-tree Cottage"; this is not the cottage in virtue of which I intended to apply for the improvement purchase in my application of the 1st November last, on behalf of Henry Ricketson; the cottage I had in view was a mile away from the cottage marked in the tracing on portion 28; I cannot say whether there was any timber ringing on that portion in November last; I did intend the application to point to that particular place, namely portion 28; there was a hut in existence called "Pine-tree Cottage," not the one I have already mentioned; there are two "Pine-tree Cottages"; the cottage on portion 29 is called "Cherry-tree Cottage"; this cottage was erected after the 6th of January last; there was then a cottage about a quarter of a mile from where the hut on portion 29 is marked in the tracing; that cottage was a quarter of a mile south of the south boundary of portion No. 29.

Taken and sworn before me, at Deniliquin, }
this 24th day of November, 1876,— }
A. C. S. ROSE, Commissioner.

WILLM. HAWLEY.

William

William Lowden, being duly sworn, saith: The iron used in Mr. Ricketson's hut is the "Castle" brand; this description of iron did not sell twelve months ago in Deniliquin at such a price as 8s. a sheet; the 8-foot "Castle" iron sold then not higher than 6s. 9d. per sheet; I produce Mrs. Johnston's day-book to show that Messrs. Mort & Watson in January last (that is before the railway to Deniliquin was opened) purchased from Mr. Johnston in the ordinary course of business twenty sheets of 8-foot iron, at 6s. 9d.; we should have sold the iron at the same price to Mr. Ricketson, but should not have allowed him the discount we allow to Mort & Watson as being in the trade; in February last we sold Mort & Watson twenty-five sheets at the same price; I am positive that it was not the "Castle" brand but a better brand; the "Castle" is the worst and cheapest brand in the market; the difference per sheet between "Castle" and "Crown," that is per 8-foot iron, is 4½d.

Taken and sworn before me, at Deniliquin,)
 this 24th day of November, 1876,—)
 A. C. S. ROSE, Commissioner.

WM. LOWDEN.

EXHIBIT B.

[Alienation Act, sections 13, 14, and 19.]

Application for the conditional purchase, without competition, of unimproved Crown land.

District of Deniliquin, No. 1, 1876.

Application by John Gibson for the conditional purchase, without competition, of 640 acres 8 roods unimproved Crown land, 13th section.

Received by me, with a deposit of £160, this 6th January, 1876, at 10 o'clock.

J. A. BROUGHTON,
 Agent for the Sale of Crown Lands at Deniliquin.

Sir,

6 January, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 640 acres 8 roods; and I herewith tender the sum of £160, being a deposit at the rate of 5s. per acre on the area for which I apply.

I am, &c.,

JOHN GIBSON,
 Deniliquin.

To the Agent for the sale of Crown Lands at Deniliquin.

DESCRIPTION.

County of Townsend, parish of Derrulaman, 640 acres: Commencing at a point about 30 chains east of reserve No. 904, on the left bank of Tuppall Creek, running south, to the south boundary of C.P. Land Agent's No. 49; thence west to reserve 904; thence east 80 chains; thence north 80 chains to Tuppall Creek; thence by that creek to point of commencement.

EXHIBIT B.

Application for the conditional purchase, without competition, of unimproved Crown land.

District of Deniliquin, No. 2, of 1876.

Application by William Gibson for the conditional purchase, without competition, of 640 acres unimproved Crown land, 13th section.

Received by me, with a deposit of £160, this 6th day of January, 1876, at 10 o'clock.

J. A. BROUGHTON,
 Agent for the Sale of Crown Lands at Deniliquin.

Sir,

6 January, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 640 acres 8 roods; and I herewith tender the sum of £160, being a deposit at the rate of 5s. per acre on the area for which I apply.

I am, &c.,

WILLIAM GIBSON,
 Deniliquin.

To the Agent for the sale of Crown Lands at Deniliquin.

DESCRIPTION.

County of Townsend, parish of Derrulaman, 640 acres: Commencing at the south-west corner of John Gibson's C.P. of this day, and bounded by a line running south 80 chains; thence east 80 chains; thence north 80 chains; thence west 80 chains to point of commencement.

EXHIBIT D.

FROM Licensed-Surveyor G. J. Lee to the Surveyor General, Sydney, transmitting tracing and reports of improvement purchases and conditional purchases, measured on and near land applied for by John and William Gibson, under the 13th clause of the "Crown Lands Alienation Act of 1861," in the parish of Derrulaman, county Townsend; improvement purchases measured on the application of Henry Ricketson.

Conditional purchases measured on the application of Charles Tulk, portion No. 19; George Archer, portion No. 21; and John M'Meehin, portion No. 26; applications of each portion transmitted herewith.

Deniliquin, 15 August, 1876.

Sir,
I have the honor to transmit tracing and report of nine portions of land measured by me on or near the land applied for by John and William Gibson, in the parish of Derrulaman, county of Townsend.

Report on Portion No. 19.—28 January, 1875.

The applicant was not residing on this portion, and no sign of the requirements of the Act being fulfilled.

Second Report on Portion No. 21, C.P., 75/49.—28 January, 1875.

This portion was measured as pointed out by his agent, and as near the description as possible; non-resident.

Third Report on Portion No. 26, C.P. 73/1,731, and A.C.P. 73/11,863.—27 Feb., '73, and 6 Nov., '73.

Measured in accordance with description; applicant non-resident; no improvements.

Fourth Report on Portion No. 20, I.P. 2,518.—17 Nov., '75.

Upon this portion is erected an iron house of 4 rooms, with verandah, drafting yards, 60 chains of wire fencing, and 60 chains of brush fencing, which in all I value at £320, and beneficial to the working of the run. There were men living in the house, and sheep being drafted at the time of survey.

Fifth Report on Portion No. 22, I.P. 2,556.—22 Nov., 1875.

The improvements erected on this portion consist of a large six-roomed iron house, with verandah, and about 60 chains of 6-wire fencing, which I value at £320. There were men living in this house, but in my opinion it cannot be necessary for the working of the run.

Sixth Report on Portion No. 28, I.P. 2,519.—17 Nov., '75.

The improvements erected on this portion consist of a large five-roomed iron house, with verandah, and about 50 chains of brush fencing, which I value at £290. Men were residing in the house, but in my opinion it is not necessary for the working of the run.

Seventh Report on Portion No. 29, I.P. 2,516.—17 Nov., '75.

The improvements erected upon this portion consist of a three-roomed iron house, with verandah, drafting yards, and rung-timber, in all to the value of £210. The improvements, I believe, are beneficial to the working of the run.

Eighth Report on Portion No. 33, I.P. 2,647.—14 Dec., 1875.

The improvements erected upon this portion consist of a two-roomed iron house, which I value at £90, and in my opinion it is not necessary for the working of the run.

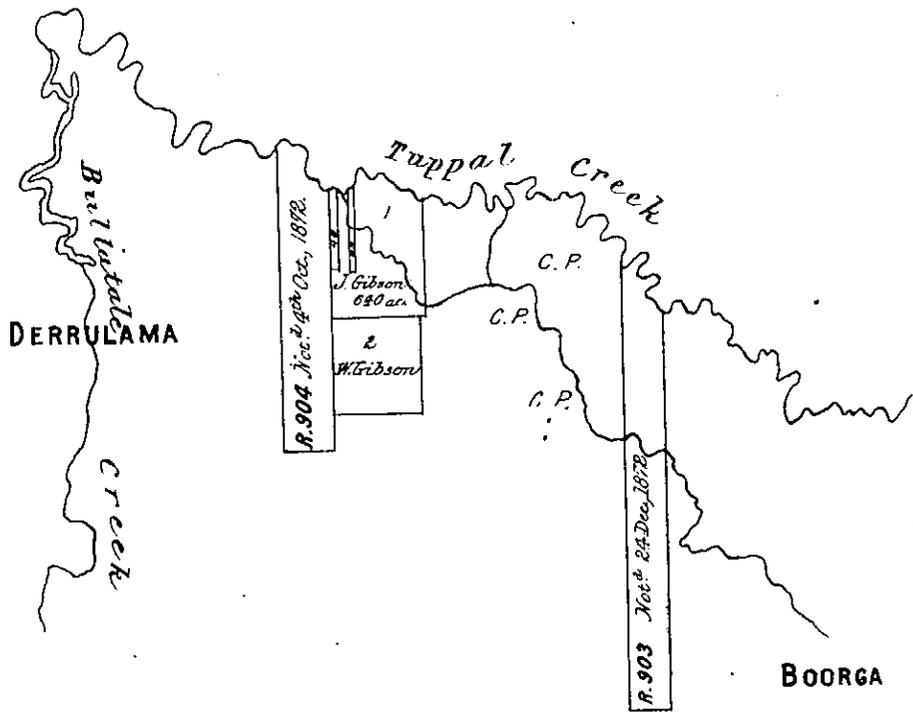
The manager of the run, Cornulla, informed me that the improvements were erected on each portion before applied for.

The house erected by William Gibson on portion No. 27 I value at £50. There were no other improvements erected by Gibson at time of survey. Tracing shows and gives every information.

I have, &c.,
G. J. LEE.

[2 plans.]

Exhibit A.



(Sig. 173)

14

Exhibit C. Land Court at
Deniliquin, 21st November, 1876.

TRACING

Showing 5 Improvement Purchases, N^{os} 20, 22, 28, 29 and 33,
applied for by Henry Ricketson.

Also Portion N^o 19, Chas. Falk, Conditional Purchase
" " 22, Geo. Archer
and " 26, John McMeekin
Portion 27, Measured for Sale.

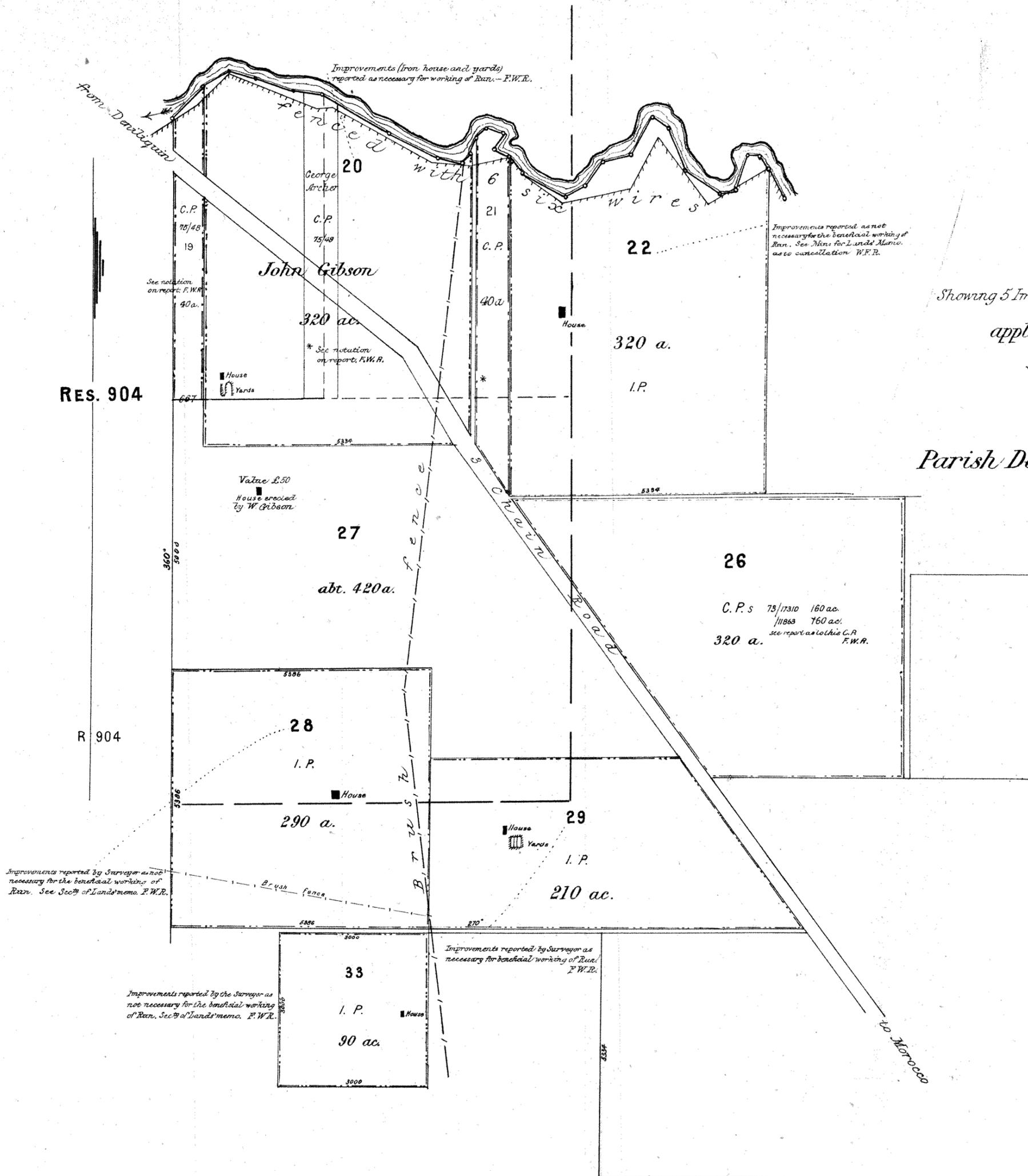
Parish Derullman, County Townsend.

Scale—20 Chains to an Inch.

Note)—Improvement Purchases shown thus ———
Conditional " " " ———

G. J. Lee,
Licensed Surveyor,
Deniliquin.

(Sig 173)



1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(DAVID SAWYER, JUNR.'S, CONDITIONAL PURCHASE—CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 27 April, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated the 2nd February, 1877, That there be laid upon the Table of this House,—

“Copies of all Letters, Papers, Reports, and other documents connected with the conditional purchase and auction sale of 40 acres of land made at Tamworth, by David Sawyer, junior, in the month of March, 1869.”

(Mr. Bennett.)

SCHEDULE.

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2. John Goodwin to the Minister for Lands, respecting three conditional purchases, situated on the Manila Run, taken up by D. Sawyer, junior, Mary Ann Sawyer, and William Garske, respectively. Minutes thereon. 12 June, 1871	3
3. Under Secretary for Lands to John Goodwin, in reply to No. 2. - 17 July, 1871	3
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12. The Surveyor General to District Surveyor Greaves, requesting him to furnish a duplicate of a blank cover report on D. Sawyer, junior's, conditional purchase. Minutes thereon. 17 September, 1872	6
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15. Memo. from the Crown Lands Agent, Tamworth, to the Under Secretary for Lands, in reply to No. 14. Minutes thereon. 7 March, 1873	6
16. Surveyor Dowhurst to Surveyor General, reporting on the conditional purchases of William Garske and Mary Anne and David Sawyer—with minutes thereon. 12 September, 1873	6
17. Notice of forfeiture of the conditional purchase of David Sawyer, junior. 12 December, 1873	7
18. Under Secretary for Lands to D. Sawyer, junior, enclosing refund form for payment of balance of purchase money on forfeited selection of D. Sawyer, junior. 31 March, 1874	7
19. Same to Land Agent, Tamworth, informing him of forfeiture of above-mentioned conditional purchase. 31 March, 1874	7
20. Same to Under Secretary for Finance and Trade, requesting to refund to D. Sawyer, junior, the amount paid on his conditional purchase. 31 March, 1874	8
21. David Sawyer, junior, to Under Secretary for Lands, with reference to No. 18, and minutes thereon. 8 April, 1874	8
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23. Memorandum and decision with reference to the selections of D. Sawyer, junior, Mary Anne Sawyer, and William Garske. 8 July, 1874	8
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26. Under Secretary for Lands to Hanley Bennett, M.P., in answer to above. 13 October, 1874	9
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33. Under Secretary for Lands to John Patterson, solicitor, respecting the conditional purchase of D. Sawyer, junior. 18 May, 1876	11
34. Same to Inspector Geary, requesting to furnish report in the case of the conditional purchase above stated. 18 May, 1876	11
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36. John Patterson, solicitor, to Minister for Lands, requesting grant to issue to D. Sawyer, junior—with minute thereon. 19 July, 1876	12
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39. Inspector Geary to Under Secretary for Lands, reporting on the conditional purchase above referred to, with enclosures. 15 September, 1876	12
40. Under Secretary for Lands to John Patterson, solicitor, in answer to No. 36, respecting the forfeited conditional purchase of David Sawyer, junior, and the sale by auction thereof to Mrs. Mary Jessie Witten. 18 December, 1876	14
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CROWN LANDS.

No. 1.

Application by D. Sawyer, junior, for conditional purchase.

(C.P., No. 69-881.) Land Agent's No. 28 of 1869. [Alienation Act, section 13.]
Application for the conditional purchase, without competition, of 40 acres, unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me, with a deposit of £10, this 18th day of March, 1869, at 10 o'clock.

JNO. M'DONALD,
 Agent for the Sale of Crown Lands at Tamworth.

Sir,

18 March, 1869.

I am desirous of purchasing, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown Land hereunder described, containing 40 acres — roods; and I herewith tender the sum of £10, being a deposit at the rate of 5s. per acre on the area for which I apply, and on which it is my intention to reside. Appendix A.

I am, &c..

DAVID SAWYER, JUNIOR,
 Barraba, farmer,
Per David Sawyer, Agent.

To the Agent for the Sale of Crown Lands at Tamworth.

DESCRIPTION.

County of Darling, parish of Barraba, 40 acres, on the left bank of the Manilla River, about 200 yards above David Sawyer's conditional purchase of 40 acres on said river, but on the opposite side of the river to Sawyer's said conditional purchase, and about 4 miles from Barraba, at a place called the "Herding Yard."

Mr. Dowe to measure if unobjectionable.—B.C., 28 April, 1869.—J.S.A., for Sur.-Genl.

No. 2.

Mr. J. Goodwin to The Minister for Lands.

Sir,

Barraba, 12 June, 1871.

I beg to draw your attention to three conditional purchases on the Manilla River, the owners of which have not complied with certain clauses in the Act.

1st. Mary Ann Sawyer has not resided on her conditional purchase of 40 acres on the Manilla River since it was taken up. The gonyah is in a very dilapidated state, and quite unfit for use.

2nd. David Sawyer, junr., has not lived on his conditional purchase of 40 acres, on the Manilla River, since it was selected by him about two years ago.

I may also state that Mary Ann Sawyer is about twelve years old, and David Sawyer about ten, and that their father has a conditional purchase about a quarter of a mile distant on the opposite side of the river, where they have resided since they conditionally purchased the portions alluded to.

3rd. William Garske has not been living on his conditional purchase of 100 acres, on the Manilla River, since it was selected by him. One glance at the gonyah would quite satisfy any person that it had not been inhabited for a considerable length of time, as it is in a very dilapidated state.

About the time the above-mentioned portions were surveyed the gonyahs had a very different appearance to what they have now, as, I believe, blankets were to be seen in most of them, and a few pots and cans lying about, but I can assure you they were only placed there by the selectors to mislead the surveyor in his report.

I have, &c.,

JOHN GOODWIN.

Inform that they have been reported resident by the surveyor, and that clear proofs must be furnished to show they have not complied with the Act before they can be disturbed in their holding.—W.B., 6/7/71.

No. 3.

The Under Secretary for Lands to Mr. J. Goodwin.

Sir,

Department of Lands, Sydney, 17 July, 1871.

With reference to your letter of the 12th ultimo, respecting that the conditional purchasers whose names are mentioned in the margin have not fulfilled the condition of residence with regard to their selections, I am directed to inform you that the local surveyor reported the selectors alluded to as resident upon their conditional purchases, and they cannot therefore be disturbed in the occupation thereof unless reliable proof be furnished that they have not complied with the requirements of the law.

I have, &c.,

W. W. STEPHEN.

See No. 2.
 Mary A. Sawyer,
 40 acres, Tamworth.
 D. Sawyer, 40
 acres, Tamworth.
 W. Garske, 100
 acres, Tamworth.

No. 4.

No. 4.

Mr. J. Goodwin to The Minister for Lands.

Sir,

Barraba, 5 August, 1871.

See No. 3.

I duly received your letter of the 17th July, and am much obliged. I would take it kind if you would let me know what proof would be required to satisfy that Mary A. Sawyer, D. Sawyer, junior, and W. Garske is or has not been living on their conditional purchases, for which information I would be most happy to forward any fee required in reason.

Would a note, signed by the surveyor, or by one or more J.P.'s, or by proving it before the Court of Petty Sessions at Barraba, be sufficient? A reply would much oblige.

I have, &c.,

JOHN GOODWIN.

May be informed that if he makes a statutory declaration before a Magistrate to the effect that the parties in question have not complied with the condition of residence, the Government will call on them to show cause why their conditional purchases should not be declared forfeited.—W.B., 11/8/71. Approved.—J.B.W., 12 Aug.

No. 5.

The Under Secretary for Lands to Mr. J. Goodwin.

Sir,

Department of Lands, Sydney, 23 August, 1871.

See No. 4.

With reference to your letter of the 5th instant, respecting the nature of the proof you should furnish in order to satisfy the Government that Mary A. Sawyer, D. Sawyer, jun., and W. Garske have not fulfilled the condition of residence as regards their conditional purchases at Tamworth,—I am directed to inform you that if you make a statutory declaration before a Magistrate to the effect that the above-named persons have not complied with the condition of residence, they will be called upon to show cause why their conditional purchases should not be declared forfeited.

I have, &c.,

W. W. STEPHEN.

No. 6.

Declaration of Mr. J. Goodwin.

Sir,

Barraba, 5 September, 1871.

I beg to draw your attention to three conditional purchases on the Manilla River, the owners of which have not complied with certain clauses in the Act.

1st. David Sawyer, junior, conditional purchase, 40 acres.

2nd. Mary Ann Sawyer, " 40 "

3rd. William Garske, " 100 "

None of those people mentioned have lived on their conditional purchases—they only made an appearance of living there when the surveyor was about to survey the land.

The Honorable the Minister for Lands.

JOHN GOODWIN.

Declared before me, at Piedmont,
this 5th day of September, 1871. } DANIEL CAPEL, J.P.

See No. 4.
See No. 10.

This is not a statutory declaration. See decision on previous letter.—W.W.S., 19th Sept.
The parties may be called on for proof of residence.—J.B.W., 19 Sept.

No. 7.

The Under Secretary for Lands to David Sawyer, junior.

Sir,

Department of Lands, Sydney, 29 September, 1871.

See Nos. 2 and 6.

Information having been received that you have not resided on the 40 acres of land conditionally purchased by you at Tamworth, on the 18th day of March, 1869, as required by the 18th clause of the "Crown Lands Alienation Act," I am directed to inform you, that it will be necessary for you to prove, within one month from this date, by the testimony of at least two disinterested and respectable persons, that your conditional purchase is your usual home and residence; and that, in default of your doing so, the purchase in question, and any additional ones held by you in virtue thereof, will be considered forfeited, and submitted to sale by auction with as little delay as possible.

See No. 10.

2. A form of proof is annexed, which you should get duly signed, and forward to this department within the time prescribed.

I have, &c.,

WM. BLACKMAN,

(For the Under Secretary).

No. 8.

The Under Secretary for Lands to Miss M. A. Sawyer.

Madam,

Department of Lands, Sydney, 29 September, 1871.

See Nos. 2 and 6.

Information having been received that you have not resided on the 40 acres of land conditionally purchased by you at Tamworth, on the 8th September, 1870, as required by the 18th clause of the "Crown Lands Alienation Act," I am directed to inform you that it will be necessary for you to prove, within one month from this date, by the testimony of at least two disinterested and respectable persons, that your conditional

conditional purchase is your usual home and residence; and that, in default of your doing so, the purchase in question, and any additional ones held by you in virtue thereof, will be considered forfeited, and submitted to sale by auction with as little delay as possible.

2. A form of proof is annexed, which you should get duly signed, and forward to this department within the time prescribed. Similar to No. 10
(in blank).

I have, &c.,

WM. BLACKMAN,
(For the Under Secretary).

No. 9.

The Under Secretary for Lands to Mr. William Garske.

Sir,

Department of Lands, Sydney, 29 September, 1871.

Information having been received, that you have not resided on the 100 acres of land conditionally purchased by you at Tamworth, on the 1st September, 1870, as required by the 13th clause of the "Crown Lands Alienation Act," I am directed to inform you that it will be necessary for you to prove, within one month from this date, by the testimony of at least two disinterested and respectable persons, that your conditional purchase is your usual home and residence, and that, in default of your doing so, the purchase in question, and any additional ones held by you in virtue thereof, will be considered forfeited, and submitted to sale by auction with as little delay as possible. See Nos. 2 and 6.

2. A form of proof is annexed, which you should get duly signed, and forward to this department within the time prescribed. Similar to No. 10
(in blank).

I have, &c.,

WM. BLACKMAN,
(For the Under Secretary).

No. 10.

Proof of residence of David Sawyer, junior.

We, the undersigned, being uninterested in the purchase herein referred to, certify that we know Mr. David Sawyer, junr., to have continuously resided upon, as his usual home, the conditional purchase made by him on the 18th March, 1869, of 40 acres of Crown Lands in the County of Darling.

As witness our hands, -

Names.	Calling.	Address.
James Sinclair	Postmaster	Barraba.
William Muir	Blacksmith	Barraba.

Dated this 10th October, 1871.

Shall this proof be accepted. See objection by Mr. Goodwin.—W.B., 17/10/71. See No. 1.

These declarations and Goodwin's declaration should be sent either to the District Surveyor or Land Agent for report.—J.B.W., 19 Oct., /71. See No. 6. Send to the District Surveyor.—W.W.S., 23 Oct., /71.

Mr. District Surveyor Greaves accordingly.—J.S.A., *pro* Surveyor General, 23 Oct., /71.

No. 11.

Declaration of David Sawyer, junior.

(C.P., No. 69-881.)

(Alienation Act—E. 3.)

DECLARATION of Conditional Purchaser, under the 13th section of the "Crown Lands Alienation Act of 1861," in cases where there has been no alienation of the land.

I David Sawyer, junior, of Barraba, do solemnly and sincerely declare that I am the lawful owner, by conditional purchase, under the 13th section of the "Crown Lands Alienation Act of 1861," of the land hereunder described, and that improvements, consisting of building, clearing, and fencing, and to the value of £80, have been made on such land; and I declare further that the said land has been my *bona fide* residence, continuously, from the period of selection and first occupation to the present date, and that no alienation of the land has been made by me. I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

his
DAVID x SAWYER, JUNIOR,
mark.

Taken and declared at Tamworth, this 6th day of May, 1872, before me, the same having been first read and explained to him, and he appearing to understand the same,—

JNO. M'DONALD,
A Commissioner for Affidavits.

DESCRIPTION.

County of Darling, parish of 40 acres at Manilla River being conditional purchase No. 28 of 1869, in the district of Tamworth, made on the 18th March, 1869.

Certificate of Land Agent.

I HEREBY certify that to the best of my knowledge and belief, the above declaration is in accordance with fact.

JNO. M'DONALD,
Land Agent for Tamworth District.

Balance and deed fee £31, credited 15th May, 1872.

No. 12.

The Surveyor General to Mr. District Surveyor Greaves.

Sir, Surveyor General's Office, Sydney, 17 September, 1872.
I have to request that you will be kind enough to furnish me with a duplicate of a B.C. report on David Sawyer, junior's, conditional purchase, No. 89, of 13th August last, as the original has been mislaid.

I have, &c.,
J. S. ADAM,
(Pro the Surveyor General).

See above.

I have merely returned the papers in the case of David Sawyer (as requested); I could not attend to the matter myself; my B.C. 89 is not a report on the case.—W. A. B. GREAVES, B.C., District Surveyor's Office, Armidale, 5th November, 1872.

See Minute on No. 10.

Perhaps the Land Agent, Tamworth, should be asked to report in accordance with the Minute of 19th October, 1871.—J.S.A., pro Surveyor General, 18th November, 1872. Yes.

No. 13.

The Under Secretary for Lands to The Crown Lands Agent, Tamworth.

Sir, Department of Lands, 29 November, 1872.

See No. 11 as to D. Sawyer's case. The other two certificates herein referred to are unnecessary, See No. 6.

In forwarding to you the accompanying Certificates of Residence which have been furnished by D. Sawyer, junior, Mary Ann Sawyer, and William Garske, in connection with their conditional purchases at Tamworth, together with a communication from Mr. John Goodwin, in which he declares that they have not resided thereon,—I am directed to request that you will forward a report as to the reliability of the Certificates of Residence which have been furnished.

I have, &c.,
WM. BLACKMAN,
(For the Under Secretary).

No. 14.

Telegram from Under Secretary for Lands to Crown Lands Agent, Tamworth.

6 March, 1873.

PLEASE return the papers in connection with Messrs. Sawyer and Garske's conditional purchases. The local surveyor will be instructed to report on the cases.

W. BLACKMAN,
(For the Under Secretary).

No. 15.

Memo. from the Crown Lands Agent, Tamworth, to The Under Secretary for Lands.

See No. 12.

ACCORDING to the request contained in your telegram of the 6th instant, I beg to return the accompanying papers.

I have, &c.,
J. McDONALD,
Land Agent,
B.C., Tamworth, 7 March, 1873.

Mr. District Surveyor Greaves is requested to furnish a report as to the *bonâ fide* residence of the parties herein mentioned.—R. D. FITZGERALD, for the Surveyor General, Surveyor General's Office, Sydney, 19th March, 1873.

No. 16.

Mr. Surveyor Dewhurst to The Surveyor General.

Sir, Tamworth, 12 September, 1873.

See No. 10.

In accordance with your instructions, dated 23rd October, I have now the honor to inform you that I have visited Baraba for the purpose of reporting on the residence of the parties above named, and I am now in a position to report that William Garske is a *bonâ fide* resident; that Mary Anne and David Sawyer are minors, of age about 13 and 11 years respectively; that the land in each case was taken up by D. Sawyer, senior, and with his money; that the "children selectors" above named have occasionally slept on their respective selections, but that their usual abode is with their father on the opposite side of the river. In my opinion, which, however, can be expected to carry little weight in matters about which the Supreme Court Judges please to differ,* no girl under age can be a *bonâ fide* selector, therefore she should be informed that her selection is forfeited; and as the lad D. Sawyer is only a dummy for his father, he can have no just claim to his selection. Innumerable instances can be brought forward to establish by precedent that both these minors are *bonâ fide* selectors, and therefore I must respectfully leave the matter at this stage to be finally dealt with in the head office.

* She was ten years old when the land was selected.

See No. 10.

I noticed that the certificate of "proof of residence" appeared of little value during my investigation, as none of the parties signing seem aware of the facts, and one man, William Muir, did not know what he signed.

I have, &c.,
ARTHUR DEWHURST.

Minutes on No. 16.

This report, furnished at the request of the late Honorable Minister for Lands, is now submitted for consideration.—R. D. FITZGERALD, for the Surveyor General, 21st October, 1873. See Minute on No. 10.
Approved.—J.S.F., 30/10/73.

No. 17.

Notice of Forfeiture of the Conditional Purchase of David Sawyer, junior.

Department of Lands, Sydney, 12 December, 1873.

Forfeited Conditional Purchases.

His Excellency the Governor, with the advice of the Executive Council, directs it to be notified, that the undermentioned portions of Crown Lands, conditionally purchased under the "Crown Lands Alienation Act of 1861" having, by the non-residence of the purchasers or their legal alienees on the original selections, been abandoned within the meaning of the said Act, the same are hereby declared forfeited; and such of the said lands as shall not in the meantime be conditionally purchased will be sold accordingly by auction, on a day or days to be hereafter notified.

JAMES S. FARNELL.

No. of C.P.	Name of Applicant.	When selected.	Where selected.	Area.
69-381.	David Sawyer, junr.	18 March, 1869	Tamworth	a. r. p. 40 0 0

No. 18.

The Under Secretary for Lands to David Sawyer, junior.

Conditional Purchase—Revenue refunded.

Sir,

Pay Voucher No.

Lands Department, Sydney, 31 March, 1874.

I am directed to inform you that the conditional purchase made by you at Tamworth, on the 18th March, 1869, having been declared forfeited, the Colonial Treasurer has been authorized to refund the amount of balance of purchase money and deed fee, viz., £31, on the purchase in question.

2. Enclosed is a form which, on being filled up in accordance with the instructions thereon, and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of such deposit.

I have, &c.,

WM. BLACKMAN,

(Pro Under Secretary).

[Enclosure in No. 18.]

Special Payments Form No. 2.

Conditional Purchase—Revenue refunded.
New South Wales.

Pay Voucher No.

Department of Lands, Sydney,

187

Dr. to

For the following Refund, viz. :— Land Office at Date of selection,	Refund, viz. :— { Alm. No. C.P. No. L.A. No.	day of	18	acres.	Amount to be Refunded.		
					£	s.	d.
					£		

I hereby authorize and direct the abovementioned amount to be paid on my behalf to*
Witness—

Purchaser.
Address.

* Here insert name of Party or Bank.

RECEIVED on the _____ day of _____ 187____ the above sum of _____ pounds _____ shillings
and _____ pence, sterling, on behalf of _____

Note.—To enable the Refund to be made, this document must be forwarded to the Treasury properly filled up, signed, and witnessed by a Magistrate, Clergyman, or Clerk of Petty Sessions.

No. 19.

The Under Secretary for Lands to The Crown Lands Agent, Tamworth.

Sir,

Department of Lands, Sydney, 31 March, 1874.

With reference to David Sawyer, junr.'s, conditional purchase of the 18th March, 1869, I am directed to inform you that the same having been declared forfeited, he has been informed that he is entitled to a refund of £31, the amount of balance of purchase money and deed fee paid on the purchase in question, for which the necessary refund form has been forwarded.

I have, &c.,

WM. BLACKMAN,

(For the Under Secretary).

No. 20.

No. 20.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Sir,

Department of Lands, Sydney, 31 March, 1874.

40 acres selected
at Tamworth on
the 18th March,
1869, by D.
Sawyer, junior.
*See No. 17.

The conditional purchase noted in the margin having been declared forfeited in the *Government Gazette* of 12th December, 1873,* I am directed to request that you will be good enough to cause to be refunded the sum of £31 money paid thereon.

I have, &c.,

WILLIAM BLACKMAN,
(For the Under Secretary).

No. 21.

David Sawyer, junior, to The Under Secretary for Lands.

Sir,

Barraba, 8 April, 1874.

See No. 18.

I received your circular of the 31st March, 1874, in which you stated that my conditional purchase of 40 acres of land, situated at Tamworth, is forfeited.

See No. 11.

I have the honor to state that I have complied with the Act, and also hold the receipt from the Agent for the Sale of Crown Lands for the sum of £31 1s. 8d. in full payment of the land (paid 6th May, 1872).

I have, &c.,

DAVID SAWYER, JUN.

See enclosure to
No. 25.

The portion referred to is in schedule for auction, and unless instructed to withhold it, will be sent on for sale.—H.H., 15/5/74.

See No. 16.

There appears to be no cause for reversal of the forfeiture of the conditional purchase of David Sawyer, jun.,—the purchase herein referred to, which was declared forfeited on receipt of the surveyor's recent and special report. Mr. D. Sawyer, jun., should perhaps be apprised that the forfeiture of his purchase must remain, as the requirements of the law in regard to residence have not been complied with.—3/6/74.

No. 22.

Declaration of Residence by David Sawyer, junior.

I, DAVID SAWYER, jun., of Barraba, do solemnly and sincerely declare that the 40 acres of land conditionally purchased by me on the 18th March, 1869, at Tamworth, under the 13th section of the Crown Lands Alienation Act of 1861, county Darling, and that the same is still my property.

And I declare further that the said land has been my *bonâ fide* residence continuously from the period of selection and first occupation to the present date.

I make this solemn declaration conscientiously believing the same to be true, and by virtue of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in the various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Taken and declared at Barraba,
this 29th day of May, 1874,—)

DAVID SAWYER, JUN.

E. NEWTON, J.P.

THOMAS GOBMAN, farmer, Barraba.
WILLIAM GARSKE, farmer, Barraba.

No. 23.

Memorandum and decision.

DAVID Sawyer, jun., Mary Ann Sawyer, and William Garske made three selections. Surveyor reported them resident. Upwards of two years afterwards Goodwin wrote stating that they were non-resident.

See Nos. 2 and 6.

See No. 10.

See No. 16.

They furnished certificates of continuous residence, which were referred to the surveyor, and he reported that Garske was a *bonâ fide* resident, and that the Sawyers were minors (11 and 13), and occasionally slept upon their selections, but lived with their father on the opposite side of the river.

See No. 11.

See No. 22.

This report was approved of, and Garske's certificate was accepted, and both of the Sawyers' selections were declared forfeited. David Sawyer and Mary Sawyer, previously to the date of forfeiture, furnished the usual declarations as to residence and improvements, and David paid the balance of his purchase. The declarations were not accepted, and vouchers for refund of balance and interest were forwarded. Mr. Bennett, M.L.A., has now left a declaration made by David Sawyer to the effect that the land has been his *bonâ fide* residence.—8 July, 1874.

The forfeiture must stand.—J.S.F., 11/7/74.

Inform through Mr. Bennett, M.L.A., 13/7/74.

Mr. Hall,—Portions for auction, if not already offered.—27/7/74.

No. 24.

The Under Secretary for Lands to H. Bennett, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 22 July, 1874

See No. 22.

40 acres, sec. 13,
Tamworth, 13
March, 1869.

With reference to the declaration furnished by Mr. David Sawyer, junr., in proof of his having fulfilled the condition of residence on his conditional purchase noted in the margin, which has been declared forfeited, in consequence of his non-compliance with the law,—I am directed to apprise you that on a review of the case the Minister for Lands has decided that the forfeiture of the conditional purchase in question cannot be recalled.

I have, &c.,

W. W. STEPHEN.

No. 25.

No. 25.

H. Bennett Esq., M.L.A., to The Minister for Lands.

Sir,

Tamworth, 8 September, 1874.

I do myself the honor to request that the Land Agent, Tamworth, be instructed to withdraw from sale, notified to be sold on the 28th instant, Lot F, as particularised in the enclosed, marked X, for the following reasons:—

1st. The declaration and balance on the 40 acres referred to was made and paid some two years See No. 11. back.

2nd. As also, it is stated by the holder that the reports of "Goodwin and District Surveyor Dewhurst" are *false* and *malicious*, and a total subversion of *truth*, a refutation of such reports can be furnished upon affidavit if desired, and on the supported testimony of many neighbouring farmers. See Nos. 2, 6, & 16.

Trusting that attention to this matter will be at once given, the day of sale not being far distant,—
I have, &c.,

HANLEY BENNETT.

P.S.—I withhold for the present the complaint submitted to me by Mr. D. Sawyer, junior, through his agent, D. Sawyer, senior, against the reports of "Goodwin and Dewhurst"; if called for, will be most willingly furnished.—H.B.

(Urgent.)—Can it be the case, as alleged by Mr. Bennett, that a conditional purchase upon which declaration has been made, and the balance tendered two years ago, has been advertised for auction?—W.W.S., 17th.

The papers herewith show that the conditional purchase of David Sawyer, junior, was declared forfeited on receipt of the surveyor's report. The declaration was rejected, and voucher for refund of balance of purchase money duly forwarded to applicant on 31st March last. Mr. Bennett was informed on 22nd July last, in terms of the Minister for Lands' decision, dated 11th July, that the forfeiture must stand.—18/9/74. See No. 16. See No. 18. See No. 21.

Refer to previous letter, giving briefly purport of same.—W.W.S., 22nd September.

[Enclosure to No. 25.]

Department of Lands, Sydney, 25 August, 1874.

LAND SALES.

In pursuance of the provisions of the Crown Lands Alienation Act of 1861, I, the Minister for Lands, do hereby notify, that the following lots of Land will be offered for sale by public auction, at the undermentioned places, at eleven o'clock, on the days specified, at the upset price affixed to each lot respectively. (Deposit, 25 per cent.)

JAMES S. FARNELL.

SALE AT THE POLICE OFFICE, TAMWORTH.

On Monday, the 28th day of September, 1874.

Country Lots.

Lot.	No. of portion.	Area.	Price per Acre.	County.	Parish.	Situation.	Remarks.
F	6	a. r. p. 40 0 0	£ s. d. 1 0 0	Darling	{ North Barraba	{ On the left bank of Manilla River, about $\frac{1}{4}$ of a mile above D. Sawyer's conditional purchase of 40 acres. No. 1, on the opposite bank. Barraba Run. 74-11, 758.	{ Selected by D. Sawyer, junr.

No. 26.

The Under Secretary for Lands to H. Bennett, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 13 October, 1874.

With reference to your letter of the 8th ultimo, requesting, on behalf of Mr. David Sawyer, junr., that his forfeited conditional purchase, noted in the margin, may be withdrawn from auction, it having been advertised for sale at Tamworth, I am directed to refer you to my letter of the 22nd July last,* conveying to you the decision of the Minister for Lands on this case, which was to the effect that, after reviewing the circumstances connected therewith, he could not recall the forfeiture. See No. 25. 40 acres, sec. 13, Tamworth, 18th March, 1860. * See No. 24.

I have, &c.,

W. W. STEPHEN.

No. 27.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Tamworth, 22 October, 1874.

In reply to yours of date 13th instant, permit me to say, that if David Sawyer, junr., is forced from his freehold upon the supported reports of Messrs. Goodwin and Surveyor Dewhurst, a greater injustice could not possibly be inflicted. See No. 26. See Nos. 2, 6, & 16.

It appears from information before me having reference to Sawyer's case that the reports of Messrs. Goodwin and Surveyor Dewhurst are groundless, and can be upon oath by several residents of Barraba refuted.

Therefore, in the interest of the public and the parties concerned, I do myself the honor to suggest that a magisterial inquiry be instituted in this case, as also that copies of the reports furnished by Goodwin and Dewhurst be forwarded to me as soon as possible.

I have, &c.,

HANLEY BENNETT.

Minutes on No. 27.

Is Mr. Hanley Bennett's request (see last paragraph) to be complied with? The facts of the case are shown by Minutes on paper attached.—W.W.S., 15th Dec.

I do not think that I am empowered to order the inquiry asked for. These cases are very perplexing. I have no reason whatever for disbelieving Mr. Dewhurst's report, and the evidence as to non-residence: but at the same time I am desirous of giving conditional purchasers every opportunity of proving their case, therefore this case may be referred to the Inspector. The furnishing of copies of reports in every case (and if in this case, why not in all cases of a similar character) would entail on the department an amount of work that would require double the present staff of officers to perform. The facts as reported of non-residence have I presume been communicated to the parties interested.—J.S.P., 7/1/75.

Yes.—18/1/75. H. V. Geary, I.C.P., instructed to report on the case, 25th Nov., 1875.

No. 28.

Mr. John Patterson to The Surveyor General.

Tamworth, 10 September, 1875.

Sir, Grant to David Sawyer, jun., of Barraba.

I have by this post applied to the Registrar General for grant to Mr. David Sawyer, junr., of 40 acres of land, conditionally purchased by the said David Sawyer, junr., at the Lands Office, on the 18th March, 1869. If you have not forwarded the said grant to the Registrar General's Office, please do so at once.

This land is situated on Manilla River, and the balance was paid up on 6th May, 1872.

I may here mention that in December, 1870, another grant of 40 acres of land was issued to Mr. David Sawyer, father of my client.

I have, &c.,

JOHN PATTERSON,
Solicitor.

No. 29.

The Registrar General to D. Sawyer, junior.

Registrar General's Department,

Land Titles Branch, Sydney, 21 September, 1875.

Sir,

In reply to your application, dated 10th September,* for the undermentioned Crown grant, I have to inform you that the document has not yet been received from the Surveyor General.

I am, &c.,

E. G. WARD,
Registrar General.

Grant referred to—40 acres conditional purchase on the 18th March, 1869—Crown grant to David Sawyer, junr.

No. 30.

Mr. John Patterson to The Surveyor General.

Sir,

Tamworth, 23 September, 1875.

Would you kindly peruse the within letter, and if the grant herein referred to is not ready for delivery, would you oblige by having same prepared and forwarded to Registrar General's Office, as soon as possible.

The balance was, I believe, paid up in 1872 or 1873—I believe the former year.

I have, &c.,

JOHN PATTERSON,
Solicitor.

No. 31.

Mr. John Patterson to The Surveyor General.

Tamworth, 24 November, 1875.

Grant to David Sawyer, junior (not D. Sawyer, senior), of 40 acres of land.

Sir,

On the 6th day of May, 1872, my client, Mr. David Sawyer, jun., of near Barraba, paid up the balance due on his selection; and on the 10th September, 1875, I applied to you for the Crown grant of said land, or rather inquired from you if the said grant was in your office ready for delivery.

I shall feel greatly obliged if you will inform me if this said grant is now ready for delivery, or when will it be ready for delivery?

My client is desirous of disposing of this land, but the purchaser will not accept until my client obtains his Crown grant.

I have, &c.,

JOHN PATTERSON,
Solicitor.

No. 32.

See No. 16.

See No. 1.

* Not with the papers.

See No. 20.

See No. 11.

See No. 28.

11

No. 32.

Mr. John Patterson to The Surveyor General.

Tamworth, 10 December, 1875.

Grant to David Sawyer, junior (not D. Sawyer, senior), of 40 acres of land at Barraba.

Sir,

Oblige by forwarding me an answer to my letter of the 24th November, 1875, with reference to the above, as my client is desirous of disposing of this land. See No. 31.

I have, &c.,
JOHN PATTERSON,
Solicitor.

Mr. Patterson should be apprised that Mr. Bennett, M.P., on behalf of Mr. Sawyer, junior, was informed, on the 22nd July, 1874, and 13th October, that the purchase was declared forfeited on 12th December, 1873, and that a voucher for refund of balance of purchase money was sent to applicant on 31st March, 1874. Mr. Patterson should also be apprised that the matter is now under further inquiry. Inspector Geary should be reminded.—W.B., 11/2/77. See No. 21.
See No. 28.
See No. 17.
See No. 18.

No. 33.

The Under Secretary for Lands to Mr. John Patterson.

Sir,

Department of Lands, Sydney, 18 May, 1876.

With reference to your letter of the 10th December last, making inquiry respecting the conditional purchase of 40 acres of land, made at Tamworth, on the 18th March, 1869, by David Sawyer, junior, I am directed to inform you that Mr. Bennett, M.L.A., on behalf of your client, was apprised on the 22nd July, 1874, and again on the 13th October following, that this purchase referred to was declared forfeited on the 12th December, 1873, and that a voucher for the refund of the balance of purchase money was sent to Mr. Sawyer on the 31st March, 1874. See No. 32.
See No. 24.
See No. 28.
See No. 17.

2. I am, however, to inform you that the matter is now under further inquiry. See No. 18.

I have, &c.,
W. W. STEPHEN.

No. 34.

The Under Secretary for Lands to Mr. Inspector Geary.

Sir,

Department of Lands, Sydney, 18 May, 1876.

I am directed to remind you that you have not yet furnished this department with your report in the case of David Sawyer, junior's, conditional purchase of 40 acres at Manilla River, and to request, therefore, that you will do so with as little delay as possible.

I have, &c.,
W. BLACKMAN,
(For the Under Secretary).

No. 35.

Mr. Inspector Geary to The Under Secretary for Lands.

Sir,

Tamworth, 1 June, 1876.

Referring to your letter of 18th May, 1876, requesting a report on the case noted in the margin, which was referred to me for investigation on the 25th November last, with tracing and description therewith,—I have now the honor to report, for the information of the Hon. the Minister for Lands, that I have inspected this selection, and found the applicant resident, with improvements to the amount of £65. on the ground: consisting of paddock cleared, grubbed, and fenced, £50; hut, £15. See No. 34.
Parish Barraba,
County Darling,
D. Sawyer, Jun.
40 acres.
13 clause condi-
tional purchase.
No. 69-881.

I have, &c.,
HARRY V. GEARY,
Inspector of Conditional Purchases.

This conditional purchase was declared forfeited on 12th December, 1873, on Surveyor Dewhurst's report, and the land was advertised for sale at Tamworth on the 28th September, 1874. After a great deal of correspondence, the Minister for Lands (Mr. Farnell) directed that the case should be referred to the Inspector for report. But the land not being withdrawn from sale, was purchased at auction by Mrs. Mary Jessie Witten. The Inspector states that he found the conditional purchaser resident, and that the land is improved to the extent of £65. It is submitted that the forfeiture of the conditional purchase should stand.—10/7/76. See No. 17.
See No. 16.
See enclosure to
No. 25.
See minute on
No. 27.

The Inspector's report does not show that the forfeiture should stand, but the report is inconclusive. It simply verifies residence now. I think the case should go for inquiry before the Commissioner. The purchaser at auction might be informed of the facts of the case, and that if selector cannot prove residence, &c., before Commissioner, the forfeiture of the selection and the sale at auction will stand.—W.B., 10/7/76. Approved,—T.G., 13/7/76.

No. 36.

No. 36.

Mr. John Patterson to The Minister for Lands.

Tamworth, 19 July, 1876.

Sir, Conditional purchase of David Sawyer, junior.

Mr. Inspector Geary inspected this selection in May last, and has, doubtless, ere this reported thereon. Please inform me when grant will issue to my client. He has already sustained loss through the delay in issuing of grant.

Balance of purchase money was paid up on May 6th, 1872.

I have, &c.,
JOHN PATTERSON,
Solicitor.

Submit as to result of Inspector's report in two months.—20/11/76.

No. 37.

The Under Secretary for Lands to Mrs. Mary J. Witten.

Madam, Department of Lands, Sydney, 24 July, 1876.

Referring to your auction purchase of the selection mentioned in the margin, I am directed to inform you that as the selector protests against the forfeiture of the purchase, on the grounds of having faithfully complied with the requirements of the law in regard thereto, the Minister for Lands has decided the matter should be referred to the Commissioner for inquiry.

If Sawyer fails to prove residence, &c., before the Commissioner, the forfeiture of the purchase and the sale at auction will stand.

I have, &c.,
A. O. MORIARTY,
(For the Under Secretary).

No. 38.

The Under Secretary for Lands to David Sawyer, junior.

Sir, Department of Lands, Sydney, 9 August, 1876.

I am directed to invite your attention to the notice in the *Government Gazette* of the 1st September, 1876, by which you will perceive that your claim to the conditional purchase made by you at Tamworth, on the 18th March, 1869, has been referred by the Minister for Lands to Commissioner Delaney for inquiry, in accordance with the 25th clause of the Lands Act Amendment Act of 1875, and the Regulations relating thereto, as to the alleged non-fulfilment by you of the conditions of residence and improvement.

2. I am to inform you that due notice of the time and place appointed for the purpose will be given you by the Commissioner referred to.

I have, &c.,
WM. BLACKMAN,
(For the Under Secretary).

[Enclosure to No. 38.]

Extract from *Government Gazette* of 1st September, 1876.

Courts of Inquiry under the "Lands Act Amendment Act," 1875, will be held for the North-western District, at the undermentioned places on the dates specified:—

Place.	Where held.	Date.
Barraba	Court House	Friday, 15th September, 1876.

JOHN DELANEY,
Land Commissioner.

No. 39.

Mr. Inspector Geary to The Under Secretary for Lands.

REPORT of an Inquiry held at Barraba, on the 15th of September, 1876, by John Delaney, Commissioner for the North-western Division, respecting the conditional purchase of David Sawyer, junior, made at Tamworth, on the 18th of March, 1869.

Sir,

I have the honor to transmit herewith, for the consideration of the Honorable the Minister for Lands, Minutes of Evidence taken at an Inquiry under the "Lands Act Amendment Act of 1875," held by me in pursuance of the reference notified in the *Gazette* of the 1st instant, in the matter of the above-described conditional purchase.

The claimant having been duly served with notice of the time and place of holding the inquiry, was present thereat.

The following facts bearing upon the fulfilment by the selector of the conditions of his purchase, were elicited in evidence, viz. :—

Harry Vincent Geary, Inspector of C.P. for North-western District, states:—On the 29th of May, 1876, he inspected the conditional purchase of David Sawyer, junior; the area is 40 acres; "claimant was resident"; it was taken at Tamworth on the 18th of March, 1869; the land was fully improved as required by the Land Act. And he also states:—His impression was that the selection had been occupied for a long time.

John

Conditional purchase, 40 acres, March, 1872. See No. 35. See No. 11.

40 acres. D. Sawyer, jun., 18th March, 1869, Tamworth.

Enclosed: See No. 1.

See No. 1.

See No. 38.

John Goodwin states:—He is a selector, and he knows the selection of *David Sawyer, junior*; and he asserts that claimant did not occupy his c.p. for two years from the date of selection; when questioned how he was aware of claimant's absence, he said he passed the selection late at night and early in the morning for two years.

David Sawyer,* the father of claimant, states:—He is a farmer, residing at Barraba; that on the 18th of March, 1869, he selected at Tamworth 40 acres of land at Tamworth; and he positively swears that, within one month from the date of selection, his son resided on the land for the full period of three years; and that within that period he had the land improved to the full value required by law.

The evidence of *Henry Tute* and Senior-constable *Flanagan* states nothing positive; if anything, they are in favour of claimant.

Considering the time that has passed previous to inquiry, and carefully considering the evidence, I would not like to recommend cancellation.

I have, therefore, to report that I find such conditions to have been fulfilled, and to recommend that this conditional purchase be allowed.

I have, &c.,

JOHN DELANEY, Commissioner.

* I did not examine the son, i.e., the claimant, because he was present when his father gave his evidence.

[Enclosure to No. 39.]

Commissioners' Court of Inquiry, under "Lands Act Amendment Act, 1875," *David Sawyer, junior*, for non-residence.

New South Wales, Barraba, }
to wit: }

Harry Vincent Geary, being duly sworn, on his oath saith:—I am Inspector of Conditional Purchases for the North-western District; on the 29th of May, 1876, I inspected the selection of *David Sawyer, junior*; the area is 40 acres; it was selected at Tamworth on the 18th of March, 1869; when I inspected, the applicant was resident, and the land fully improved as required by the Land Act; my impression is that the selection has been occupied for a long time.

Taken and sworn before me, at Barraba, this 15th day of September, 1876.—

HARRY V. GEARY.

JOHN DELANEY, J.P., Commissioner.

John Goodwin being duly sworn, on his oath saith:—I am a selector, residing at Barraba; I know the land selected for *David Sawyer, junior*, by his father at Tamworth; the area is 40 acres; I know, and I assert now, that within two years of the date of selection he did not make it his *bonâ fide* residence.

JOHN GOODWIN.

Question by applicant:—How do you know I did not reside on the land?

Answer:—I was in the habit of passing the selection late at night and early in the morning, and I don't remember seeing you, and the gonyah had fallen to pieces, and there was no sign of fire or residence.

Taken and sworn before me, at Barraba, this 15th day of September, 1876.—

JOHN DELANEY, J.P.

Question by selector:—Do you know what year the house was erected?

Answer:—I do not.

JOHN GOODWIN.

Taken and sworn before me, at Barraba, this 15th day of September, 1876.—

JOHN DELANEY, J.P., Commissioner.

New South Wales, Barraba, }
to wit: }

David Sawyer, being duly sworn, on his oath saith:—I am a farmer, residing at Barraba; on the 18th day of March, 1869, I selected for my son, *David Sawyer, junior*, 40 acres of land at Tamworth; I positively swear that from within one month of the date of selection my son resided on the land for the full period of three years, and that within the same period he had the land improved to the full value required by the Land Act.

Taken and sworn before me, at Barraba, this 15th day of September, 1876.—

DAVID SAWYER.

JOHN DELANEY, J.P., Commissioner.

New South Wales, Barraba, }
to wit: }

Henry Tute, being duly sworn, on his oath saith:—I am a labourer, residing at Barraba; I know the land selected by *David Sawyer, junior*; it contains 40 acres; it was selected on the 18th of March, 1869; it was selected at Tamworth by *David Sawyer*, the father of *David Sawyer, junior*; and I know that for the last five years I have been in the habit of calling at the selection once or twice a week, and during those visits I have seen *David Sawyer, junior*, on the land, or at the house on the selection.

Taken and sworn before me, at Barraba, this 15th day of September, 1876.—

H. TUTE.

JOHN DELANEY, J.P., Commissioner.

John Flanagan, being duly sworn, on his oath saith:—I am Senior-constable of the Police, stationed at Barraba; I know the land selected by *David Sawyer, junior*, from 1872; it appeared to me to be a selection occupied for a long time, judging by the state of the improvements.

Taken and sworn before me, at Tamworth, this 15th day of September, 1876.—

JOHN FLANAGAN.

JOHN DELANEY, J.P., Commissioner.

Minutes on No. 39.

The inquiry before the Commissioner has added nothing to the information that was before the late Minister when the selection was forfeited, in so far as the liability of the selection to forfeiture was affected. The same complainant has repeated his former statements on oath, and the selector's father (in terms that have been taken in rather a confused way) has sworn to his son's residence. The surveyor's report has not been corroborated or questioned, and the parties who were ready to sign a paper declaratory of the residence have not been called upon by the selector to give evidence.

Were the present question whether the selection should be declared forfeited, it would probably be considered that a case for forfeiture has hardly been established by these proceedings; but the question here really is, whether the forfeiture declared in 1873 should be revoked, and I am bound to say that I do not consider that grounds for revocation have been made out.

It must not be overlooked that, consequent upon the forfeiture, the land was sold by auction in September, 1874, to a Mrs. Witten, and that consequently there are conflicting interests involved which render it necessary that the case should be dealt with strictly on its merits.

So regarded, I am unable to recommend revocation of the forfeiture.—A.O.M., 24/11/76.

For decision.—W.W.S., 25 Nov. Approved.—T.G., 25/11/76. For the information on Noting and Deeds Branches, in case the preparation of the deed of the auction sale may have been stayed the forfeiture of the c.p. stands, and the auction sale holds good.—5 Jan., /77.

No. 40.

The Under Secretary for Lands to Mr. John Patterson.

Sir,

Department of Lands, Sydney, 18 December, 1876.

See No. 36.

See No. 29.
Tamworth, C.P.,
No. 69, 881, 13th
section, 40 acres.
See No. 17.

Referring to your letter of the 19th July last, on behalf of David Sawyer, jun., respecting his forfeited conditional purchase noted in the margin, I am directed to inform you, that the inquiry recently made before Mr. Commissioner Delaney has added nothing to the information that was before the late Minister for Lands when the selection was forfeited, in so far as the liability of the selection to forfeiture was affected, nor have grounds for revocation been made out, and therefore Mr. Secretary Garrett is unable to revoke the forfeiture declared on the 12th December, 1873.

I am to add that the sale by auction of the land embraced in the forfeited conditional purchase in question to Mrs. Mary Jessie Witten must stand.

I have, &c.

W. W. STEPHEN.

No. 41.

The Under Secretary for Lands to Mrs. Mary J. Witten.

Madam,

Department of Lands, Sydney, 18 December, 1876.

See No. 37.

40 acres,
D. Sawyer, jun.,
18 March, 1869,
Tamworth.

Adverting to my letter of the 24th July last, relative to the sale to you of the forfeited conditional purchase noted in the margin, I am directed to inform you, that Sawyer having failed to show cause why the forfeiture should be revoked, the sale to you of the land embraced in the forfeited purchase in question will stand.

I have, &c.,

W. W. STEPHEN.

[One plan.]

[Is. 3/.]

Enclosure to N^o 1

TRACING

Showing portion 6, in the

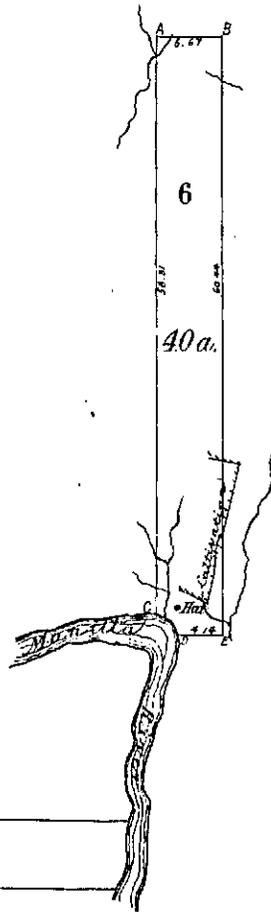
Parish of North Barraba, County of Darling.

Applied for by David Sawyer, Jun^r, under the 13th clause

of the C.L.A. Act of 1867

C.P. N^o 69. 881.

Scale, 20 Chains, to an Inch



D. Sawyer C.P. N^o 1 40 ac

Reference to Corners.

Corner	Bearing	From	Links	N ^o on Tree
A	N 62° 52' W	Box	25	
B	S 61° 50' E	"	28	
C	S 87° 23' E	Apple	53	6
D	S 12° 52' W	Gum	59	
E	N 87° 23' E	"	17	

Date of Survey, June, 1869.

(Signed) Geo. L. Dowe,
Licensed Surveyor.

(Sig. 290)

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(PAPERS, &c., RESPECTING DAVID ROBERTS'S CONDITIONAL PURCHASE, TAMWORTH.)

Ordered by the Legislative Assembly to be printed, 22 May, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 23 January, 1877, That there be laid upon the Table of this House,—

“Copies of all letters, papers, and other documents connected with the
“Conditional Purchase of David Roberts, Manilla District, Tamworth.”

(Mr. Bennett.)

SCHEDULE.

NO.	PAGE.
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2. D. Roberts to the Minister for Lands, with reference to the position of his selection. 2 December, 1873.....	3
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CROWN LANDS.

No. 1.

C.P. No. 73/10,226.

Application by David Roberts for the Conditional Purchase, without competition, of 300 acres unimproved Crown Land, under section 13 of the Lands Alienation Act of 1861.

Received by me with a deposit of £75, this 25th day of September, 1873, at 11 o'clock.

J. McDONALD,
Agent for the Sale of Crown Lands at Tamworth.

Sir,

25 September, 1873.

I am desirous of purchasing, without competition, under the 13th section of the Crown Lands Alienation Act of 1861, the portion of unimproved Crown land hereunder described, containing 300 acres, and I herewith tender the sum of £75, being a deposit at the rate of five shillings (5s.) per acre on the area for which I apply, and on which it is my intention to reside.

I am, &c.,

DAVID ROBERTS,

Manilla.

To the Agent for the Sale of Crown Lands at Tamworth.

Description.

County of Darling, parish of Cuerindi, 300 acres, left bank of Hall's Creek, about 1½ mile above the junction of said creek with the Namoi River, and below and adjoining Honnery's conditional purchase.

Mr. District Surveyor Greaves to measure if unobjectionable.—J.F.G., for Sur. Genl., 7 Nov., 1873.

No. 2.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 2 December, 1873.

On the 25th of September, 1873, I selected 300 acres of land in the county of Darling, on the left bank of Hall's Creek, on the Cuerindi Run, between Honnery's selection and Cuerindi Station. No. 1.

Mr. Surveyor Elliott surveyed the other selections, but not mine. There are about 50 chains between Honnery's selection and the station.

1st. I wish to know how far the land for the station improvements extends above the station, as the party that selected below the station had to leave.

2nd. Whether there is sufficient land for me.

I have been living on this land since the 1st of October. As I am losing time and labour if I do not get it, an early reply will be very thankful.

I remain, &c.,

D. ROBERTS.

No. 3.

Mr. D. Roberts to The Minister for Lands.

Sir,

Hall's Creek, 18 December, 1873.

I humbly beg to state that I have selected 300 acres of land on Hall's Creek, on Cuerindi Run. I selected on the 25th September last. I wish to know when it will be surveyed, as I want to improve on it, and get some land ready for wheat for the next sowing. I have to make the necessary improvements within three years, and the time is getting shorter to do it in, and every month the surveyor delays in coming to survey it, makes it harder on me, as I have no other occupation to earn a living, only by farming, and losing time is a very great loss to me which I cannot afford. I have been here since the 1st of October. I have selected between Honnery's and the station, there is about 50 chains between Honnery and the station, and I wish to know how much land the station claims above the station, as the selector below had to give up his selection.

Honorable Sir, I kindly beg an answer to this as soon as possible.

I remain, &c.,

DAVID ROBERTS.

No. 4.

Mr. Licensed Surveyor Elliott to The Surveyor General.

Sir,

Tamworth, 4 January, 1874.

I have the honor to return an application for land made by David Roberts—your instructions to measure which were sent to Mr. District Surveyor Greaves under B.C., dated 8th December, 1873. See No. 1.

In consequence of the selection which adjoins this land having been shifted down the creek, through the selector not knowing the position of a water reserve (see my letter* dated 31st October, 1873), David Roberts's selection comes within the area applied for in virtue of improvements by the lessees of Cuerindie Run.† * Cannot be obtained.

The improvements referred to are too valuable to allow the measurement of David Roberts's selection. I forward a tracing‡ showing the position of the land applied for, and await your further instructions. † Application with Mr. Surveyor Elliott. ‡ Appendix A.

I have, &c.,

ARNOLD ELLIOTT.

To

To the Surveyor General.

Submitted,—that the whole of the land shown on the tracing is covered by the improvements forming the head station, Cuerindie.

The improvements on this portion are equal in value to £400.—A. DEWHURST, 9th January, 1874.
For cancellation of conditional purchase 73/10,226, David Roberts, *vide* Mr. Dewhurst's memo. of the 9th January, 1874.—J.S.A.

No. 5.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 10 January, 1874.

No. 2.

In reply to your communication of the 2nd December, 1873, urging the survey of 300 acres of land, conditionally purchased by you on the 25th September, 1873, at the Land Office, Tamworth, I am directed to inform you that the application was forwarded on the 8th December last to Mr. District Surveyor Greaves, with instructions for the measurement of the land, provided no objection should be found to exist thereto.

See No. 1.

I am, &c.,

WM. BLACKMAN,
(For the Under Secretary).

No. 6.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 15 January, 1874.

No. 3.

In reply to your communication of the 18th December last, urging the survey of 300 acres of land, conditionally purchased by you on the 25th September last, at Tamworth, I am directed to inform you that the application was forwarded on the 8th December last to Mr. District Surveyor Greaves, with instructions for the measurement of the land, provided no objection should be found to exist thereto.

See No. 1.

I am, &c.,

WM. BLACKMAN,
(For the Under Secretary).

No. 7.

Messrs. G. Farquharson & Co. to The Minister for Lands.

Sir,

Cuerindie Station, Manilla, 17 February, 1874.

I beg most respectfully to inform you that a person named Roberts has taken up a selection in the immediate vicinity of my head station of Cuerindi, the whole of which land is more than covered by the valuable improvements connected with the station. Such a selection is, I humbly maintain, totally at variance with both the spirit and the letter of the Crown Lands Alienation Act, which, while it sanctions the conditional purchase of *unimproved* Crown lands, protects from selection lands which have been improved at great expense in a legitimate manner by the lessee of a pastoral estate. I have measured the distance from the actual dwelling-house of the head station to the side-line of the nearest selection that has been marked out, and I find that distance 54 chains; the land between the dwelling-house and the selection referred to would therefore contain about 320 acres, and I am within the estimate when I state that the improvements thereon are worth £500, and consist of storehouse, huts, and paddock fence, now being erected, and a woolshed, also in course of erection, stables, well, and numerous other valuable properties.

Mr. Surveyor Elliott has reported against Roberts's purchase of 320 acres.

Roberts imagines that if he cannot get the whole of the land he has applied for, he might get about 100 acres, but I must humbly submit that there is no land whatever open to conditional purchase under the 13th section of the Act, between the head station and Honnery's selection, where Roberts wishes to acquire a right. Selecting improved lands is getting unfortunately a general thing in this part of the country, and although the Government has in every case that I am aware of protected the owner of such, it does not deter unprincipled people from making every effort to acquire property to which they have no claim, in order to induce the proprietor to bribe them or buy them off. I respectfully enclose a rough sketch* which shows the station, the nearest measured selection, and consequently, the intervening land which the man Roberts has selected contrary to law: and I have the honor to beg that you will, after a careful examination of the same, take the necessary steps to do me the justice which, as one of the public, I think I have the right to claim. Trusting that you will take this matter into early consideration,—

I have, &c.,

G. FARQUHARSON & CO.

Cuerindie Run, District of Liverpool Plains, is held under a promise of lease by the Bank of New South Wales.—G.M., Occupation of Lands, 23rd March, 1875.

No. 8.

The Under Secretary for Lands to The Land Agent, Tamworth.

Sir,

Department of Lands, Sydney, 28 February, 1874.

See No. 1.

I am directed to inform you that the application of Mr. D. Roberts, on the 25th September, 1873, for the conditional purchase of 300 acres of land, is void, as the land applied for comes within the area of improvement purchases of Messrs. Farquharson & Co.

2. A form for refund of deposit has been forwarded for the signature of the applicant, the nature of which you will be so good as to explain to him, if required.

I have, &c.,

WM. BLACKMAN,
(For the Under Secretary).

P.S.—Should the voucher be tendered as payment or part payment of deposit on a conditional purchase by applicant, you will accept it as such.

No. 9.

The Under Secretary for Lands to Mr. D. Roberts.

Department of Lands, Sydney, 28 February, 1874.

Sir, I am directed to inform you that the application made by you at Tamworth, on the 25th September, 1873, for the conditional purchase of 300 acres of land, is void, as the land applied for comes within the area of improvement purchases of Messrs. Farquharson & Co. Deposit paid £75.

2. Enclosed is a form which, on being filled up in accordance with the instructions thereon, and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your deposit.

I have, &c.,
WM. BLACKMAN,
(Pro Under Secretary).

P.S.—Should you desire to select again, the Land Agent will accept the enclosed voucher as payment or part payment of deposit on the area applied for.

[Enclosure in No. 9.]
REVENUE REFUNDED.

Department of Lands, Conditional Purchase Branch.
Dr. to

Pay Voucher No.

		Amount to be refunded.		
		£	s.	d.
For the following Refund, viz. :—				
Land Office, at				
Date of selection,	day of		18	
Deposit paid on	... ..			acres
Selection cancelled, or in excess of proper area, to the extent of	... ..			acres
Deposit to be refunded on	... ..			acres
This deposit of £		was credited to the Consolidated Revenue Fund, on		
the	187	187		
Audit Office, Sydney,				

I certify that the amount charged in this voucher, as to computation, casting, and rate, is correct, and that the refund is duly authorized in terms of the Audit Act. Under Secretary for Lands.

I hereby authorize and direct the above-mentioned amount to be paid on my behalf to *
Witness,— Purchaser.

* Here insert Name of Party or Bank.

RECEIVED on the day of 187 , the above sum of pounds,
shillings and pence, sterling, on behalf of Bank of Teller,

No. 10.

The Under Secretary for Lands to Messrs. Farquharson & Co.

Department of Lands, Sydney, 14 March, 1874.

Gentlemen, In reference to your letter of the 17th February last, stating that the conditional purchase of 300 acres made by D. Roberts, at Tamworth, on the 25th September, 1873, contained improvements belonging to you,—I am directed to apprise you that Mr. Roberts has been cautioned against improving the land in question, as his application will be cancelled should it be found, after inquiry, that the improvements alluded to are of sufficient value to bar selection. No. 7.

I have, &c.,
WM. BLACKMAN,
(Pro the Under Secretary).

No. 11.

The Under Secretary for Lands to Mr. D. Roberts.

Department of Lands, Sydney, 14 March, 1874.

Sir, It having been represented that the 300 acres of land conditionally purchased by you at Tamworth, on the 25th September, 1873, were improved at the date of selection, I am directed to caution you against improving the land in question, as your application will be cancelled should it be found, after inquiry, that the improvements alluded to are of sufficient value to bar selection.

I have, &c.,
WM. BLACKMAN,
(For the Under Secretary).

No. 12.

The Under Secretary for Lands to Messrs. Farquharson & Co.

Gentlemen,

Department of Lands, Sydney, 21 March, 1874.

No. 10.
David Roberts,
200 acres, 25th
September, 1873.
Tamworth.

With reference to my letter of the 14th instant, on the subject of the conditional purchase noted in the margin, I am now directed to inform you that a report has been received from the local surveyor, from which it appears that the land is improved sufficiently to bar selection.

2nd. Mr. Roberts's application has, therefore, been cancelled.

I have, &c.,
W. W. STEPHEN.

No. 13.

Mr. D. Roberts to The Under Secretary for Lands.

Sir,

Cuerindie, 21 March, 1874.

No. 9.

With reference to your letter of 28th February last, intimating that my selection of 300 acres at this place has been cancelled, as containing improvements of sufficient value to bar selection,—I have the honor to request that you will have the goodness to furnish me with the report of the surveyor who made the statement referred to, as when I took up the land in question there was not £300 worth of improvements on the station, from which I am led to believe 640 acres by virtue thereof are claimed; and it appears also from the plan of the station at the Land Office, Tamworth, that there is a woolshed on the land, whereas the fact is, that the timber therefor was only laid on the ground a month ago, together with split timber to erect about 100 rods of fencing.

Permit me to say it is not the state of things manifest by your letter, it is a most deplorable result to come from paid officers of the most important department of the Government of the Colony, and is only equalled by the audacity of the recommendation of the creation of a reserve to surround on all sides my neighbour's selection.

I have, &c.,
D. ROBERTS.

Mr. Roberts should be apprised that his purchase was cancelled in accordance with the reports of surveyors, Messrs. Dewhurst and Elliott.—19 April, 1874.

Yes. Should also be informed that if he disputes the surveyors' valuation of the improvements, he can have them appraised on payment of £1 as fee into the Treasury, and further, that the only improvements that can operate as a bar to his selection are such as had been made at the date of his application for the land, and, therefore, no improvements made subsequently to that date would be taken into consideration.—W.B., 10/4/74.

No. 14.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 21 April, 1874.

No. 13.
300 acres, 25th
September, 1873.
Tamworth.

In reference to your letter, of the 21st ultimo, on the subject of the cancellation of the conditional purchase noted in the margin, I am directed to inform you that your selection was declared cancelled in consequence of the surveyors' (Messrs. Dewhurst and Elliott) reports, which pointed out the improvements on the land to be of sufficient value to debar selection.

2nd. I am, however, to add that if you dispute the surveyors' valuation, you can have the matter determined by appraisal on payment of the usual fee of £1 ls. into the Treasury.

3rd. I am further to state that, in the event of an appraisal not taking place, the only improvements which would be taken into consideration are those which were standing on the ground at the date of your application.

I have, &c.,
W. W. STEPHEN.

No. 15.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Manilla, Hall's Creek, 9 April, 1874.

I beg to inform you that I have seen the plan of the Cuerindi Station at the Land Office, Tamworth. It shows that there is about £20 worth of improvements on the land I selected, which I have witnesses to prove, at the time I selected, and the plan shows a woolshed on the said land. Now there is some timber laid for a woolshed and some timber for a fence, the same being laid since the middle of February, and some trees ring-barked within the last three weeks. All this has been done this present year, 1874. There is seventy acres or more of this land available for growing all kinds of grain and other vegetables equal to the Hawkesbury land. It is a very hard case for me to be ousted off this land, as I have been residing on it since the 1st of October, 1873. There is between 43 and 48 chains of vacant land between Honnery's selection and the station improvements which I will accept. I am led to believe that Mr. Surveyor Dewhurst has an interest in this station; and if that is the case, a poor man has little or no chance to contend with such a strong firm. My selection has not been surveyed to my knowledge yet. I am not aware it will interfere with the station improvements.

I am, &c.,
D. ROBERTS.

No. 16.

Mr. D. Roberts to The Under Secretary for Lands.

Sir,

Hall's Creek, 29 April, 1874.

I have the honor to acknowledge the receipt of your letter of the 21st April instant, in which you state that if I dispute the surveyors' (Messrs. Dewhurst and Elliott) valuation, I can have the matter determined by appraisement, on payment of the usual fee of £1 1s. into the Treasury.

I desire to have the matter determined in the way you point out, and with that view have paid by post the sum of £1 1s. into the Treasury.

I have, &c.,

DAVID ROBERTS.

No. 17.

Mr. D. Roberts to The Under Secretary for Finance and Trade.

Sir,

Hall's Creek, 29 April, 1874.

In reference to the letter from the Honorable the Minister for Lands, I have the honor to transmit you the sum of £1 1s. sterling as arbitration fee, for the purpose named in the letter indicated.

I have, &c.,

DAVID ROBERTS.

£1 1s. received and credited this day on the within application.—To Under Secretary for Lands. B.C., Treasury, 2/5/74.—G.E.

No. 18.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Tamworth, 30 April, 1874.

From information I believe it would be a case of the greatest injustice possible if the reports (sent in by Messrs. Surveyor Dewhurst and Licensed Surveyor Elliott) were acted upon in the absence of the opinion of some persons disinterested in the matter affecting the conditional purchase of David Roberts, Manilla, as it has been reported to me the same has not as yet been measured, as also that Surveyor Dewhurst is greatly interested in the station personally; therefore it is obvious that the conditional purchase cannot be cancelled until the true position has been ascertained by survey. Under the circumstances mentioned that further information will be demanded before this case is acted upon.

Reply, and oblige,—

Yours, &c.,

HANLEY BENNETT.

The signature is not that of Mr. Bennett.—W.B., 6/5/74. Better enclose to Mr. Bennett.—7/5/74. In reply to above, "Yes," written from pencil copy—signature authorized.—Yours, &c., HANLEY BENNETT.

No. 19.

Mr. D. Roberts to The Minister for Lands.

Sir,

Manilla, 1 May, 1874.

Having unadvisedly consented to allow the issue of my conditional purchase to go on for appraisement, and forwarded the usual fee to the Treasury of £1 1s.—since which I have represented my position to Mr. Bennett, M.L.A., who has undertaken my case; I therefore desire that the appointing of an appraiser may be delayed for a short time.

I have, &c.,

DAVID ROBERTS.

Mr. Johnson, what action should be taken upon this case?—13/5/74. The request made in this letter may perhaps be complied with, but he should be cautioned against making any improvements until his claim shall be determined.—T.H.J., 19/5/74. Approved, 21st.

No. 20.

The Under Secretary for Lands to Hanley Bennett, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 13 May, 1874.

I am directed to forward the enclosed communication, purporting to have come from you, but which it has been pointed out is neither in your handwriting nor signed with your signature, and I am to request that you will be good enough to state whether the letter was written at your instance and with your approval, in which case it shall have due attention.

I have, &c.,

W. W. STEPHEN.

No. 21.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 30 May, 1874.

Referring to your letter of the 1st instant, requesting that the valuation of the improvements embraced by your conditional purchase of 300 acres, on the Cuerindie Run, may be delayed for a short time,—I am directed to inform you that a compliance with your request has been approved of.

2. I am also to caution you against improving the land in question, as your application will be cancelled, should it be found after inquiry that the improvements alluded to are of sufficient value to bar selection.

I have, &c.,

W. W. STEPHEN.

No. 22.

No. 22.

Mr. D. Roberts to The Minister for Lands.

Honorab! Sir,

Manilla, Hall's Creek, 8 June, 1874.

No. 21.

I beg to acknowledge the receipt of the letter from the Lands Department, dated 30th May, 1874, cautioning me not to improve my conditional purchase.

Sir, you will be kind enough to inform me if I am allowed to appoint an appraiser on my behalf.

2. If my conditional purchase of 300 acres will be surveyed before the appraisement takes place, as I do not believe my selection will interfere with the station improvements, and if my conditional purchase is not surveyed, how can the appraisers determine my conditional purchase?

Sir, I beg to state that I have been residing on this land in question eight months, and have made it my *bonâ fide* home.

I have, &c.,

DAVID ROBERTS.

Supposing that the owner of the improvements intends to apply to purchase them, how will the land be measured, and how far will such measurement interfere with the conditional purchase of 300 acres?—J.S.F., 30/6/74.

On the report of the surveyors Dewhurst and Elliott, with tracing, showing the land *applied for*, the lessee's improvements are of the value of £400, and would exclude the conditional purchase entirely from the frontage to the creek in that locality.—4th July, 1874, J.F.A., *pro* Sur. Genl.

Forwarded to Mr. Surveyor Dewhurst, in order that a preliminary survey may be made, showing the improvements effected by the lessee, distinguishing those existing at date of Roberts's conditional purchase from any made since, in order that the boundaries of the land to which the lessee may be entitled can be approximately laid down for the information of the Honorable the Minister for Lands. The report should give the value of each improvement effected by the lessee, as well as by the conditional purchaser.—ROBT. D. FITZGERALD, for Sur. Genl., B.C., 24th July, 1874.

Mr. Sur. Dewhurst. Mr. Elliott, for action.—A. DEWHURST, July 31, /74.

No. 23.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 14 July, 1874

Necessity compels me to write to you, requesting you will have my conditional purchase of 300 acres, on Cuerindie Run, Hall's Creek, determined as soon as possible, as I am anxiously waiting to improve it and to get some land ready for corn this season; and I beg to state that the proprietors of this station are improving my conditional purchase; and I saw the plan of Cuerindie Station at the Land Office, Tamworth. It shows in the plan two portions or two blocks of land; the west portion takes in all the improvements, and on the east portion a supposed woolshed, which there is none—only timber laid on the ground.

I beg to state it is a very hard case that supposed improvements should bar me from selecting it, and I have made this said land my *bonâ fide* home since the 1st of October, 1873.

Sir, I humbly beg you will inform me if it is legal for the proprietors of this station, after having the improvements on the west portion, to oust the selector on the west side, and then to have the said improvements taken into consideration to oust me on the east side: I mean, can the one lot of improvements be valued twice at two different times to oust two different selectors?

I have, &c.,

DAVID ROBERTS.

See No. 22.

Forwarded to Mr. Surveyor Dewhurst, with reference to instructions issued to him on 24th July last.—J.S.A., for Surveyor General.

No. 24.

Mr. Licensed Surveyor Elliott to The Surveyor General.

Sir,

Tamworth, 30 September, 1874.

See No. 22.

*Appendix C.

In accordance with your instructions, dated 24th July, and issued to Mr. Dewhurst, and transferred by that gentleman to myself, I have the honor to transmit a tracing* showing the position of improvements erected at Cuerindie head station, and also the position of the land applied for by David Roberts.

The only improvements erected since the date of David Roberts's selection consists of a two-rail (split) fence, and the value of that portion on the land claimed by both parties is £62.

I have numbered the different buildings, &c., and the value of each I estimate as follows:—

No. 1.—A six-room cottage, with garden and fruit-trees, value	£280
No. 2.—Store	20
No. 3.—Shed	3
No. 4.—Do.	5
No. 5.—Do.	2
No. 6.—Covered yard	2
No. 7.—Well	65
No. 8.—Kitchen	20
No. 9.—Small yard	5
No. 10.—Men's hut	20
No. 11.—Stockyard and shed	37
No. 12.—Do. do.	15
No. 13.—Cultivation paddock	24

These improvements, including the fencing that has been erected since the date of Roberts's selection

make a total value of

62

£560

Sheds

Sheds Nos. 4 & 11 appear to have been lately supplied with fresh bark for roof.

The improvements made by David Roberts consist of bark gunyah, value of £1, and some felled timber, which has been done by burning the growing trees, but as he has not yet cleared the timber away I have not taken that into account.

I have, &c.,

ARNOLD ELLIOTT.

No. 25.

Memorandum by The Surveyor General.

THIS report is submitted for the consideration of the Hon. the Minister for Lands, in view of his minute See No. 22. of the 30th June, 1874.

It may be seen that the station buildings, &c., are worth £498, exclusive of £62 worth of fencing erected since date of Roberts's conditional purchase, which would entitle the lessees to purchase two portions, of which one might embrace improvements numbered on sketch 1 to 6 and 8 (worth £332), and extend See No. 24. 53 ch. 33 lks. up the creek, as shown by blue lines, thus showing no land available for D. Roberts's conditional purchase.

To such form of measurement as that shown on the sketch I would submit the lessee is entitled, in consideration of the improvements on the land, and consequently the cancellation of Roberts's conditional purchase should stand. A sketch should be forwarded to Roberts, from which he might see the position of the land the lessee would be entitled to on Mr. Elliott's valuation, with which, if he is still dissatisfied, instructions for appraisement of the value of the improvements might issue, the fee for such appraisement having been paid.

R. D. FITZGERALD,

The Under Secretary for Lands.

For. Sur. Genl., B.C., 4 Dec., /74.

For approval.—10/1/75.

Approved.—19/1/75, J.S.F.

No. 26.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Tamworth, 17 October, 1874.

I am not altogether surprised at the protracted and the designed delay in the measuring of David Roberts's conditional purchase of 300 acres, made at Tamworth, on the 25th September, 1873, and more especially so when I consider the parties interested in the station of which Roberts's conditional purchase did at one time form part of the run, and in which delay I cannot say you are not partially concerned, from the fact that previous to my leaving Sydney, a day or two after the prorogation of the last Session, you decided that Roberts's conditional purchase should be measured, so that his position could be defined; as also it will be found by the papers bearing the above numbers that Roberts has disputed the appraised value of the scattered improvements, a large portion of which have been selected since Messrs. District Surveyor Dewhurst and Licensed Surveyor Elliott have been privileged behind the back of Roberts to make what written flimsy and personal reports they might think proper; as also Surveyor Elliott has been instructed by Mr. Surveyor Dewhurst, one of the proprietors of the station, to measure for improvements, instead of defining Roberts's block, as promised to me by you.

I have, &c.,

HANLEY BENNETT.

No. 27.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 22 October, 1874.

In reference to your communication of the 14th July last, respecting the conditional purchase See No. 23. of 300 acres, made by you at Tamworth, on the 25th September, 1873, I am directed to apprise you that the application was sent to Mr. Surveyor Dewhurst on the 2nd November for his report and survey of the land, should no objection exist, and on receipt thereof you will be further communicated with.

I have, &c.,

WM. BLACKMAN,

(For the Under Secretary.)

No. 28.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, 31 October, 1874.

I am not at all surprised at my conditional purchase of 300 acres on Hall's Creek not being surveyed, when I consider the parties interested in the station. W. B. Lucas's conditional purchase was cancelled by virtue of the improvements being sufficient to bar it from being selected. Mr. Licensed Surveyor Elliott told me very plainly that he had no instruction to survey my land, but I saw him taking the position of the very improvements that barred W. B. Lucas's selection, and likewise all the other improvements that have been erected on the land that I have selected since my application, which I consider is a scandalous way of reporting the true position of affairs, when it is well known by the inhabitants of this district what the improvements were when I selected it.

Sir, you will have the goodness to send me a copy of the report which Mr. Licensed Surveyor Elliott sent in last.

Sir,

Sir, I beg further to state that I have made this selection my *bonâ fide* home continuously for thirteen months, and likewise there is thirteen months expired of the time that I am allowed to improve it, and I beg to state that there is enough land between Honnery's conditional purchase of 200 acres and the station without interfering with the improvements. I have not selected the improvements—it's the land adjoining I selected.

Sir, you will be kind enough to give instructions to have my conditional purchase surveyed at once, as the surveyor is in the district.

I have, &c.,

DAVID ROBERTS.

No. 29.

Mr. District Surveyor Dewhurst to The Surveyor General.

Sir,

Tamworth, 18 November, 1874.

See No. 24.

I have the honor to inform you that all the papers referring to this case have been returned to the head office with Mr. Elliott's letter, 30 September, 1874, which enclosed a sketch in which all the improvements at the head station were shown in position, and valued, together with the land applied for by Roberts.

I beg most respectfully to suggest that it is desirable, from every point of view, to decide as early as possible on the claim of Roberts to his conditional purchase of 320 acres, or any part thereof.

It can be seen on inspection of the plan that to allow the selection to stand as originally taken would be to render valueless to the run the head station and all the valuable improvements erected thereon, to work the same, or in other words a valuable leasehold property belonging to the Crown would be sacrificed.

See Nos. 26 & 23

I may point out that the papers (with Elliott's letter as attached) bearing the signatures of Hanley Bennett and Roberts, show that this selection has not been made with a view to settlement and the pursuit of agriculture, but apparently to gratify some personal pique in the first instance, and to being bought out finally by Messrs. Farquharson and Green, the proprietors; still the selection, as one under the Act, and unfortunately in accordance with the regulations of the same, must, I think, be recognized to the fullest possible extent; and in accordance with this view of the case, I have the honor to recommend that the land not actually covered by the station improvements should be granted to the applicant, and a refund made equal to the area refused.

I have, &c.,

A. DEWHURST.

No. 30.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, Manilla, 25 November, 1874.

I beg to inform you that I want my conditional purchase of 300 acres at this place surveyed at once. The licensed land surveyor, Mr. Elliott, has not given me any satisfaction about it; he told me that he has not received any instructions to survey it. It is fourteen months since I selected this land, and I have made it my *bonâ fide* home ever since, for which I have begun to improve it.

I consider I have not been justly dealt with, for at the time of my application the improvements were not of sufficient value to bar it from selection, and moreover it is not known whether my conditional purchase will embrace any of the improvements or not, as my conditional purchase has not been surveyed.

Sir, I beg to remind you that I paid £1 1s. into the Treasury six months ago, to have my conditional purchase determined, and it has not been yet, which I consider is an injustice to me.

Sir, if you will have the goodness to instruct the surveyor to survey it at once, as the time allowed to improve it is getting very short, and that Mr. Licensed Surveyor Elliott is within 10 miles of this place at the present time, so it is a good opportunity to have it surveyed.

I have, &c.,

DAVID ROBERTS.

No. 31.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Assembly, 26 November, 1874.

I deeply regret that urgent necessity demands that I should again call your attention to the great hardship Mr. David Roberts, Manilla, Liverpool Plains, is subjected to, which case some few weeks back directed attention, pointing the very extraordinary course of action that was adopted by the Survey Department in this case, for no other apparent motive than to weary Roberts, so that the lessces of the Cucurindi Run may obtain his conditional purchase, and so dispossess Roberts of his holding.

I therefore respectfully request that your earliest attention will be given to this case, so that it can be disposed of one way or the other.

I have, &c.,

HANLEY BENNETT.

No. 32.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 2 January, 1875.

See No. 1.

In reference to my conditional purchase of 300 acres of land on Hall's Creek, which I selected on 25th September, 1873, which has not been surveyed yet, and I have resided on it fifteen months continuously,—I wish to know if it is to be surveyed, or whether I am to improve it; as fifteen months is a great deal too long for a poor man to be kept out of his land through the neglect of the surveyors or other officials under Government. It is no neglect of mine that it has not been surveyed before this, and it appears to me that the surveyors for this district can do just as they please in keeping a man out of his land to suit their own convenience. It is time we had other surveyors for this district who will survey free selectors' land.

Sir,

Sir, you will have the goodness to inform me my best course to take to get it surveyed, as I am anxious to build my house and get some of it ready for wheat. I have lost three crops through it not being surveyed before this, and it seems to me because I am a poor man I must not get any ground here on this station.

Sir, I beg you will see to it at once and have it surveyed, or know the reason it is not surveyed, as I have paid my guinea into the Treasury last April to have it surveyed. I thought it would then be surveyed, but it is not, so it shows that our district surveyor is waiting till there are sufficient improvements erected upon it, to bar me from getting it. It is a scandalous affair altogether to keep a poor man from making a home when he has saved a little money on purpose to procure a home for himself and family.

Sir, you will take my case into consideration and have it surveyed at once.

I have, &c.,
DAVID ROBERTS.

No. 33.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, 29 January, 1875.

I enclose a copy of the plan of Cuerindie Station,* showing W. B. Lucas's selection, which is on the west of the improvements embracing the river, and the improvements; my conditional purchase is on the east side, but not embracing the improvements (my conditional purchase is on Hall's Creek) adjoining Honnery's selection, between Honnery's and the station. *Appendix D.

Sir, I beg further to state that the station improvements are not of sufficient value to bar W. B. Lucas's selections and mine; and further the land was vacant at the time of my application, which is well known by all the neighbours that was here previous to my application, and I estimate my loss at £250, through my conditional purchase not being surveyed at first. I have lost two crops of corn and one crop of wheat, besides the potato crop; and I have made it my *bonâ fide* home sixteen months ever since I selected it, and now it is not surveyed; it seems to me that I am treated with impunity in not having my conditional purchase surveyed.

Sir, I beg you will have it surveyed at once, as nearly half the time is expired that I am allowed to improve it.

It is a ridiculous shame the way that I am treated, for there is nothing to prevent me from getting the land that I selected. You will see by the copy of the station that I have sent you in this letter that W. B. Lucas's selection was of more value than the station improvements.

Sir, there is sufficient land here for me, which I expect to have. I selected 300 acres, September 25th, 1873, on Cuerindie Station, Hall's Creek.

I have, &c.,
DAVID ROBERTS.

No. 34.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Assembly, 8 February, 1875.

I again beg to call your attention to the following case: David Roberts, Manilla, Liverpool Plains, which has been before you for over twelve months past, waiting the report of the surveyor in charge of this portion of the district, to explain why Roberts's conditional purchase, taken up at Tamworth, on the 25th September, 1873, has not been measured according to instructions given to Licensed Surveyor Elliott many months back by you.

On behalf of Roberts, I request that the same be measured at once, or that he be informed why the land is not measured, and whether he can retain it or not. Your early attention to this matter and reply, will oblige,—

Yours, &c.,
HANLEY BENNETT.

No. 35.

The Under Secretary for Lands to Mr. David Roberts.

Sir,

Department of Lands, Sydney, 12 February, 1875.

With reference to your letters of the 14th July last and previous dates, respecting your conditional purchase noted in the margin, which has been cancelled, on account of its containing valuable improvements, the property of the lessee of the run,—I am directed to apprise you that the cancellation of your purchase cannot be interfered with, as, after satisfying the claim of the lessee of the run on account of improvements, there is no land left available for your purchase. No. 28.
300 acres.
Section 13.
Tamworth.
25th Sept., 1873.

2nd. I am to forward to you, herewith, a sketch, from which you will see the position of the land that the lessee would be entitled to on the surveyor's valuation.

I am to add that instructions for the appraisement of the value of the improvements in question will issue at an early date if you still desire it. Not necessary.

I have, &c.,
W. W. STEPHEN.

No. 36.

Mr. D. Roberts to The Colonial Secretary.

Hon. Sir,

Hall's Creek, 12 February, 1875.

Necessity compels me to write to you. On the 25th September, 1873, I selected 300 acres of land on Cuerindie Station, parish of Darling, and it has not been surveyed yet. Previous to my application W. B. Lucas selected on the west side of the station; it was cancelled on account of it embracing the improvements, as the improvements were reported of sufficient value to bar it from selection. Now,
I

I selected on the east side of the station adjoining Honnery's selection, and between Honnery's and the station; and after Honnery's selection was surveyed, Messrs. Surveyors Dewhurst and Elliott sent in a report that the improvements (that is, the same improvements that barred Lucas's selection) barred my selection too.

Sir, I beg to state that I had selected previous to Honnery's selection being surveyed, and in March, 1874, I saw at the Land Office, Tamworth, the plan of Cuerindie. It showed Honnery's selection and the station improvements, and a woolshed and other improvements on the land that I selected, of which there are none. There is no woolshed nor ever was there any since Messrs. Hall formed the station, and the whole of the improvements were not worth £366 at the time of my application, and in April, 1874, I disputed the report, and paid £1 1s. into the Treasury to have it valued, and to my knowledge it has not been valued yet. At the time of my application Mr. Surveyor Dewhurst had an interest in the station. I had cleared a good deal of the land to cultivate, and then I received a letter from the then Minister for Lands cautioning me not to improve the land. I beg to inform you that I have made this land my *bona fide* residence continuously since the 1st day of October, 1873.

Sir, I further beg to state that it is well known by all the oldest inhabitants in this district that at the time of my application the improvements were not worth £300.

Sir, the land I selected was vacant at the time I selected it, and I want it, and I consider I have been treated with impunity in not having it surveyed; and, moreover, it is rumoured by certain parties that I am no selector, only a spy and an informer, as I have been here so long, and the land not having been surveyed.

Sir, I humbly beg you will get it surveyed at once for me, as I want to get some wheat in this coming winter, and to build a house too.

I have, &c.,

DAVID ROBERTS.

Sent to this office by Hon. John Robertson. Let me know how the case stands.—T.G., 19/2/75.

I agree with my predecessor's opinion in this case. Let Roberts be informed of decision, and plan be forwarded to him.* Of course the appraisalment will be made. Inform Hon. J. Robertson briefly of decision.—T.G., 1/3/75.

Mr. Long.—Who is the district surveyor?—16/3/75. The land is situated within the district in charge of Mr. Surveyor Dewhurst.—G.L., 22 March, /75. Mr. Dewhurst requested to nominate a surveyor.—31 March, 1875.

*A sketch was sent to Roberts with our letter of the 12th ultimo.

No. 37.

Mr. D. Roberts to The Minister for Lands.

Sir,

Manilla, 19/2/75.

In reply to yours of the 12th instant, I have decided, as on a previous occasion, to allow the improvements erected by the lessee of the Cuerindie Run, Tamworth, to go to appraisalment, as set forth only within the blue lines shown on sketch furnished with your letter of the above date.

Trusting that you will, at an early date, authorize the appraisalment to take place, and appoint your officer, I am prepared with my appraiser; fee has been previously paid into the department.

I shall hold you responsible for loss of time and other costs consequent of any further delay in the appraising of these improvements twenty days after the above date.

As I believe the improvements as stated to be worth three hundred and thirty-two pounds sterling, exclusive of fencing, said to be worth £62, are not in value half the amount.

I have, &c.,

DAVID ROBERTS.

Mr. A.—Look up the papers and refer to misc. branch to ascertain whether instructions have issued for the appraisalment; if not, that action should now be taken.—11/3/75.

No. 38.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 13 March, 1875.

With reference to your letter of the 12th ultimo, which was received in this office through the Honorable the Colonial Secretary, respecting the cancellation of your conditional purchase, noted in the margin, on account of valuable improvements erected by the pastoral lessees, I am directed to inform you that the present Minister for Lands agrees with the decision given by his predecessor in the matter, which was conveyed to you by my communication of the 12th February last.

2. I am, however, to add that instructions for the appraisalment of the value of the improvements in question will be issued in the course of a few days.

I have, &c.,

W. W. STEPHEN.

No. 39.

The Under Secretary for Lands to The Colonial Secretary.

Sir,

Department of Lands, Sydney, 13 March, 1875.

With reference to the letter addressed to you by Mr. David Roberts, and dated 12th ultimo, on the subject of the cancellation of his conditional purchase, noted in the margin, I am directed to apprise you that the selection was declared void, on account of valuable improvements erected by the pastoral lessees, as it was found that after satisfying the lessees' claim, there was no more land left available for Roberts's selection.

2. I am, however to state that the question of the value of the improvements alluded to is now about to be determined by a reference to appraisalment.

3. I may add that Mr. Roberts has been fully informed to the above effect, and a sketch has been forwarded to him, showing the position of the land that the lessees would be entitled to purchase on the surveyor's valuation of the improvements.

I have, &c.,

W. W. STEPHEN.

No. 40.

No. 35.
Oc. sec. 13, Tamworth, 25 Sept., 1873.

No. 36.
300 acres.
Section 13.
25th Sept., 1873.
Tamworth.

No. 35.

No. 36.
300 acres.
Section 13.
25th Sept., 1873.
Tamworth.

13

No. 40.

The Under Secretary for Lands to Mr. Surveyor Dewhurst.

Sir,

Department of Lands, Sydney, 31 March, 1875.

I have the honor to request that you will nominate a surveyor other than Mr. A. Elliott, who has already reported in the matter, to act as appraiser on behalf of the Government, to value the improvements on a portion of land containing 300 acres, in the parish of Cuerindi, county of Darling, which has been conditionally purchased by Mr. David Roberts.

I have, &c.,

W. W. STEPHEN.

The only surveyors available for this duty are Messrs. Cooper, Brock, and Loder. Mr. Cooper being a perfect stranger to the run might perhaps be more suitable than the other gentlemen named.

Let the appraisement instructions be issued to Mr. Cooper at once, and inform parties.—W.W.S.,
7 June.

No. 41.

A. J. Gould, Esq., to The Minister for Lands.

Sir,

Singleton, 20 April, 1875.

I am instructed by Mr. David Roberts, of Hall's Creek, Manilla, to write you in reference to the cancellation by your predecessor of his conditional purchase, noted in the margin, on account of its containing, as alleged, valuable improvements, the property of the lessee of the run, and to request that you will reconsider and reverse such cancellation, for the following reasons:—

300 acres.
Section 18.
Tamworth.
25th Sept., 1873.

1. The alleged improvements are not in any single case upon the land applied for by my client, but some 2 or 3 chains to the westward thereof, and therefore the land applied for was at that time unimproved and open for conditional purchase; the fence shown on the sketch forwarded my client in the letter to him from your department, of the 12th February last, and on his conditional purchase, having been erected since the making of such conditional purchase.
2. The pastoral lessee not having applied to purchase this land, by virtue of his improvements, before the same was taken as a conditional purchase by my client, cannot now come forward and claim such right, as the said land being unimproved has actually been sold to my client before any such application.
3. Prior to this conditional purchase being made by my client, one W. B. Lucas made a conditional purchase of 320 acres on the opposite side of the alleged improvements (that is, the western side) to that of my client, which conditional purchase was cancelled, in consequence of these identical improvements or the greater part thereof being applied for by the pastoral lessee thereto, who having made his election as to where these improvements should apply, cannot now apply them elsewhere, and to the land conditionally purchased by my client.

See No. 35.

For the proof of this latter statement, I beg to refer you to the documents and letters relating to cancellation of W. B. Lucas's conditional purchase of 320 acres, made prior to 25th September, 1873.

Trusting this matter will meet with your early and careful attention, and that you will favour me with an early reply,—

I have, &c.,

ALBERT J. GOULD.

The improvements of the lessee of the run, stated to be of the value of £327, are not of the value of *one-half* that amount, as I am instructed, and cannot therefore in any case justify cancellation of the full area applied for by my client.

No. 42.

The Under Secretary for Lands to R. Cooper, Esq.

Sir,

Department of Lands, Sydney, 6 July, 1875.

Referring to former instructions sent to you for your guidance in the appraisement of lands, I now forward the documents necessary to enable you to appraise the value of the lands particularized in the annexed schedule, and which have been applied for under the 8th clause of the "Crown Lands Alienation Act of 1861."

I have, &c.,

LINDSAY G. THOMPSON,

(For the Under Secretary).

NOTE.—The 28th section, clause 6, of the "Crown Lands Alienation Act of 1861," provides that a single appraiser or arbitrator must make his award within *sixty days* after his appointment, or within such extended time, if any, not exceeding thirty days, as shall have been duly appointed by him. Failure on part of any appraiser or arbitrator, to comply with the terms of this section, will, in the absence of sufficient explanation, involve the forfeiture of half the amount of appraisement fee, *i.e.*, ten shillings in each case.

N.B.—You are requested to acquaint Messrs. Farquharson & Co. of the time and place of holding the Court of Appraisement.

Registration
No.

Name of Applicant.

Alienation
75-9334.The Government v. The Bank of
New South Wales.To value the improvements on a conditional purchase of
300 acres in the parish of Cuerindi, on the left bank
of Hall's Creek, at the date of selection by David
Roberts, viz., 25th September, 1873.

No. 43.

No. 43.

Appointment of Appraiser by Government.

WHEREAS on the 25th September, 1873, David Roberts applied to purchase, under the 13th section of the Crown Lands Alienation Act, a portion of land containing 300 acres, in the parish of Cuerindie, on the left bank of Hall's Creek: And whereas Messrs. G. Farquharson & Co., of Cuerindie, in the Colony of New South Wales, have protested against such purchase, on the ground that the land in question was sufficiently improved at date of application to bar its selection, a description whereof is set out in the Schedule hereinafter written: Now I, the Under Secretary for Lands, having been duly authorized by the Minister for Lands, in pursuance of the powers vested in him under and by virtue of the "Crown Lands Alienation Act of 1861," do hereby appoint Robert Cooper, of Milton, in the Colony of New South Wales, to be the appraiser on behalf of the Crown, to appraise the value of the improvements on the said land at date of selection, by David Roberts, viz., 25th September, 1873.

In witness whereof, I have hereto set my hand, this 6th day of July, 1875.

W. W. STEPHEN.

Schedule referred to:—

To value the improvements on a conditional purchase of 380 acres in the parish of Cuerindie, on the left bank of Hall's Creek, at date of selection, by David Roberts, viz., 25th September, 1873.

I, the within-named Robert Cooper, do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me, and that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the "Crown Lands Alienation Act of 1861."

ROBT. COOPER.

Subscribed and declared this 31st day of August, A.D. 1875, before me,

W. H. Wood, J.P.

No. 44.

The Under Secretary for Lands to The Manager of the Bank of New South Wales.

Sir,

Department of Lands, Sydney, 6 July, 1875.

I beg to inform you, in reference to Messrs. Farquharson & Co., of the 17th February, 1874, protesting against David Roberts's application to conditionally purchase 300 acres on the left side of Hall's Creek, on the ground that the land in question was sufficiently improved at the date of application to bar selection, and that the Honorable the Secretary for Lands having authorized me in that respect, I have appointed Mr. Robert Cooper, of Milton, appraiser on behalf of the Government. If you are satisfied that the improvements on the land in question shall be valued by him alone, you will please sign the form sent herewith marked "A"; if, however, you wish to appoint an appraiser to act on your behalf, you will sign the form "B," annexed. In this case you will be required to pay the costs of such appraiser, and of the umpire who will then have to be appointed, and upon forwarding the same to Mr. Cooper he will proceed herein to act on behalf of the Government. You will of course understand that, unless an appointment, in either form A or B, be forwarded to him, within sixty days from this date, he will proceed with the appraisal, in accordance with 3rd clause of the 28th section of the Alienation Act.

2. In appointing an appraiser, you will be so good as to sign your name in full.

I have, &c.,

LINDSAY G. THOMPSON,
(For the Under Secretary).

[Enclosure in No. 44.]

B.

Applicant appointing Appraiser on his own behalf.

WHEREAS I, _____ of _____ in the Colony of New South Wales, have applied to purchase certain improved Crown land, situate at _____ a description whereof is set out in the schedule hereinafter written; and whereas the Minister for Lands has duly appointed W. R. Cooper to be the person to appraise the value of the said land on behalf of the Government, and to fix the value or price thereof to be paid by me; and whereas I am desirous of appointing an appraiser on my behalf in the matter aforesaid: Now I, the said Seymour C. Stewart, *pro* Bank of New South Wales, do hereby, in pursuance of the provisions of the "Crown Lands Alienation Act of 1861," appoint T. Harden, Esq., of Manilla Station, in the Colony of New South Wales, to appraise on my behalf the value of the improvements, and the price to be paid by me for the purchase thereof: And further, I do hereby undertake and promise to _____ Minister for Lands, that I will pay to the person above appointed as appraiser on my behalf, and to any umpire who may be appointed in the matters aforesaid, all costs, charges, and expenses which shall or may become payable to the said appraiser, and to any umpire who may be appointed therein, and that I will hold the Government of the said Colony indemnified from being called upon to pay the said costs, charges, and expenses, or any part thereof.

In witness whereof, I have hereunto set my hand, this 13th day of July, 1875.

SEYMOUR C. STEWART,
(*Pro* Bank of New South Wales).

Schedule referred to:—A.

To value the improvements on a conditional purchase of 300 acres in the parish of Cuerindie, on the left bank of Hall's Creek, at date of selection by David Roberts, 25th September, 1873.

I, the within-named Theodore Harden, do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me, and that I will faithfully, honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the "Crown Lands Alienation Act of 1861."

THEODORE HARDEN.

Subscribed and declared this 17th day of August, A.D. 1875, before me,—

JOHN GILL, J.P.

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No. 45.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 6 July, 1875.

With reference to Messrs. Farquharson and Company's letter of the 17th February, 1874, No. 7. objecting to your conditional purchase of 300 acres, in the parish of Cuerindi, on the ground that there were improvements of sufficient value at date of your application to bar its selection, I am directed to inform you that Mr. Robert Cooper, of Milton, has been appointed by the Government to appraise the value of the improvements on the land in question at date of selection, and that he has been requested to acquaint you with the time and place of holding the Court of Appraisalment.

I have, &c.,
W. W. STEPHEN.

No. 46.

Mr. A. J. Gould to The Minister for Lands.

Sir,

Singleton, 10 July, 1875.

On the 20th of April last I wrote you respecting cancellation of conditional purchase (noted in the margin) by your predecessor of Mr. David Roberts, and requesting for certain reasons therein mentioned a reversal thereof. To this I have not yet received any reply. Will you be good enough to favour me with one at the earliest date.

I have, &c.,
ALBERT J. GOULD.

No. 47.

Mr. Licensed Surveyor Cooper to The Minister for Lands.

Sir,

Geonoo Geonoo, 14 July, 1875.

I have the honor to state that there must be some error in the forwarding to me the enclosed See Nos. 42 & 43. instructions to appraise, as it is only usual to forward appraisalment instructions to licensed surveyors of such portions as they may have surveyed, and I did not measure this portion.

If it is the intention of the Government that I am to carry out the instructions, I must be informed in which county the parish of Cuerindi is situated, and also of Messrs. Farquharson's address.

Also, I wish to state that I cannot undertake this duty unless I be allowed travelling expenses and three guineas per diem from the time of leaving my present camp until I return to it again.

I have, &c.,
R. J. COOPER,
Licensed Surveyor.

Mr. Cooper was nominated as appraiser in this case by Mr. Dewhurst, and instructions issued accordingly. The land was measured by Mr. Licensed Surveyor Elliott, and is in the county of Darling. See No. 41. Mr. Cooper seems to misunderstand the instructions, which had perhaps better be returned to him with a request that he will carry out the appraisalment.—J.E., 21st.

Submitted, and as to the condition specified in this letter as to cost.—L.G.T., 22/7/75.

Surveyor General, as to the latter point.—26/7/75.

If a surveyor has to leave his camp in order to make a special report, the conditions specified are not unreasonable.—R. D. FITZGERALD.

Approved.—T.G., 2/10/75.

Mr. Thompson,—Will it be necessary to issue fresh instructions?—J.E. Yes.—8/10/75.

No. 48.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 7 August, 1875.

In reference to my conditional purchase of 300 acres on Hall's Creek, I have not received a letter from Mr. Cooper to say when he will be here to settle or report on it.

Sir, I do not know what is the reason why I am detained so long in suspense, for I see no grounds whatever to prevent me from getting the land I selected, for W. B. Lucas had 500 acres cancelled through the virtue of those improvements which is being brought forward to cancel my 300 acres. The sketch I hold that I am furnished with from the Lands Office shows there are only £499 worth of improvements on the whole of the station, which I presume are not sufficient to cancel 300 acres or bar 800 acres from being selected.

Sir, I beg to inform you I have made this my *bond fide* home, and I have resided on this land over twenty-two months, and I want it brought to an issue at once, or I shall be compelled to force it to an issue.

I have, &c.,
DAVID ROBERTS.

No. 49.

[Mr. A. J. Gould to The Minister for Lands.

Sir,

Singleton, 9 August, 1875.

I beg to call your attention to my letters to you of 20th April last and 10th ultimo, respecting See Nos. 41 & 46. conditional purchase of Mr. David Roberts, noted in the margin, and its cancellation by your predecessor, 300 acres, sec. 13, and shall esteem the favour of your immediate attention thereto, as it is now nearly four months since I Tamworth, 25th first wrote you, and my client is anxious to hear how the matter is progressing. September, 1873.

I have, &c.,
ALBERT J. GOULD.

No. 50.

No. 50.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, 21 August, 1875.

In reference to my conditional purchase of 300 acres which I selected on Cuerindie Run, September 25th, 1873, the same has not been determined yet, or either have I heard from Mr. Cooper. I beg to remind you that the seasons for growing produce wait for no man; the corn season for planting has come, and I am still kept out of my land, which I consider is a disgraceful proceeding. I have nothing now but starvation and ruin staring me in the face, all through my land not being surveyed eighteen months ago as it should have been. I want it settled at once, or I shall hold the Government responsible for all my loss of time. I have paid the usual fee into the Treasury to have it determined, and why has it not been done?

Sir, I beg you will reply to this at once and let me know if it is to be surveyed or not, and whether I am to commence to cultivate and improve it, for I consider that I have been rascally dealt with from the beginning.

I have, &c.,

D. ROBERTS.

No. 51.

Mr. A. J. Gould to The Minister for Lands.

Sir,

Singleton, 30 August, 1875.

I have again to call your attention to my letter of 20th April last, respecting cancellation of the conditional purchase, noted in the margin, by your predecessor of Mr. Roberts, and requesting for certain reasons therein mentioned, a reversal thereof, and trust you will favour me with a reply thereto at the earliest possible date, more especially as it is now nearly two years since date of purchase.

I have, &c.,

ALBERT J. GOULD.

See No. 41.
300 acres.
Section 13.
Tamworth,
25 September,
1873.

No. 52.

Appraisement by two Appraisers.

To all to whom these presents shall come, I, Robert J. Cooper, appraiser, of Milton, in the Colony of New South Wales, and T. Harden, of Manilla, in the said Colony, send greeting:—

WHEREAS on the sixth day of July, 1875, the said Robert J. Cooper was duly appointed by the Minister for Lands to appraise the value of certain improvements situate at Cuerindie, near Manilla, and which said improvements are described in the schedule in the paper writing hereto annexed, marked A, and to fix the value or price to be paid for the same: And whereas, on the thirteenth day of July, the said T. Harden, Esquire, was duly appointed by the Bank of New South Wales on behalf of the said Bank of New South Wales, to appraise the value of the said improvements and to fix the value of the same: And whereas the said Robert Cooper and T. Harden, before proceeding to enter upon the said appraisement, duly appointed an umpire and did all things necessary to authorize and enable them to proceed with the said appraisement: Now know ye, that the said Robert Cooper and T. Harden having heard and considered the allegations and witnesses on behalf of the Minister for Lands, and of the said Bank of New South Wales respectively, do hereby declare the sum of six hundred and eighteen pounds (£618) to be the value of the said improvements, and do appraise and fix that sum as the value of the same for the purchase of the same, and do further fix the costs to be paid to the said Robert J. Cooper for this appraisement, at the sum of _____, which said sum they direct shall be paid by the Minister for Lands, and the costs to be paid to the said T. Harden for this appraisement, at the sum of £3 3s., which said sum they order and direct shall be paid by the said Bank of New South Wales.

In witness whereof, the said Robert J. Cooper and T. Harden have hereunto set their hands, this 1st day of September, A.D. 1875.

ROBERT J. COOPER,
THEODORE HARDEN,

Appraisers.

No. 53.

Appointment of Umpire by Appraisers.

WE, Robert J. Cooper, appraiser appointed by the Minister for Lands, and Theodore Harden, of Manilla, appointed by Bank of New South Wales as appraiser to appraise and determine the value of certain improvements situate at Cuerindie, near Manilla, a description of which is set out in the schedule hereinafter written, do appoint Daniel Sinclair, of Tamworth, in the Colony of New South Wales, to be umpire in the matter of the said appraisement.

In witness whereof, we have hereunto set our hands, this first day of September, A.D. 1875.

ROBT. J. COOPER.
THEODORE HARDEN.

Schedule referred to:—

To value the improvements on a conditional purchase of 300 acres, in the parish of Cuerindie, on the left bank of Hall's Creek, at date of selection by David Roberts, viz., 25th September, 1873.

I, THE within-named Daniel Sinclair, do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me, and that I will faithfully, honestly, and to the best of my ability, hear and determine the matters referred to me under the "Crown Lands Alienation Act of 1861."

D. SINCLAIR.

Subscribed and declared, this 31st day of August, A.D. 1875, before me,—

W. H. Wood, J.P.

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No. 54.

Mr. Licensed Surveyor Cooper to The Surveyor General.

Sir,

Goonoo Goonoo, 2 September, 1875.

I have the honor to draw your attention to my charges in the case of an appraisement at Cuerindie, near Manilla; having to leave my party of men idle for four days, the time occupied in the appraisement, which I consider a loss to me of £5 per diem, irrespective of money out of pocket and camp expenses during my absence.

When the instruction was first sent to me, I wrote to the Minister for Lands, stating the land was not surveyed by me, and that even its whereabouts was unknown to me, and that I could not undertake it under £3 3s. per diem with travelling expenses.

I have, &c.,

R. J. COOPER.

To the Surveyor General.

The amount charged seems at first sight excessive, but taking the expenses of a party into consideration, is not unreasonable.

Fortunately, under the new Act, head stations are reserved from conditional purchase of unimproved lands.—A. DEWHURST, Sept. 2, 1875.

No. 55.

Mr. A. J. Gould to The Minister for Lands.

Sir,

Singleton, 5 October, 1875.

I have again for the fourth time to call your attention to my letter of 20th April last, See No. 41. respecting cancellation of conditional purchase, noted in the margin, by your predecessor, of Mr. Roberts, 300 acres. and requesting, for certain reasons therein mentioned, a reversal thereof, and trust you will favour me Soc. 13, Tamworth, 25th September, 1873. with a reply thereto at the earliest possible date, more especially as it is now two years since date of purchase.

I have, &c.,

ALBERT J. GOULD.

No. 56.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 7 October, 1875.

In referring to your letter, dated 6th July, informing me that the Government has appointed No. 45. a Mr. Robert Cooper to appraise the value of the improvements on the land at the date of my selection, and to acquaint me with the time and place of holding the Court of Appraisement,—

Sir, I beg to inform you that I have *not* received any notice from Mr. R. Cooper yet.

Sir, I have held possession of this land two years.

Sir, I want a positive answer at once, to know if I am to have this land.

Sir, are you aware that W. B. Lucas's 500 acres was cancelled through those improvements (which they are bringing to bear to cancel mine) being considered sufficient to bar his selections?

Sir, I hold a sketch from the Lands Department showing that the whole of the improvements on the station are only worth £499, not sufficient to secure 500 acres, not including mine at all. Either Lucas's selection or mine must be legal, as the lessees of this station have not secured any land, as required by the Act, previous to our selecting the said land; so I presume it is a one-sided affair on behalf of the squatters in getting our land barred from selection.

Sir, in the manner that these selections have been conducted I consider that neither Lucas nor I have received any justice whatever in connection with our selections.

Sir, you will have the goodness to answer this at once.

I have, &c.,

DAVID ROBERTS.

No. 57.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, 6 November, 1875.

You will be kind enough to inform me if you have ever received any letters from me respecting my conditional purchase of 300 acres of land, which I selected on the 25th of September, 1873, on Cuerindie Run, Hall's Creek, parish of Darling.

Sir, I have repeatedly written to you to know if I am to have the said land, but I have not received any answer from you since July last. It appears to me that I am treated with contempt, and also it appears that now Mr. District Surveyor A. Dewhurst has great influence in the Lands Department, when I cannot get my land surveyed because I have selected on his station. I consider that I am robbed out of my land and time through him.

Sir, you will be kind enough to answer this at once.

I have, &c.,

DAVID ROBERTS.

This matter should be attended to at once.—T.G., 10/11/75.

No. 58.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, Manilla, 20 November, 1875.

I beg to know if it is your intention to have my conditional purchase determined or not. I selected this land at Tamworth on the 25th September, 1873.

Sir, you must be aware that I am put to a great deal of expense and inconvenience through the neglect of the Lands Department in not having my land settled.

I have, &c.,

DAVID ROBERTS.

Mr. Roberts should be apprised of the result of the award, which estimates the improvements at £618; he should be informed that the cancellation of the purchase must therefore remain. Papers after action for Miscel. Branch.—19/1/76.

Approved.—T.G., 15/3/76.

No. 59.

Mr. A. J. Gould to The Minister for Lands.

Sir,

Singleton, 23 November, 1875.

I have for the fifth time to call your attention to my letter of 20th April last, respecting cancellation of conditional purchase, noted in the margin, by your predecessor, of Mr. Roberts, and requesting for certain reasons therein mentioned a reversal thereof. Date of previous letters—20th April, 1875; 10th July, 1875; 9th August, 1875; 30th August, 1875; and 5th October, 1875.

I have, &c.,

ALBERT J. GOULD.

No. 41.
D. Roberts, 300
acres. Sect. 13.
Tamworth, 25th
September, 1873.
See Nos. 41, 46,
49, 51, & 55.

No. 60.

Messrs. Wilson & Ranken to The Minister for Lands.

Sir,

227, George-street, Sydney, 28 December, 1875.

Application not
with the papers;
sent to Mr. Lic.
Sur. Elliott.

Messrs. Dangar, Gedye, & Co. having applied for the purchase of 640 acres in virtue of improvements on Cuerindie Station, District of Liverpool Plains, which land includes 300 acres selected by David Roberts, but which selection has been declared void on account of said improvements, we, on behalf of Messrs. Dangar, Gedye, & Co., beg respectfully to request that Mr. District Surveyor Dewhurst may be informed that said selection has been cancelled, so that the land applied for may be surveyed.

We have, &c.,

WILSON & RANKEN.

No. 61.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 15 January, 1876.

I have been informed that a Mr. Cooper was here about four months ago with two parties; one a Mr. D. Sinclair from Tamworth, and the other a Mr. Harden, a squatter, of the Manilla. Now, as Mr. Sinclair is an auctioneer, who gets his livelihood from those parties who can give him the most stock and other produce to sell, he may favour those most; and Mr. Harden, being a brother squatter on the adjoining run, where the selectors have selected a great portion of his run much to his annoyance, it is well known he is not in favour of any selector. I need not expect any justice through those two parties.

Sir, by those two parties being called upon to be present when Mr. Cooper was here, it shows that it is a one-sided affair on behalf of Messrs. Dewhurst and company, or those that had Messrs. Sinclair and Harden brought here.

Sir, trusting this will meet with your kind and earliest attention,—

I have, &c.,

D. ROBERTS.

No. 62.

J. McElhone, Esq., M.L.A., to The Minister for Lands.

Sir,

Sydney, 31 January, 1876.

See enclosure.

Enclosed I forward you a letter which I received from a Mr. David Roberts, a selector on the Manilla Run, near Tamworth.

He states that he is being done out of his selection, and that Mr. Dewhurst has an interest in the station.

I do not know the man or anything of his case, but if what he states is true he has good grounds to complain, and I have the honor to request that you will cause an inquiry to be made into his case by the proper officer.

I have, &c.,

J. McELHONE.

[Enclosure in No. 62.]

Mr. D. Roberts to J. McElhone, Esq., M.L.A.

Sir,

Hall's Creek, 25 January, 1876.

Necessity compels me to write to you in reference to my conditional purchase, which I selected on Cuerindie Run, on the 25th of September, 1873, on the east side of the station.

Sir, there are reports sent in to the Lands Office by Messrs. Surveyors Dewhurst and Elliott that my c.r. interferes with the station improvements; the same I have objected to on the grounds that at the time of my application the land was vacant, and previous to my application W. B. Lucas had 320 acres cancelled through the virtue of the station improvements being sufficient to bar it from being selected, and that the lessees of this station had no land secured according to the Act. Sir, I am furnished with a sketch of the plan of this station, and it shows that there is only £167 worth of improvements on the west side, that is the land that W. B. Lucas selected, and they have left £332 worth of improvements on the side I selected. Sir, I have frequently written to the Minister for Lands about it, and last July I received a letter from the Lands Department

See No. 45.

Department saying that the Government had appointed a Mr. Robert Cooper to hold a Court of inquiry about it, and that he was to acquaint me when and where he was to hold a Court of inquiry, of which I never received any notice whatever from him; but I am informed that he was here some time back, and that a Mr. Harden, a squatter, and a Mr. D. Sinclair, an auctioneer from Tamworth, was here with him, so it seems to me that I am not to have any justice in the matter, and also it appears that it is a one-sided affair on behalf of the parties interested in this station.

Sir, it is well known by all the neighbours here that the whole of the improvements on this station were not worth £250 at the time of our application, that is W. B. Lucas's and mine.

Sir, I have made this my *bona fide* home since the 1st of October, 1873.

Sir, I consider that I have had no justice shown me in the matter referred to, as Mr. Surveyor Dewhurst had an interest in this station when I selected on this run, and likewise when I consider the parties that were brought here at the time that Mr. R. Cooper was here, for Mr. Harden is very much annoyed at the selectors selecting on his run, which is adjoining this run, and for which I wish my case brought before the Parliament to see if there is any justice in connection with the poor man, and I beg to add that I have been cautioned not to improve the land until it was settled; this caution I received while Mr. J. S. Farnell was Minister for Lands.

Sir, my case is a very hard one, as I am only a very poor man—all that I have to depend upon is what I earn by hard work; and now to be kept two years and four months out of my land through false reports that have been sent to the Lands Department by the surveyors.

Sir, you will be kind enough to see into my case, and get it determined at once.

I have, &c.,
DAVID ROBERTS.

No. 63.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, 11 March, 1876.

I write to inform you that the lessees of this station are fast improving my conditional purchase, which I selected on the 25th September, 1873. I wish to know if it is by your instructions that they are doing so; and, moreover, I beg you will inform me if it is your intention to have my land determined or not, as I have held possession of it two years and five months, or am I to be baffled out of it by the influence of rich men? I am confident that I am being robbed out of it by false reports in reference to the value of the alleged improvements, when it is well known that at the date of my application there was no land secured for the station improvements.

Sir, I beg you will answer this immediately, as I am positive that you will see that the land is legally mine in any Court of justice.

I have, &c.,
DAVID ROBERTS.

I would like to know at once the position of the case.—T.G., 14/3/76.

No. 64.

Mr. D. Roberts to D. Buchanan, Esq., M.L.A.

Honorable Sir,

Hall's Creek, 18 March, 1876.

Necessity compels me to write to you in reference to my conditional purchase which I selected on 25th September, 1873. I selected 300 acres on Cuerindi Run. At the date of my application Surveyor A. Dewhurst had an interest in this station, and through Messrs. Surveyors A. Dewhurst and A. Elliott's reports my land has not been surveyed, on the ground that I interfere with the station improvements. Sir, at the date of my application the lessees of this run had no land secured for the homestead, and just previous to my application there was 520 acres cancelled on the west side of the station improvements, through the station improvements being of sufficient value to bar it from selection, and now they want to bring to bear the same improvements to cancel mine, which I consider is illegal. Sir, I will enclose the sketch of the plan of the head station; it will show you the land that I selected (my land is on the east side of the station) and the value of all the improvements. The fence has been erected long after I selected the land, so you will see that it is a one-sided affair on behalf of the lessees. Sir, I beg to state that I have been cautioned by the Lands Department not to improve my land until it is determined, so that the lessees have the use of the land in running their sheep on it; and further, I have been residing continuously on the land two years and five months, under great expense and anxiety too. I think I have a good case for an action, and if you think that there is, what will you charge to conduct it? but I am not in a position to have it brought into Court if you think I will be the loser, for I am only a poor man working for my living. I consider that through my land not being determined that I have lost the produce of it for two years, to the amount of £1,000. Sir, the improvements at the homestead are not worth £499 at the date of my application, but they want to secure 820 acres for it; and also I beg to inform you that I have had legal advice on it, and the lawyer says I cannot be legally ejected from the land.

I have, &c.,
DAVID ROBERTS.

Handed to me by Mr. Buchanan.—T.G.

Have the necessary steps been taken to have the improvements appraised, and if so, in what stage is the matter?—T.G., 13/5/76.

Yes; the improvements were appraised by Mr. Licensed Surveyor Cooper, and valued at £618. The papers are now under reference to Mr. Licensed Surveyor Elliott.—5/4/76. J.E., 16/5/76.

Inform Mr. Buchanan.—T.G., 1 June, 1876.

[Enclosure in No. 64.]

Sir,

You will see by this sketch that they have divided the improvements; they have only left £167 worth of improvements on the side that W. B. Lucas selected. Lucas selected 520 acres, which was cancelled through the improvements being sufficient to bar it from selection. Similar to tracing enclosed in No. 24.

The improvements which is alleged that my land interferes with are—No. 2, a small store, £12; No. 3, a small bark shed, £2; No. 4, walled in with bark and palings, £3; No. 5 is composed of one growing tree for a post, three saplings, and six sheets of bark, 12s.; No. 6, a shed for two horses to stand under, £2; No. 7, dwelling-house and garden, £80; No. 8 has a back kitchen, £10. The fence has been erected since I selected the land. Sir, I received a letter from the Lands Department last July, to say that the Government had appointed Mr. Walter Cooper to hold a Court of inquiry, and he was to acquaint me when and where he would hold a Court of inquiry, but he has not done it yet. You will be kind enough to return me the sketch. See No. 45.

DAVID ROBERTS.

No. 65.

No. 65.

Mr. Licensed Surveyor Elliott to The Surveyor General.

Sir,

Tamworth, 20 March, 1876.

I have the honor to return herewith an application made by Messrs. Dangar, Gedye, & Co. for 640 acres, in virtue of improvements at Cuerindi Head Station, your instructions to measure which were sent to me under B.C., dated 11th February, 1876.

A portion of the land applied for is at present occupied by David Roberts, who has selected 300 acres adjoining the head station.

The former occupants of Cuerindie Run protested against this selection of Roberts's, and the improvements by your instructions were valued by myself. As I heard nothing further from you in the matter, and David Roberts informs me he has received no notice of the cancellation of his selection, I considered it best to delay the measurement of the 640 acres till I received your advice upon the matter.

For full particulars of this case, papers, &c., I beg to refer you to my letter dated 5th September, 1874.

I have, &c.,

ARNOLD ELLIOTT.

The improvements were again appraised by Mr. Licensed Surveyor Cooper, 10th August 1875, on which occasion the services of two appraisers were called in, in accordance with the regulations referring to such cases. The papers were forwarded 2nd September, 1875.—March 20th, 1876.

Mr. Licensed Surveyor Elliott, for measurement if unobjectionable.—G.L., for Surveyor General, 5th April, '76.

Not obtainable.
Sent to Mr.
Licensed Sur-
veyor Elliott.

No. 66.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 31 March, 1876.

In reference to your letter of the 11th instant, touching the matter of your conditional purchase, mentioned in the margin, which was cancelled on account of improvements effected by the lessees, I am directed by the Minister for Lands to inform you that the appraisal held in the case determined the improvements to have been worth £618; the cancellation of your selection must therefore stand.

I have, &c.,

W. W. STEPHEN.

No. 58.

300 acres, 25th
September, 1873,
Tamworth.

No. 67.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 8 April, 1876.

I have this day received your letter, dated 31st March, 1876, that my conditional purchase is cancelled, and that the improvements to have been worth £618. Now I am positive they are not worth £300, and admitting that they are worth £618, that's not sufficient to cancel 820 acres, and it still leaves 202 acres available, which I want, and I beg to inform you that I have cleared off a great deal of timber off the land in question. Sir, all that I want is justice, and I demand it, for it is well known in this neighbourhood that at the time of my application that the improvements were not worth £300.

Sir, you will be kind enough to reply to this by return of post, and also send me the full particulars of what improvements was taken into consideration, and how much land the lessees is legally entitled to.

I have, &c.,

DAVID ROBERTS.

No. 66.

No. 68.

Mr. D. Roberts to The Minister for Lands.

Hon. Sir,

Hall's Creek, 12 April, 1876.

Referring to your letter of the 31st March, 1876, notifying the cancellation of my conditional purchase, you will please send me the full particulars who was the party or parties that held the Court of inquiry, and what improvements were taken into consideration, and if the improvements that have been erected since my application were included too; and if the old remains of yards and fallen-down sheds were valued, as I am aware that nothing but substantial improvements must be taken into consideration; and what they are really worth at the time of inquiry; and also no improvements only those that were actually on the ground at the time of my application; and I beg to inform you that I received a letter from the Lands Office showing that there was only £499 worth of improvements on the head station when I selected my land, and also how much land the lessees are allowed for the improvements that were on the head station at the time of my application.

I have, &c.,

DAVID ROBERTS,

Manilla Post Office.

No. 63.

No. 69.

Mr. W. T. Honnery and others to The Minister for Lands.

Hon. Sir,

Cuerindie, 15 May, 1876.

We, the undersigned, residents and free selectors of Cuerindie Run, humbly beg to bring under your notice the injustice that has been shown towards David Roberts, and the inconvenience he has been forced to submit to through the delay of his conditional purchase not being surveyed and decided before this; and we beg to state that previous to D. Roberts's application of 300 acres, which he selected on Cuerindie Run, on the east side of the head station, on the 25th of September, 1873, that

that W. B. Lucas's conditional purchase of 320 acres (on the west side of the head station) was cancelled by virtue of the same improvements that are now brought to bear to cancel D. Roberts's.

Sir, we positively declare that at the date of D. Roberts's application the whole of the improvements on Cuerindie Head Station were not worth £400.

Sir, we humbly beg that you will give this your immediate attention and have it brought to an issue at once.

WILLIAM THOS. HONNERY,
JAMES DAVIS,
And nine others.

I do hereby certify that those are all *bona fide* signatures.

FRANK JANSON.

No. 70.

J. McElhone, Esq., M.L.A., to The Minister for Lands.

Sir,

Sydney, 26 June, 1876.

Enclosed I have the honor to send you a petition in reference to David Roberts's selection. I would call your special attention to the statement made that the lessee of Cuerindie Run has already been allowed to take 320 acres in virtue of improvements, being a selection of W. B. Lucas's, and he is now claiming D. Roberts's selection of 300 acres, made on 25th September, 1873. The lessee of the run under the old Act could not claim over 320 acres for improvements in one block, and so cannot take Roberts's selection under the improvement clause.

I would beg to call your attention to the fact that, although Roberts selected nearly three years ago, his selection is not yet surveyed; and as this is a great hardship and injustice to the man, I have the honor to request you will give a decision in this case with as little delay as possible, and give the necessary instructions to have Roberts's selection surveyed with as little delay as possible.

I have, &c.,

J. McELHONE.

Licensed Surveyor Elliott should be requested to report immediately.—T.G., 5 July, 1876.
Licensed Surveyor Elliott.—B.C., 18 July, 1876.

[Enclosure in No. 70.]

Messrs. F. Janson, A. Thom, and others, to The Minister for Lands.

Hon. Sir,

Cuerindie, 8 May, 1876.

We, the undersigned, residents and free selectors of Cuerindie Run, humbly beg to bring under your notice the injustice that has been shown towards David Roberts, and the inconvenience he has been forced to submit to, through the delay of his conditional purchase not being surveyed and determined before this; and we beg to state that previous to D. Roberts's application of 300 acres which he selected on Cuerindie Run, on the east side of the head station, on the 25th September, 1873, that W. B. Lucas's conditional purchase of 320 acres (on the west side of the head station) was cancelled by virtue of the same improvements that are now brought to bear to cancel David Roberts's.

Sir, we positively declare that at the date of D. Roberts's application that the whole of the improvements on Cuerindie Head Station were only worth £400.

Sir, we humbly request that you will give this your immediate attention, and have it brought to an issue at once.

F. JANSON,
A. THOM,
And 10 others.

No. 71.

The Under Secretary for Lands to D. Buchanan, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 30 June, 1876.

With reference to the letter handed by you to the Minister for Lands, and to previous No. 64. correspondence of Mr. David Roberts, on the subject of his cancelled conditional purchase of 300 acres on the Cuerindie Run, in which he questions the value of the improvements in virtue of which his conditional purchase was cancelled, I am directed to inform you that the improvements in question were valued by Mr. Licensed Surveyor Cooper at £618. The matter is, however, now under reference to Mr. Licensed Surveyor Elliott, on receipt of whose report further action may possibly be taken.

I have, &c.,

A. O. MORIARTY (for U.S.)

No. 72.

Mr. D. Roberts to The Minister for Lands.

Sir,

Hall's Creek, 11 July, 1876.

Referring to a letter I received from the Lands Department, Sydney, dated 31st March, 1876, No. 60. saying that the improvements on Cuerindie Run to have been worth £618,—Sir, I humbly wish to bring under your notice that at the date of my application the improvements were only worth £400, and also that I selected under the old Act, and by that Act the lessees are only entitled to 320 acres, as they had not secured any land previous to W. B. Lucas's conditional purchase of 320 acres, which was cancelled for the improvements previous to my application, and now they have brought to bear the very same improvements to cancel mine, which I object to. Sir, you will have the goodness to inform me is it because that I selected on Mr. Surveyor Arthur Dewhurst's (our District Surveyor) run that my conditional purchase is to be cancelled; if so, I am legally informed that my conditional purchase cannot be cancelled. Sir, you will be kind enough to answer this immediately.

I have, &c.,

DAVID ROBERTS.
Manilla Post Office.

No. 73.

No. 73.

Mr. Licensed Surveyor Elliott to The Surveyor General.

Sir,

Tamworth, 23 July, 1876.

See No. 70.
See previous
correspondence,
See No. 65.
See No. 65.

In reply to your blank cover, dated 18th July, 1876, I have the honor to return the papers connected with this case, being your instructions to measure for Messrs. Dangar, Gedye, & Co., dated 5th April, 1876.

I have already reported upon this case, as you will see from my letter dated 20th March, 1876, and I have the honor to request your permission to carry out the survey; and if David Roberts's selection is cancelled, I would further request that he may be informed to that effect.

I have, &c.,
ARNOLD ELLIOTT.

No. 74.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Cuerindi, 2 August, 1876.

I humbly ask you if I can improve my conditional purchase which I selected on Cuerindie (300 acres) on the 25th September, 1873, and if it is to be determined whether I am to get it or not.

Sir, I beg you will answer this by return of post.

I have, &c.,
DAVID ROBERTS.

No. 75.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Assembly, 9/8/76.

David Roberts,
Manilla, 300
acres, Tamworth
25th Sept., 1873,
county of Dar-
ling, parish of
Cuerindie.

I am requested by the person noted in the margin to apply that his case may be sent on for inquiry at the next Court to be holden at Manilla or Tamworth before Commissioner J. Delaney.

This case was, some two years ago, ordered to be sent on for appraisalment, but such has not as yet been carried out. There are many letters, papers, and other documents connected with this case in the Department that will justify the request asked.

Yours, &c.,
HANLEY BENNETT.

No. 76.

Mr. D. Roberts to The Minister for Lands.

Honorable Sir,

Hall's Creek, 12 August, 1876.

I beg to inform you that I saw Mr. Licensed Surveyor Elliott on the 11th instant. He informed me that he has not received any instructions to survey my conditional purchase, which I selected on Cuerindie Run on the 25th September, 1873, which I consider is a very hard case, as I have been a *bona fide* resident on the said land, and I have been put to a very great inconvenience and unnecessary expense through my land not being surveyed. I beg to inform you that I have been legally informed that the lessees of Cuerindie Run had no land secured for the head station previous to my application, only the 320 acres that W. B. Lucas selected. Previous to my application, W. B. Lucas's application was cancelled through the virtue of the improvements, as the said land embraced the head station improvements; and also that the lessees are only entitled to 320 acres by the old Act, and I selected under the old Act, so that I am entitled to the land that I selected.

You will have the kindness to give this your immediate attention, as the surveyor is here on the ground, so that he could survey it at once, as I am anxious to improve it, as I have been under a very great expense through my land not being surveyed, and it is very hard when it is well known that the land was vacant at the date of my application.

I have, &c.,
DAVID ROBERTS,
Manilla Post Office.

No. 77.

Memorandum by Mr. Thompson, and decision of Minister.

The Minister instructed me to look into this case at the instance of Mr. Hanley Bennett, who is acting in the interests of the free selector, Mr. Roberts. The case as regards Roberts is as follows, and belongs to the Alienation Branch:—

Roberts selected 300 acres on Hall's Creek, on the 25th September, 1873, and the selection was protested against by the pastoral lessee, on the plea that the land contained improvements sufficient to bar selection. The question was submitted to appraisalment, and determined in favour of the pastoral lessee and against Roberts. The cancellation of his conditional purchase, which had been previously made, therefore stood, and of this Roberts was apprised on the 31st March last.

Mr. Buchanan, M.P., to whom Roberts represented the case, was also informed to similar effect on the 30th June, 1876.

Mr. Roberts, by recent letters and through Mr. Hanley Bennett, urges a further consideration of his case; but the appraisalment, which seems to be regular, having determined the case against Roberts, the Government cannot, I imagine, interfere further.

Moreover, the lessees, Messrs. Dangar, Gedye, & Co., have applied in virtue of head station improvements for 640 acres, embracing this land. Their application has not been dealt with further than being referred to the surveyor, who has twice returned it for further instructions, apparently at the instance of Roberts, who at the time had not been informed of the result of the appraisalment.

The Under Secretary for Lands.

L.G.T., 23/8/76.

I do not see my way to take any further action in this matter at present. The application to purchase the 640 acres should go on in the usual way, and Roberts may be so apprised.—T.G., 7/9/76.

See No. 66.

See No. 71.

With Mr.
Licensed Sur-
veyor Elliott
for report.

23

No. 78.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Tamworth, 29 August, 1876.

I am anxiously waiting report of Mr. Lindsay's investigations into David Roberts's case, county Darling, parish Cucerindie (Manilla).
An early reply will oblige,—

Yours, &c.,
HANLEY BENNETT.

No. 79.

Mr. D. Roberts to The Minister for Lands.

Sir,

Hall's Creek, 2 September, 1876.

Referring to my conditional purchase of 300 acres which I selected on Cucerindie Run, on 25th September, 1873, and the manner it has been conducted through the influence and the personal interest that Mr. District Surveyor A. Dewhurst had in the station at the time that I selected on his run, it shows the injustice that I have received in connection with my conditional purchase, and that it has been a one-sided affair on behalf of the lessees.

Sir, I beg you will bear in mind that I selected under the old Act, *not under the new* Amendment Act. I beg you will cause it to be decided under the old Act of 1861.

Sir, the lessees at the date of my application were only entitled to 320 acres for the homestead improvements, which they secured by cancelling W. B. Lucas's conditional purchase of 320 acres previous to my application.

Sir, I request you will instruct the surveyor to survey my conditional purchase at once, as the lessees are cutting, removing, and destroying the timber on my selection with impunity, and defying my caution.

I have, &c.,
DAVID ROBERTS.

No. 80.

The Under Secretary for Lands to Mr. D. Roberts.

Sir,

Department of Lands, Sydney, 19 September, 1876.

Referring to your letter of the 12th ultimo, urging a further consideration of the case of your conditional purchase, noted in the margin, cancelled on account of improvements, the property of the run lessees, I am directed to inform you that the Secretary for Lands does not see his way to take any further action in this matter at present. No. 78.
300 acres, 25th
September, 1873,
Tamworth.

I may add that the lessees have applied under the improvement clause for 640 acres, embracing the land in question, which application will proceed in the usual way.

I have, &c.,
W. W. STEPHEN.

No. 81.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Tamworth, 9 October, 1876.

In reply to yours of date 19 ultimo, with reference to Mr. David Roberts, Manilla, who made a conditional purchase of 300 acres, at Tamworth, on the 26th September, 1873, in which you are made to state that you cannot see your way clear to interfere in the matter any further, as Roberts's claim has become void in consequence of the same having been improved sufficient at the time of Roberts's application to bar selection. Such was not the case, if I am to believe Roberts and others who are prepared to make oath to that effect. However, Roberts acting under my advice, will not give up the land unless the appraisement is carried out, for which the usual fee was paid by him, or that the case is sent on to the Commissioner's Court of Inquiry, where all persons living in the locality knowing everything in connection with the case can be called by Roberts, and upon the sworn testimony of all parties concerned the case may be given for or against him. No. 80.

It must also be remembered that Roberts made his selection at the time when 320 acres was the area only allowed on the ground of improvement made by lessees, no matter what amount of improvements were erected.

But I perceive from your letter that the officers are labouring under the delusion that the same privilege existed under the the Act of 1861 as under the Act of 1875.

I have instructed Roberts to furnish me with a petition, addressed to His Excellency, detailing the whole facts of his case, on the reassembling of Parliament; in the meantime, I trust you will not grant the applications referred to in yours of the above date. A reply to this correspondence, at your earliest, will oblige,—

Yours, &c.,
HANLEY BENNETT,
Agent for D. Roberts, Manilla.

Appraisement took place, and resulted in favour of the Crown tenant and against Roberts.—H.A.F., 12/10/76.

The case having been dealt with as to the value of the improvements by way of appraisement, it cannot be re-opened.—T.G., 14/10/76.

No. 82.

No. 82.

The Under Secretary for Lands to H. Bennett, Esq., M.L.A.

Sir,

17 October, 1876.

No. 81. In reply to your letter of the 9th instant, further respecting the case of David Roberts's selection of improved land, I am directed by the Minister for Lands to inform you that the matter having been dealt with as to the value of the improvements by way of appraisalment, it cannot be re-opened.

I have, &c.,

W. W. STEPHEN.

No. 83.

H. Bennett, Esq., M.L.A., to The Minister for Lands.

Sir,

Tamworth, 24 October, 1876.

No. 82. In reply to yours of date the 17th instant, on the case of David Roberts, I am fully satisfied that the case is one that requires further consideration, and have decided that Roberts does not receive back his deposit until such time as I myself am fully satisfied the present lessee of Cucurindie Run has a legal right to the land selected by Mr. Roberts, and shall, on the re-assembling of Parliament, bring the case before the House, with a view of trying the issue before a Select Committee.

Yours, &c.,

HANLEY BENNETT.

Better have the papers copied and printed as soon as possible.—T.G., 2/10/76.

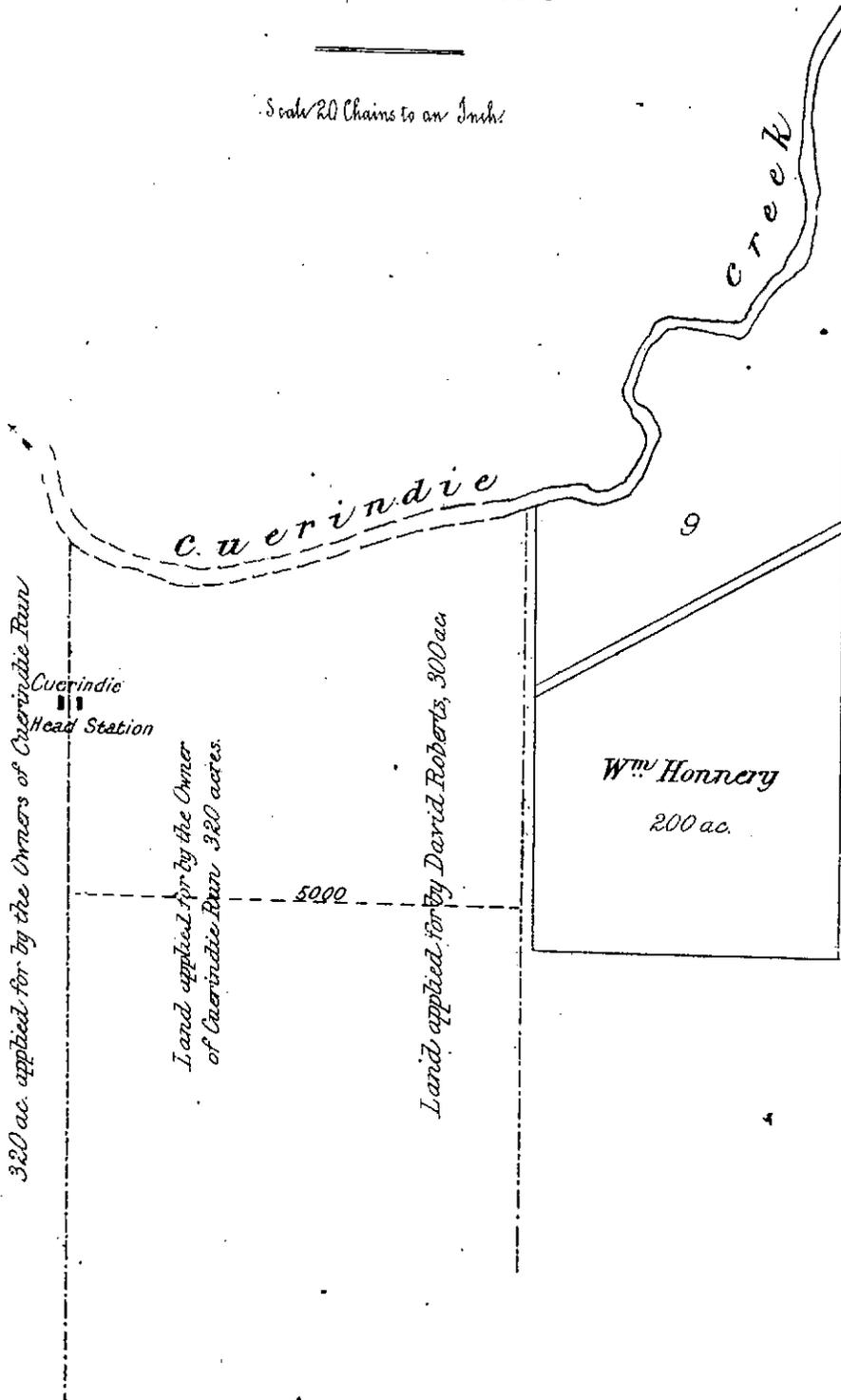
[Four plans.]

PLAN

showing the position of land applied for by

DAVID ROBERTS

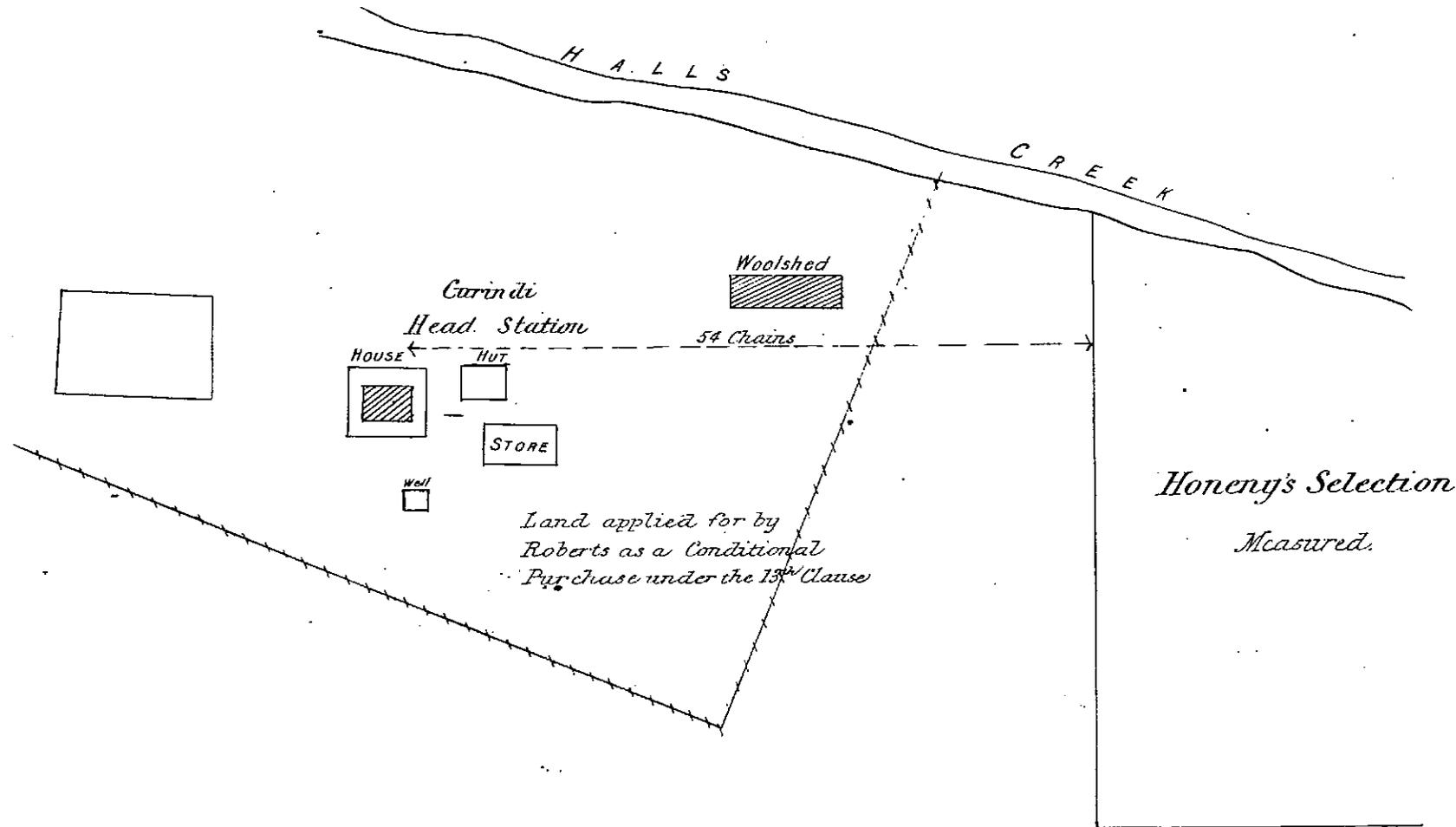
Scale 20 Chains to an Inch



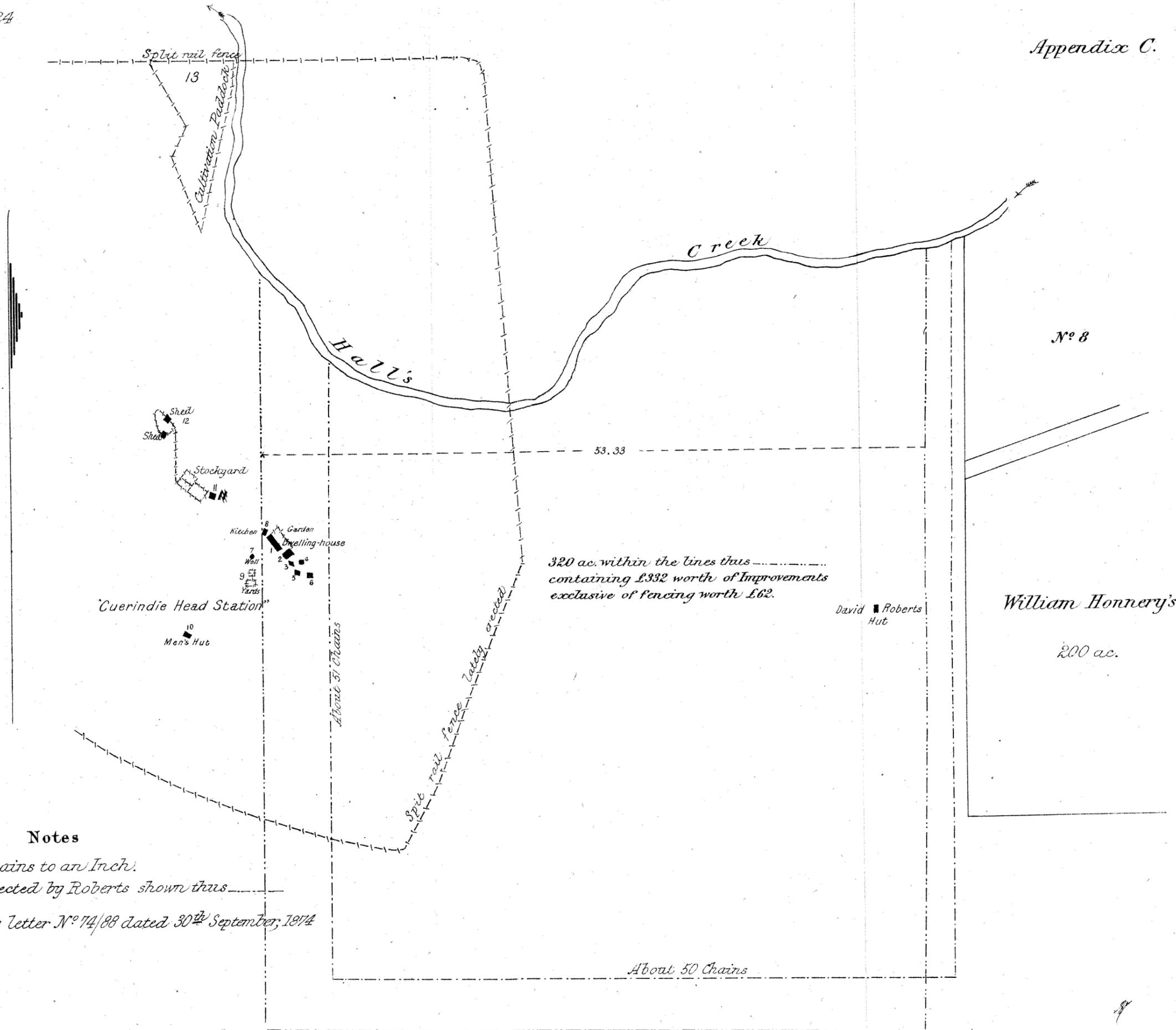
Notes - The land applied for by David Roberts is enclosed on the Plan by lines thus - - - - -
 This land is also claimed by the owners of Cuerindie Run, in virtue of improvements.

(Sig. 346)

To accompany my letter N^o 74 1/2 dated 4 Jan'y.
Arnold Elliott.



Plan referred to in my letter to the Hon. Minister for Lands dated 18th February, 1874.

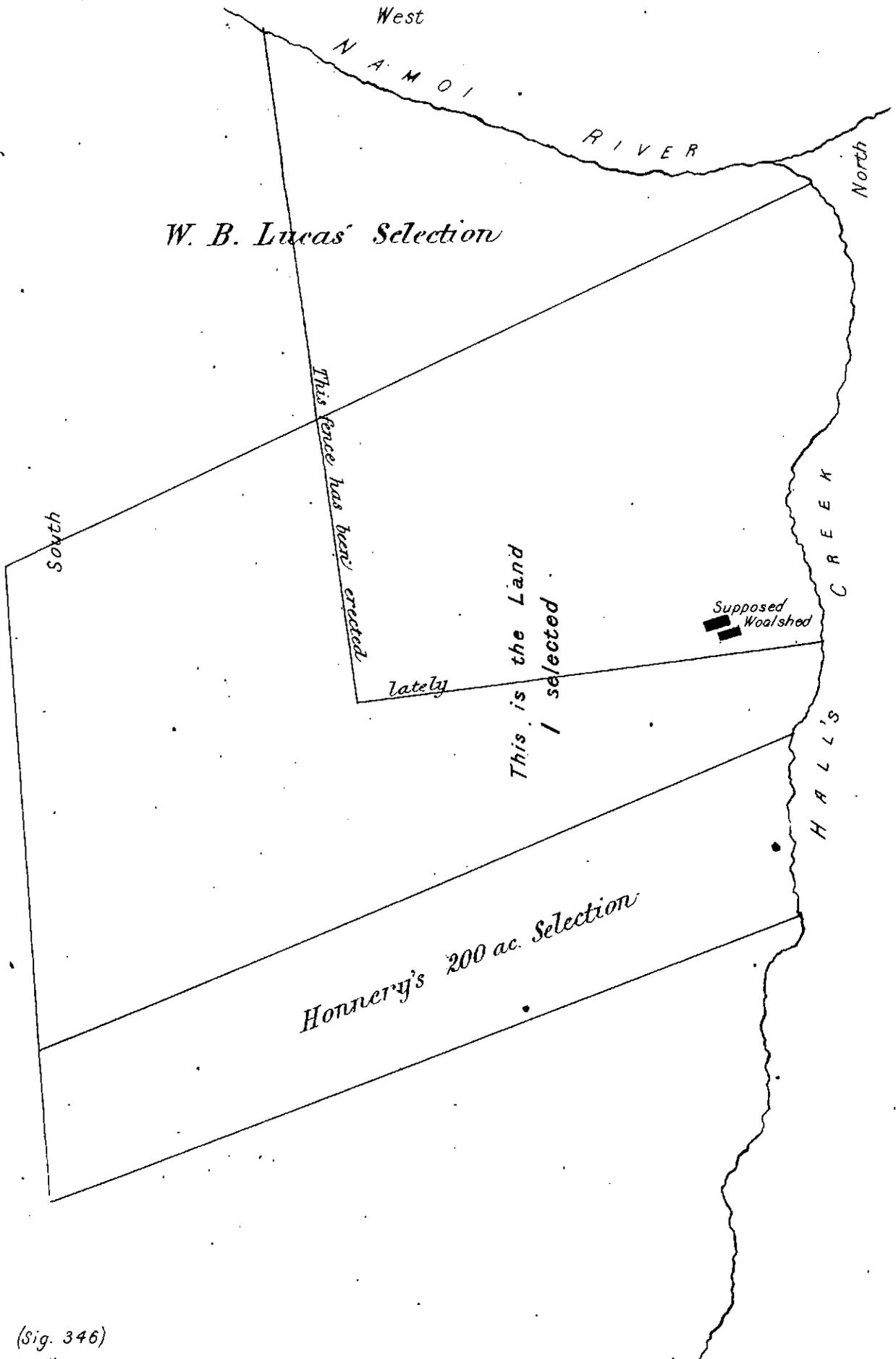


Notes

Scale, 8 Chains to an Inch.

Land selected by Roberts shown thus

To accompany my letter N^o 74/88 dated 30th September, 1874



(Sig. 346)

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(CONDITIONAL PURCHASE MADE BY PATRICK NUGENT—CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 2 July, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 20 February, 1877, That there be laid upon the Table of this House,—

“Copies of all Documents, Letters, Petitions, Memorials, Minutes, and
“other Papers having reference or relating to a Conditional Purchase
“made at Wagga Wagga by Patrick Nugent, on or about the 7th
“April, 1864.”

(Mr. Day.)

SCHEDULE.

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1. Thomas H. Mate to Chief Commissioner of Crown Lands, requesting permission to purchase two sections of land on Tarcutta Creek, to include improvements thereon, and minute. 15 March, 1855	4.
2. Chief Commissioner of Crown Lands to Commissioner of Crown Lands, Murrumbidgee, enclosing above application for report. 26 March, 1855	4
3. Same to T. H. Mate, informing him to above effect. 26 March, 1855	4
4. Commissioner, Crown Lands, Murrumbidgee, to the Chief Commissioner of Crown Lands, reporting on No. 2. 24 April, 1855	4
5. Chief Commissioner of Crown Lands to Surveyor General, transmitting Mr. Mate's application (see No. 1), and report thereon (see No. 4), and minute. 3 May, 1855	4
6. Same to Commissioner of Crown Lands, Murrumbidgee, with reference to No. 4. 3 May, 1855	5
7. Same to T. H. Mate, Esq., informing him of his application being forwarded to Surveyor General for disposal. (See Nos. 1 and 4.) 3 May, 1855	5
8. Surveyor General to Licensed-Surveyor Parkinson, conveying instructions to measure the land applied for by Mr. Mate (see No. 1), and minute. 29 May, 1855	5
9. Thomas H. Mate to Chief Commissioner of Crown Lands, requesting permission to purchase four sections on Tarcutta Creek, being portion of Oberne Reserve. 26 June, 1856	5
10. Acting Assistant Commissioner Lynch to T. H. Mate, in reference to above. 30 July, 1856	5
11. Licensed-Surveyor Parkinson to Surveyor General, transmitting description and plan, and reporting in reference to instructions to survey certain land applied for by Mr. Mate (see No. 8), with minutes and enclosures. 21 November, 1856	6
12. Surveyor General to Mr. T. H. Mate, with reference to instructions issued to measure the two portions of land applied for. (See Nos. 1 and 8.) 19 January, 1857	6
13. Thos. H. Mate to Surveyor General, in reply, and minutes thereon. 28 January, 1857	7
14. Under Secretary for Lands and Public Works to the Surveyor General, with reference to Mr. Mate's application to purchase under his pro-emptive right a portion of his Umutbee Run. (See No. 1.) 27 February, 1857	7
15. Surveyor General to Licensed-Surveyor Parkinson, with reference to the measurement of the land applied for by Mr. Mate. (See No. 11.) 2 March, 1857	7
16. Same to Licensed-Surveyor Parkinson, requesting information to be supplied in reference to above. 17 April, 1857.	8
17. Licensed-Surveyor Parkinson to T. H. Mate, with reference to the survey of selections at Umutbee. 17 April, 1857.	8
18. Same to Surveyor General, referring to No. 15, and minutes. 28 April, 1857	8
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20. Surveyor General to Commissioner Lockhart, requesting to have the value of the land applied for by Mr. Mate assessed in the usual way. 13 June, 1857	8
21. Commissioner Lockhart to Chief Commissioner, forwarding assessment of value of Mr. Mate's claim of pre-emptive right at Tarcutta, and enclosure. 31 August, 1857	8
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23. Memorandum by the Surveyor General with reference to Mr. Mate's application for the pro-emptive purchase of certain land within the Oberne Reserve. (See Nos. 1, 9, and 13.) 21 July, 1862	9

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25. Memorandum by Acting Surveyor General with reference to above. 29 May, 1863	10
26. Chief Commissioner of Crown Lands to Commissioner Lockhart, with reference to No. 24. 10 June, 1863	10
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28. Thomas H. Mate to Chief Commissioner of Crown Lands, with reference to his application to purchase four sections at Tarcutta Creek. (See No. 9.) 18 September, 1863	10
29. Telegram from Commissioner Lockhart to Chief Commissioner of Crown Lands, in answer to No. 27. 2 Oct., 1863.	10
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31. Same to same, further on same subject, and minutes. 7 October, 1863	11
32. Chief Commissioner of Crown Lands to Commissioner, Murrumbidgee District, in reply, and further in reference to Mr. Mate's application. 22 October, 1863	11
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34. Application by Patrick Nugent for the conditional purchase of certain land at Tarcutta Creek, county of Wynyard, with description and enclosure. 7 April, 1864	12
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83. Patrick Nugent to Minister for Lands, in reply to No. 24, and minutes thereon. 5 October, 1867	26
84. Under Secretary for Lands to Thomas Callaghan, Esq., forwarding certain documents for production at the trial of case at the Assizes at Wagga Wagga. 17 April, 1868	26
85. Thomas M. Callaghan to Under Secretary for Lands, returning papers alluded to above. 9 May, 1868	26
86. E. Burton, Esq., solicitor, to Under Secretary for Lands, requesting that the various documents put in evidence at the trial of the case Mate v. Nugent may be forwarded to the Prothonotary, and minutes. 26 May, 1868	27
87. W. Willans, solicitor, to Prothonotary, Supreme Court, forwarding various documents used as exhibits at the late trial of Mate v. Nugent, and enclosure. 28 May, 1868	27
88. Prothonotary, Supreme Court, to Under Secretary for Lands, forwarding certain documents produced on the trial of Mate v. Nugent. 9 September, 1868	27
89. Thomas H. Mate to the Minister for Lands, requesting to be informed whether the Government will support his claim in the event of his applying for a new trial in the case Mate v. Nugent, with opinion of the Attorney General thereon. 14 September, 1868	27
90. Under Secretary for Lands to T. H. Mate, Esq., in reply. 20 October, 1868	28
91. Receipt from the office of the Minister for Lands for the original deed of grant to Thos. H. Mate, signed by Chas. H. Walsh, attorney for Mr. Mate. 18 March, 1869	28
92. Walsh & Betts, solicitors, to the Minister for Lands, requesting that the papers in the disputed case of Mate v. Nugent may be produced at the trial at the Circuit Court, Wagga Wagga. 25 March, 1869	28
93. Bradley & Son, solicitors, to Under Secretary for Lands; similar application to above. 27 March, 1869	28
94. Treasury receipt for interest on conditional purchase made by P. Nugent. 31 March, 1869	28
95. Declaration by Patrick Nugent as to residence on his conditional purchase, and minute. 17 June, 1869	28
96. Office memorandum respecting Patrick Nugent's conditional purchase of 12th April, 1866. 25 January, 1870	29
97. Under Secretary for Lands to Judge's Associate, requesting return of the papers relating to the conditional purchase of Patrick Nugent. 9 February, 1870	29
98. Same to Patrick Nugent, stating that his application of the 12th April, 1866, for the conditional purchase of 90 acres of land, is void, with enclosure. 14 February, 1870	29
99. Under Secretary for Lands to Land Agent, Wagga Wagga, informing him that Patrick Nugent's application of the 12th April, 1866, is void. 14 February, 1870	29
100. Thos. H. Mate to the Minister for Lands, referring to No. 90, and requesting that he may be reimbursed the expenses incurred in the case of Mate v. Nugent, with minutes thereon. 24 January, 1871	30
101. Under Secretary for Lands to Thomas H. Mate, Esq., in reply, stating that the amount in question has been noted for Estimates. 6 March, 1871	30
102. Memorial of Patrick Nugent to His Excellency the Governor, praying for relief in the premises as detailed by him, with minutes and decision of the Minister thereon. 8 June, 1871	30
103. Under Secretary for Lands to Patrick Nugent, informing him of above decision. 24 June, 1871	31
104. Patrick Nugent to the Minister for Lands, in reply, with minutes. 14 August, 1871	31
105. Under Secretary for Lands to Mr. Patrick Nugent, replying to above-mentioned letter. 23 August, 1871	31
106. Patrick Nugent to the Minister for Lands, in reply to No. 105, with reference to the refund of the deposits paid by him on his conditional purchases on Tarcutta Creek, and minute thereon. 18 September, 1871	32
107. Under Secretary for Lands to Mr. Patrick Nugent, in reply. 30 September, 1871	32
108. Thomas Robertson, Esq., to the Minister for Lands, enclosing a letter from Mr. Mate with reference to his claim for compensation being placed on Estimates, and minutes thereon. 27 September, 1873	32
109. Petition of Patrick Nugent with reference to his conditional purchases and estimated losses sustained by him in the recent ejectment suit, with minute. 19 December, 1873	33
110. William M'Leay, Esq., M.P., to Mr. Patrick Nugent, with reference to his petition and that of Mr. Mate. 10 June, 1874	34
111. M. Fitzpatrick, Esq., to the Secretary for Lands, requesting a reply to Mr. P. Nugent's petitions. 19 November, 1874	34
112. Patrick Nugent to the Minister for Lands, applying that his claim for compensation may be placed upon the Estimates, with minutes thereon. 4 March, 1875	34
113. Patrick Nugent to William Forster, Esq., M.P., with reference to his application to have a sum of money placed on the Estimates to reimburse him for the expenses incurred by him in the ejectment case of Mate v. Nugent, and minutes thereon. 13 September, 1875	35
114. Same to the Minister for Lands, with reference to his petition for compensation, and minutes thereon. 8 January, 1876	35
115. Same to same, on same subject; minutes thereon. 17 March, 1876	36
116. Office memorandum on the case Mate v. Nugent, with reference to the question of compensation to Nugent in respect of the costs incurred by him. 6 January, 1877	36

CROWN LANDS.

No. 1.

Mr. T. Mate to The Chief Commissioner of Crown Lands.

Sir,

Tarcutta, 15 March, 1855.

I have the honor to request permission to purchase two sections of land on the east and west banks of the Tarcutta Creek, so as to include the improvements thereon, being portions of my run, known as Umutbee and Tonga, in the district of Murrumbidgee.

I have, &c.,

THOMAS H. MATE.

Referred to Commissioner Lockhart. Mr. Mate informed.—26 March, 1855.

No. 2.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands, Murrumbidgee.

Sir,

Crown Lands Office, Sydney, 26 March, 1855.

*Dated 15 March,
1855.
To be returned.
See No. 1.

I do myself the honor to request the favour of your report in the usual manner upon the enclosed *application of Mr. Thomas H. Mate to purchase two sections of land on Tarcutta Creek, in your district.

I have, &c.,

GEORGE BARNEY,

Chief Commissioner of Crown Lands.

No. 3.

The Chief Commissioner of Crown Lands to Mr. T. H. Mate.

Sir,

Crown Lands Office, Sydney, 26 March, 1855.

See No. 1.

I do myself the honor to inform you that it has been found necessary to refer to Mr. Commissioner Lockhart your application of the 15th, to purchase two sections of land on Tarcutta Creek, in the Murrumbidgee District.

I have, &c.,

GEO. BARNEY,

Chief Commissioner of Crown Lands.

No. 4.

The Commissioner of Crown Lands, Murrumbidgee, to The Chief Commissioner of Crown Lands.

Sir,

District of Murrumbidgee, Crown Lands Office, 24 April, 1855.

No. 2.

I do myself the honor to acknowledge receipt of your letter, dated 26th March, 1855, requesting my report on the application of Mr. T. H. Mate, of Tarcutta, to purchase, under his pre-emptive right, two sections of land on Tarcutta Creek.

In reply, I do myself the honor to state that the land sought for is held under-lease by Mr. Mate, and that he has, under existing Regulations, a right to his pre-emptive selection in the manner requested.

I have, &c.,

C. G. N. LOCKHART,

Commissioner of Crown Lands.

No. 5.

The Chief Commissioner of Crown Lands to The Surveyor General.

Sir,

Crown Lands Office, Sydney, 3 May, 1855.

See No. 1.

See No. 4.

I have the honor to transmit the enclosed application of Mr. T. H. Mate to purchase two sections of land on Tarcutta Creek, in the district of Murrumbidgee, together with the report of Mr. Commissioner Lockhart thereon, and I beg to request that the same may be disposed of in due course.

I have, &c.,

GEO. BARNEY,

Chief Commissioner of Crown Lands.

Charted on Murrumbidgee map. The application is to purchase land on each side of the creek containing the improvements at Umutbee and Tonga. The former are within the Umutbee Reserve, where Mr. Mate applied within the 12 months to purchase 320 acres, but which has not yet been measured. The reserve being now indefeasible, the present application cannot be allowed to interfere with it, and Mr. Parkinson may therefore be told to measure both the 640 acres beyond the reserve, a *tracing showing which is enclosed.—A.G.M., 17.

*Not with
papers.

No. 6.

5

No. 6.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands,
Murrumbidgee.

Sir,

Crown Lands Office, Sydney, 3 May, 1855.

I have the honor to inform you that your report of the 24th ultimo upon Mr. T. H. Mate's ^{See No. 4.} application to purchase two sections of land on Tarcutta Creek, in your district, has this day been transmitted to the Surveyor General for disposal of the application.

I have, &c.,
GEORGE BARNEY,
Chief Commissioner of Crown Lands.

No. 7.

The Chief Commissioner of Crown Lands to Mr. T. H. Mate.

Sir,

Crown Lands Office, Sydney, 3 May, 1855.

I have the honor to inform you that your application of the 15th March last, to purchase land ^{See No. 1.} on Tarcutta Creek, in the district of Murrumbidgee, together with the report of Mr. Commissioner ^{See No. 4.} Lockhart thereon, has this day been forwarded to the Surveyor General for disposal.

I have, &c.,
GEO. BARNEY,
Chief Commissioner of Crown Lands.

No. 8.

The Surveyor General to Mr. Licensed-Surveyor Parkinson.

Sir,

Surveyor General's Office, Sydney, 29 May, 1855.

Mr. T. H. Mate having applied to purchase, according to the annexed description, two sections of his licensed run called Umutbee and Tonga, you will measure and mark out the land so applied for in strict accordance with the Regulations, and forward to me a plan and description thereof, together with a report as to its mineral indications.

2. If you should consider that the land as measured is of a higher value than £1 per acre you will report the same to me, and place yourself in communication with the local Commissioner, and afford to him such information as may be necessary to enable him to have the value of the land assessed, and you will report again as to what the result may be of such assessment.

3. You will take care on no account to infringe on the Umutbee Reserve (which is now indefeasible), the position of which is shown by the enclosed tracing.

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

Description :

Two sections on the east and west banks of the Tarcutta Creek so as to include the improvements.

No. 9.

Mr. T. H. Mate to The Chief Commissioner of Crown Lands.

Sir,

Tarcutta, 26 June, 1856.

I have the honor to request permission to purchase two sections of land on the east and two sections on the west banks of the Tarcutta Creek, more or less, to include certain stations and lines, being a portion of the Oberne Reserve, situated on my run, known as Umutbee and Tonga, in the district of Murrumbidgee.

I have, &c.,
THOMAS H. MATE.

No. 10.

Mr. Acting Assistant Commissioner Lynch to Mr. T. H. Mate.

Sir,

Murrumbidgee District, Crown Lands Office, 30 July, 1856.

I do myself the honor to inform you that I have received from the Chief Office your application to purchase two sections on the east and two on the west banks of Tarcutta Creek, under pre-emptive right, over Umutbee and Tonga Runs, in this district, being portions of the Oberne Reserve, and that I have been called upon to report thereon.

Prior to my doing so, I would feel obliged by you favouring me with a more defined description. I won't warn you that it will be necessary to take the land from the "newly proclaimed reserve" as the original would be now indefeasible, and any selection thereon it would become my duty to report against.

I have, &c.,
R. LYNCH,
Acting Assistant Commissioner.

No. 11.

No. 11.

Mr. Licensed-Surveyor Parkinson to The Surveyor General.

Sir,

Mulwala, 21 November, 1856.

See No. 8.

Referring to your letter, dated 29th May, 1855, instructing me to measure two sections of land on the east and west banks of the Tarcutta Creek, applied for to purchase by T. H. Mate, in right of his runs called Umutbee and Tonga,—

Not with papers.

2. I have the honor to transmit herewith a description and plan of 2,900 acres (two thousand nine hundred acres), which I have measured in one block, to include two sheep stations and improvements leased by Mr. Mate.

This land is embraced within the Oberne Reserve, and situated at the confluence of the Umbango Creek with the Tarcutta Swamp, taking in a large portion of reedy swamp and boggy land, subject to the annual inundation; about (800 acres) eight hundred acres are suitable for agricultural purposes, the remaining portion is only calculated for pasture. I could not discover any traces of minerals upon the land measured, and do not consider it worth more than 20s. per acre.

I have, &c.,

SAM. PARKINSON.

This measurement is made by Mr. Parkinson on an application dated 15th March, 1855, to purchase two sections of land on the east and west banks of Tarcutta Creek, so as to include the improvements on the run of Umutbee and Tonga. The measurement is within the Oberne Reserve, which was proclaimed in July, 1855, with liability to defeat within a year, but 1,280 acres is the full extent applied for, and which can be allowed to Mr. Mate within that reserve. The improvements at Umutbee are purchased under another application, but there are improvements at Tonga which are part of the improvements referred to in the application, and it is questionable whether Mr. Mate should not be obliged to take one section there, thereby leaving only one section to be taken in defeat of the reserve, in the absence of a definite description by him of the locality applied for, and of any renewal or explanation of his application after the proclamation of the reserve.—A.G.M., 2 January, 1857.

In the first place communicate with Mate and inform him that he can only have 1,280 acres as applied for.—G.B.

It appears to me that the best course would be to cancel Mr. Parkinson's unauthorized measurement, disallow his charge for having made it, and insist on remeasurement, in strict obedience to the instructions which he has received.—G.B.

The area of 2,900 acres, as mentioned by Mr. Parkinson, doubtless at Mr. Mate's request, and being within the Oberne Reserve, cannot be allowed as a pre-emptive purchase by Mate. Mr. Mate's application for 1,280 acres was made previously to the proclamation of the Oberne Reserve, and as the locality is ill defined in the application it may be interpreted to be for a portion of that reserve, which may therefore be defeated to that extent, but no further. If Mr. Mate is content to take 1,280 acres in the reserve, or any less quantity, Mr. Parkinson will be instructed to survey.—A.G.M.

[Enclosure to No. 11.]

DESCRIPTION of two thousand nine hundred and sixteen acres, within the Oberne Reserve, applied for as a pre-emptive purchase by Thomas H. Mate, in right of his licensed runs of Umutbee and Tonga, in the district of Murrumbidgee (unsettled):—

2,916 acres. County of Wynyard, parish unnamed, at the Oberne Reserve, in the district of Murrumbidgee: Commencing at a point bearing south nine degrees thirty minutes (9-30) minutes west, and distant seventeen chains twenty-three (17-23) links from the south-east corner of the Umbango Creek Sheep Station Hut; and bounded thence on part of the south by a line bearing east one hundred and sixty (160) chains; on the east by a line bearing north (163) one hundred and sixty-three chains; on the north by a line bearing west one hundred and eighty (180) chains to a stake on Tarcutta Creek, bearing south 41 degrees 15 minutes east, and distant 190 chains from the south-east corner of the Umutbee Reserve; thence on the west by a line bearing south one hundred and sixty-three (163) chains; and again on the south by a line bearing east twenty (20) chains to the point of commencement. Exclusively of 18 acres, which have been deducted from the total area, for a road 1 chain wide, from Umutbee to Oberne and Tumut, passing through this land in a southerly south-easterly direction. Value to be assessed. Cost of survey not charged.

Transmitted to the Surveyor General with my plan and letter dated 21st November, 1856.

SAM. PARKINSON,

Licensed Surveyor.

No. 12.

The Surveyor General to Mr. T. H. Mate.

Sir,

Surveyor General's Office, Sydney, 19 January, 1857.

See No. 8.

I have to inform you that instructions were on the 29th May, 1855, issued to Mr. Licensed-Surveyor Parkinson for the measurement of two sections of the Umutbee Run, applied for in your letter of the 15th March preceding, and that in reference to these instructions Mr. Parkinson has made a survey of 2,900 acres, which is of course a proceeding unauthorized.

See No. 1.

2. As Mr. Parkinson has not offered any reason for disobeying instructions, it is inferred that it was at your request that he measured the 2,900 acres, which being within the Oberne Reserve cannot be allowed as a pre-emptive purchase by you.

3. Since, however, your application referred to was made previously to the date of the proclamation of the reserve you will be permitted to purchase to the extent of 1,280 acres, and on receipt of your reply to this communication Mr. Parkinson will be further instructed.

I have, &c.,

GEO. BARNEY,

Surveyor General.

No. 13.

Mr. T. H. Mate to The Surveyor General.

Sir,

Tarcutta, 28 January, 1857.

I have the honor to acknowledge the receipt of your letter of the 19th instant, informing me No. 12 that instructions were on the 29th May, 1855, issued to Mr. Licensed-Surveyor Parkinson for the measurement of two sections of the Umutbee Run, applied for by me on the 15th March preceding, and that Mr. Parkinson had made an unauthorized survey of 2,900 acres; and

2ndly. As Mr. Parkinson has not offered any reason for disobeying instructions it is inferred that it was at my request that he measured the 2,900 acres, which being within the Oberne Reserve cannot be allowed as a pre-emptive purchase by me.

In reply, I beg to inform you that when Mr. Parkinson came to measure the land I told him that I had applied for two sections on the east and west banks of the Tarcutta Creek, and that I wished the two stations, which I pointed out to Mr. Parkinson, to be included in one square block; that such was the meaning I intended to convey in my application of 15th March, 1855, which at the time I considered a sufficiently accurate description of the portion of my licensed run I wished to purchase. Had I merely intended two sections only I should have described it as one section on the east and west banks, believing the description sufficient for the application, but I was well aware that one section on the west bank would not comprise the station I wished to be included. And as my application stated to comprise certain improvements thereon I think it may be fairly presumed that I intended more than two sections.

As it appears solely through an unintentional indefinite description my application of 15th March, 1855, has been taken to mean two sections only, I trust my statement will be sufficient to show my original meaning of that application, and that the survey now made may be allowed.

I have, &c.,

THOS. H. MATE.

I suppose Mr. Mate is the best exponent of his own meaning, but the question still remains whether he can be allowed to purchase to the extent he desires.—3 Feb.

Under the Chief Commissioner's decision I presume descriptions will be forwarded to me.—5 February.

I feel it my duty in this case to say that in my opinion a greater quantity than 1,280 acres, (approximately) of the Oberne Reserve cannot be sold to Mr. Mate, under pre-emptive right, without the special sanction of the Secretary for Lands and Public Works. In fact, looking to the precedent of the Bumbo Run, at Boat-Alley, the purchase of any portion by Mr. Mate may be open to some question. The Oberne Reserve was proclaimed on the 4th July, 1855, but was liable to defeat by applications under pre-emptive right, if made within one year of the proclamation. No such applications were made within the year, and, therefore, by the letter of the proclamation the reserve became indefeasible, and although an application made previously to the proclamation of the intention to reserve may, in accordance with the spirit of the proclamation, be entertained (it being admitted to apply to a portion of the reserve although not definitely so stated) the area stated in that application is the full extent to which, as it appears to me, the reserve can be defeated without special authority. Mr. Mate's application will scarcely bear the interpretation which he now puts on it, that he meant four sections. Mr. Lockhart understood it to mean two only, and it was so understood in this office. It may be remarked that the improvements on the 2,900 acres measured are two existing and one old sheep station, huts, and yards.—A.G.M., 10 Feb.

It may be as well to refer the matter to the Secretary for Lands and Public Works for decision.—G.B., 10 Feb.

No. 14.

The Under Secretary for Lands and Public Works to The Surveyor General.

Sir,

Department of Lands and Public Works, Sydney, 27 February, 1857.

In reference to your letter of 16th instant on the subject of an application made by Mr. T. H. Mate to purchase under his pre-emptive right a certain portion of his Umutbee Run, I am directed to inform you that there does not appear to be any sufficient reason for refusing Mr. Mate's pre-emption to the larger extent claimed. If his application would cover it there was no occasion for a second application to defeat the reserve at Oberne in which the land desired is situated, and in judging how far it may fairly be taken to do so the intention of the applicant must be considered, and it seems that Mr. Mate's intention is very clear, from his instructing the surveyor to measure the larger quantity, while yet the reserve was defeasible (as from the dates appear to be probable) although this does not clearly appear. If there be no particular ground for withholding these sections from sale for the protection of the public the Secretary for Lands and Public Works sees nothing in the circumstances stated to render it proper to do so.

I have, &c.,

MICHL. FITZPATRICK.

No. 15.

The Surveyor General to Mr. Licensed-Surveyor Parkinson.

Sir,

Surveyor General's Office, Sydney, 2 March, 1857.

I have to request that you will be so good as to inform me, with the least possible delay, on what date you made the measurement of the 2,900 acres pre-emptive purchase for Mr. Mate, which was forwarded in your letter of the 21st November last, or on what date Mr. Mate made application to you See No. 11. for the measurement of the larger area referred to.

I have, &c.,

GEORGE BARNEY, S.G.

No. 16.

No. 16.

The Surveyor General to Mr. Licensed-Surveyor Parkinson.

Sir,

Surveyor General's Office, Sydney, 17 April, 1857.

I have to draw your attention to my letter of the 2nd ultimo, inquiring the date at which you made the measurement of the land applied for as a pre-emptive purchase by Mr. Mate, and I request that you will put me in possession of the required information without any further delay.

I have, &c.,

GEORGE BARNEY, S.G.

See No. 15

No. 17.

Mr. Licensed-Surveyor Parkinson to Mr. T. H. Mate.

Sir,

Sydney, 17 April, 1857.

With reference to your note of to-day, requesting to know the date of my survey of four sections at Umutbee, &c., I can scarcely give you the exact date of the month, but it must have been about the end of June last year when I made the survey, but your application to me was made some months previous, when I met you in Albury.

I remain, &c.,

SAM. PARKINSON.

No. 18.

Mr. Licensed-Surveyor Parkinson to The Surveyor General.

Sir,

Sydney, 28 April, 1857.

Referring to your letter dated 2nd March, 1857, requesting to know when Mr. Mate applied to me to measure his land at Umutbee and Tonga, and also the date of that measurement, I have the honor to inform you that Mr. Mate applied to me to measure his land about the 20th March, 1856, through a Mr. Withers in his employment, and that the survey was made between the 1st and 10th days of June following.

I have, &c.,

SAM. PARKINSON,

Licensed Surveyor.

See No. 15.

This settles the question, and the purchase may, I presume, be completed after assessment.—G.B., May 1. Tracing herewith for the Commissioner of Crown Lands, Murrumbidgee District. The purchase being so extensive, and part of a Reserve, should be assessed.—A.G.M., 4 June.

No. 19.

Memorandum for completion of Pre-emptive Purchase.

Registration No. of Measurement.	Name of Applicant to purchase under Pre-emptive right.	Name of Run out of which it is intended to purchase.	District and Class.	Area measured.	Price per acre.	Cost of Survey.
56-13,064	T. H. Mate	Umutbee and Tonga	Murrumbidgee (Unsettled.)	Acres. 2,916	.....	.....

To be assessed.—Tracing herewith for Commissioner.

Surveyor General's Office,
Sydney, 8th June, 1857.

H.H. Letter to Commissioner for assessment, enclosing tracing.—8 June.

No. 20.

The Surveyor General to The Commissioner of Crown Lands, Murrumbidgee.

Sir,

Crown Lands Office, 13 June, 1857.

I have the honor to request that you will at your earliest convenience have the value of the land applied for to purchase by Mr. T. H. Mate, at Umutbee and Tonga, assessed in the usual way.

I have, &c.,

GEORGE BARNEY.

No. 21.

The Commissioner of Crown Lands, Murrumbidgee, to The Chief Commissioner of Crown Lands.

Sir,

Murrumbidgee District, Crown Lands Office, 31 August, 1857.

I do myself the honor to forward the assessment of the value of Mr. Mate's claim of pre-emptive right at Tarcutta, being 2,916 acres, as ordered in your letter of 13th June, 1857.

I have, &c.,

CHARLES G. N. LOCKHART,

Commissioner.

See No. 20.

[Enclosure

[Enclosure to No. 21.]

ESTIMATE of the value of a block of land, consisting of 2,916 acres, situated on the Oberne Reserve, applied for under his pre-emptive right of purchase by Mr. T. H. Mate, of Umutbee and Tonga Stations, in the district of Murrumbidgee.

I, the applicant for the above described block of land, in virtue of my pre-emptive right of purchase, on Umutbee and Tonga Stations, in the Murrumbidgee District, have requested Mr. John Smith, of Kyeamba, to act, and do hereby authorize him acting as valuator in my behalf in estimating the value of the same.

As witness my hand, at Albury, this }
28th day of July, 1857,— }

THOMAS H. MATE.

We, the undersigned, have this day inspected the block of land above described, as applied for by Mr. T. H. Mate, of Umutbee and Tonga Stations, for the purpose of fixing its value in fee simple.

We find that the land applied for is of the most ordinary description, and we fix the price at the minimum of 20s. (twenty shillings) per acre.

As witness our hands, at Kyeamba, this }
24th day of August, 1857— }

W. SMITH, Valuator for T. H. Mate.
CHARLES G. N. LOCKHART, Commissioner for Crown Lands.
Valuator for the Crown.

No. 22.

The Under Secretary for Finance and Trade to The Surveyor General.

Sir,

The Treasury, Sydney, 21 July, 1858.

I have the honor to enclose the accompanying return of purchases, under pre-emption, which have been duly completed.

I have, &c.,
HENRY LANE.

Deed prepared 7th September, 1858.—J.C.

[Enclosure.]

EXTRACT from Return referred to.

Name.	District.	Name of Run.	Extent.		Purchase price.		Survey Fee.	Deed Fee.	Date of authority (Gazette).	Date of Payment.				
			a.	r.	p.	£	s.	d.	£	s.	d.	1858.	1858.	
Thomas Hodges Mate ...	Murrumbidgee	Umutbee ..	2,916	0	0	2,916	0	0	3	0	0	16 April...	25 May.

The Treasury, N.S.W., 21 July, 1858.

HENRY LANE.

No. 23.

Memorandum by The Surveyor General.

Mr. Mate informs me, that before the proclamation of the Oberne Reserve he applied for the pre-emptive purchase of two sections of land now within that reserve. Date of application, March 15th, 1855. See No. 1.

That after the proclamation, and while the reserve was open to defeat, he applied (dated June 26/56) See No. 2. to purchase four sections in defeat, making in all six sections.

That he has only as yet purchased four sections, and now desires to purchase the remaining two sections, and that they be now excepted from conditional purchase by instructions to the agent.

In Mr. Mate's letter of January 28th, 1857, in which the application for four sections was satisfied, See No. 13. thus leaving the application of March, 1855, still unsatisfied.

A.G.M., 21 July, 1862.

Mr. Mate will call to hear result in a week.

The application of the 15th March, 1855, was for two sections subsequently embraced by the Oberne Reserve. The letter of the 28th January, 1857, is Mr. Mate's explanation, that he intended to apply for the four sections which at his instance Mr. Parkinson measured, on instructions which were for the survey of the two sections only, and on this explanation the Secretary for Lands approved of Mr. Mate's being allowed the larger quantity.—24th February. It appears from the register that Mr. Mate applied for two sections more on the 26th June, 1856. This application, which was made about the time Mr. Parkinson was measuring the four sections, and while the reserve was open to defeat, has not been returned by the Commissioner, so that it cannot be determined whether it referred to part of the land measured, or to two sections not included in the survey. In the latter case Mr. Mate will, I apprehend, have a claim to purchase the two additional sections. Perhaps the Chief Commissioner of Crown Lands will take measures to have the application of 26th June, 1856, which it appears was never returned by Mr. Commissioner Lockhart, dealt with.—A.G.M., 25 July, 1862. Request Mr. Lockhart to have this document forwarded.—29 July.

No. 24.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands,
Murrumbidgee.

(56-6,209 of 26 June, 1856.)

Sir,

Crown Lands Occupation Office, Sydney, 8 August, 1862.

At the instance of the Surveyor General, I beg to call your attention to the documents of the date bearing the number given above, being an application from T. H. Mate to purchase two sections at Tarcutta Creek, and which was forwarded to you on the 8th July, 1856, but has not been returned by you or dealt with; and I have to request that you will have the goodness to forward the same without delay.

I have, &c.,

A. O. MORIARTY,

Chief Commissioner.

No. 25.

Memorandum by The Acting Surveyor General.

THE required document has not yet been returned by Mr. Commissioner Lockhart. I presume, and I would therefore request, that the Chief Commissioner of Crown Lands will be so obliging as to desire that it may be returned without avoidable further delay.

W.R.D., 29 May, 1863.

Surveyor General's Office.

No. 26.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands,
Murrumbidgee.

Sir,

Crown Lands Occupation Office, Sydney, 10 June, 1863.

I have the honor to remind you that you have not forwarded to me, as requested in my letter of the 8th August last, an application from Mr. T. H. Mate to purchase two sections at Tarcutta Creek, which was forwarded to you on the 8th July, 1856, and I have to request that you will transmit the document without any further delay.

I have, &c.,

A. O. MORIARTY,

Chief Commissioner.

See No. 24.

No. 27.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands,
Murrumbidgee.

Sir,

Crown Lands Occupation Office, Sydney, 9 September, 1863.

I have the honor to request that you will be good enough to explain, for the information of the Minister for Lands, why you have neglected to reply or attend to my letter of 8th August, 1862, and reminder of the 10th June last, respecting an application of Mr. Mate's to purchase two sections of land at Tarcutta.

I have, &c.,

A. O. MORIARTY,

Chief Commissioner.

See Nos. 24 and 26.

No. 28.

Mr. T. H. Mate to The Chief Commissioner of Crown Lands.

Sir,

Sydney, 18 September, 1863.

With reference to my application of June, 1856, for permission to purchase, in virtue of my pre-emptive right, four sections of land at Tarcutta Creek, I beg to give a more definite description of the land applied for, viz.:—160 acres: Commencing on the left bank of the Tarcutta Creek, where the eastern boundary-line of my purchased block of 2,916 acres crosses the said creek; on the west by the continuation of the said boundary-line; on the north by the said creek; on the south by a line to include the building and fencing thereon. 320 acres, situated on the right bank of Tarcutta Creek, about half a mile north of the northern boundary of my purchased block of 2,916 acres. 320 acres, situated on the left bank of the Tarcutta Creek, about half a mile north from the north-west corner of my block of 2,916 acres. 160 acres, more or less, on the left bank of the Tarcutta Creek, bounded on the north-east by the creek; on the west by the eastern boundary of 154 acres purchased land; on the south by a line to the creek.

I have, &c.,

THOMAS H. MATE.

See No. 9.

No. 29.

Telegram from Mr. Commissioner Lockhart to The Chief Commissioner of Crown
-Lands.

Deniliquin, 2 October, 1863.

Your letter of 9th September, about Mate's, received by me on my return to Deniliquin last night. Report by next mail as I shall be able to stop here for (4) four days.

See No. 27.

No. 30.

The Commissioner of Crown Lands, Murrumbidgee, to The Chief Commissioner of Crown Lands.

Sir,

Murrumbidgee District, Crown Lands Office, 7 October, 1863.

It appears from a letter addressed to me by you, under date of the 10th June, 1863, that on the 8th of August, 1862, you had ordered me to forward an application from Mr. Mate to purchase two sections of land at Tarcutta, which application had been forwarded to me for my report on 8th July, 1856.

In reply, I do myself the honor to state that if such application be yet in my possession it must be mislaid amongst papers at the late office at Tumut. As I am proceeding thither in a very short time, for the purpose of removing all records and documents which will have to be severally examined, should the application be there it will be recovered doubtless.

There is a strong impression in my mind, however, that the application was dealt with, and duly returned to the office in Sydney. I have not access at present to the letter book which would confirm this impression, but I do remember perfectly well marking off the two sections, and cannot think I would have done so much without following it up. There can be no doubt, however, but that Mr. Mate made due application for two sections at Tarcutta to which he was fully entitled, and of which he should receive a grant even should the original application have been lost by any "laches" of mine.

I have, &c.,

C. G. N. LOCKHART,
Commissioner for Crown Lands.

No. 31.

The Commissioner of Crown Lands, Murrumbidgee, to The Chief Commissioner of Crown Lands.

Sir,

Murrumbidgee District, Crown Lands Office, 7 October, 1863.

I do myself the honor to acknowledge the receipt of your letter of 9th September, 1863, ^{See No. 27.} asking me to explain, for the information of the Hon. the Minister for Lands, why I did not attend to your letter of 8th August, 1862, and to your reminder of 10 June last, respecting an application from Mr. Mate to purchase two sections of land at Tarcutta. ^{See Nos. 24 and 25}

In reply, I do myself the honor to declare most pointedly that to the best of my knowledge and belief your letter of 8th August, 1862, never reached me, I have not any recollection of it, and it is most certainly not on the file of letters which have not been acted on.

The first I heard of this letter was from Mr. Pretious, Chief Clerk in your office, who informed me in April last that such a letter had been written and that Mr. Mate was moving in the matter; I stated then to that gentleman what I now state in a separate report. My reason for not replying to the reminder of June 10th last was simply that I might be in a position, after a visit to Tumut, to reply decidedly on the subject. That visit has been delayed by the floods preventing the progress of indispensable business near Moulamein.

I have, &c.,

C. G. N. LOCKHART,
Commissioner for Crown Lands.

INFORM Mr. Lockhart that it is of the utmost importance that the application referred to should be found, and re-transmitted, inasmuch as the land to which it extended is liable under present circumstances to be at any time applied for under conditional selection, and further complications must of necessity arise in the event of such a contingency arising. It seems probable that the application has been overlooked by Mr. Lockhart, under an impression that the land was a portion of that 2,916 acres which has since been sold to Mr. Mate in satisfaction of application dated 15th March, 1855. The latter, it may be stated, though so expressed as to include apparently but two sections was, under Mr. Mate's explanation, and by the authority of the Government, admitted and disposed of as extending to the whole area purchased. The present question is as to the further application, dated 26 June, 1856 (and received within the prescribed period for defeat of the reserve), for a further purchase of two sections, and it does not appear that any action has taken place with reference to this subsequently to its transmission for Mr. Lockhart's report, under date 8th July, 1856.

Send also a copy of Mr. Mate's letter, dated 18th ultimo, giving the particulars of the land which the mislaid application was meant to enclose, and request that in the event of Mr. Lockhart being unable to forward the original he will compare these particulars with any number that he has retained showing the sections, which as stated in his separate report of 7th instant he marked off, so that their identity may be established.

Request Mr. Lockhart to communicate with whoever has been left in the charge of his office documents at Tumut, in order that the matter may be arranged without any delay. Looking to the time that has already been lost, and to the urgency of the case, I shall, in the event of failing to procure the requisite documents or particulars speedily, through the Commissioner's agency be under the necessity of sending an officer to Tumut to obtain them from among the records remaining at that place.

A.O.M., 20 October, /63.

Request Mr. Lockhart to attend to this matter directly on his return to Tumut.—20 November, 1863.

No. 32.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands, Murrumbidgee.

Sir,

Crown Lands Occupation Office, Sydney, 22 October, 1863.

With reference to your letter of the 7th instant, respecting Mr. Mate's application to purchase two sections at Tarcutta Creek, under pre-emptive right, I have the honor to inform you that it is of the utmost importance that the application referred to should be found and re-transmitted, inasmuch as the land

land to which it is extended is liable, under present circumstances, to be at any time applied for under conditional selections, and further complications must of necessity arise in the event of such contingency arising. It seems probable that the application has been overlooked by you under an impression that the land was a portion of the 2,916 acres, which have since been sold to Mr. Mate in satisfaction of application, dated 15 March, 1855. The latter, it may be stated, though as expressed so as to include apparently but two sections was, under Mr. Mate's explanation and by the authority of the Government, admitted and disposed of as extending to the whole area purchased.

The present question is as to the further application, dated 12 June, 1856 (and reserved within the prescribed period), for a further purchase of two sections, and it does not appear that any action has been taken with reference to this subsequently to its transmission for your report, under date 8 July, 1856. I beg to forward you herewith a copy of a letter addressed to me by Mr. Mate on the 18th ultimo, giving the particulars of the land which the mislaid application was meant to embrace, and I have to request that in the event of your being unable to forward the original you will be good enough to compare these particulars with any memorandum you may have retained, showing the sections which, as stated in your separate report of 7th instant, you marked off, so that their identity may be established. I have also to request that you will be good enough to communicate with whoever has been left in charge of your office documents at Tumut, in order that the matter may be arranged without further delay. Looking to the time that has already been lost, and the urgency of the case, I shall, in the event of failing to procure the requisite documents or particulars speedily through your agency, be under the necessity of sending an officer to Tumut to obtain them from among the records remaining at that place.

I have, &c.,

A. O. MORIARTY,
Chief Commissioner.

No. 33.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands,
Murrumbidgee.

Sir,

Crown Lands Occupation Office, Sydney, 28 November, 1863.

Referring to my letter of 22nd ultimo, respecting Mr. Mate's application to purchase under pre-emptive right certain land at Tarcutta, I have the honor to request that you will be good enough to attend to the matter in question, directly on your return to Tumut.

I have, &c.,

A. O. MORIARTY,
Chief Commissioner.

No. 34.

Application by Mr. P. Nugent.

APPLICATION for the conditional purchase of unimproved land without competition, by Patrick Nugent, of Umbango, near Tarcutta, received with deposit, this 7th day of April, 1864, at 1 o'clock, by Edwin H. Tompson, Land Agent at Wagga Wagga District.

Sir,

Wagga Wagga, 7 April, 1864.

I desire to purchase under the "Crown Lands Alienation Act of 1861" without competition, the portion of unimproved Crown land hereunder described; and I tender herewith a deposit of five (5) shillings per acre on the area for which I apply.

I am, &c.,

PATRICK NUGENT.

The Crown Lands Agent, Wagga Wagga.

Description.

County of Wynyard, parish unnamed, 120 acres, situated on Tarcutta Creek: Commencing on the west bank of Tarcutta Creek, at the northern boundary of Mr. Thomas Mate's 2,916 acres, 60 chains west, 20 chains north, 60 chains east to the creek, and 20 chains south to the point of commencement.

Nugent's application returned to the Surveyor General, the land applied for being now included in a portion measured for Mr. Mate in right of his Umutbee and Tonga Run, Murrumbidgee District.—J.H.W., Albany, 8 June, 1865. Mr. Fitzgerald. Should be cancelled.—E.S., 9/9/65.

[Enclosure to No. 34.]

Police District of Wagga Wagga, 7 April, 1864.

Received at 1 o'clock—Deed Fee, £1.

RECEIVED from Patrick Nugent, of Umbango, the sum of £30, being a deposit of 5 shillings per acre on 120 acres of unimproved land, situated on Tarcutta Creek, in the county of Wynyard, and which I have selected by a written application as a purchase under the 13th section of the Land Alienation Regulations, dated 1 November, 1861.

EDWIN H. TOMPSON,
Agent for Sale of Crown Lands.

No. 35.

Mr. T. H. Mate to The Chief Commissioner of Crown Lands.

Sir,

Sydney, 23 April, 1864.

Since my last interview with you, respecting my application to purchase a portion of my run, I have received a copy of the application made by me, which I herewith enclose, and come with to certify on oath if required that to the best of my knowledge and belief the same is a true copy.

I am, &c.,

THOMAS H. MATE.

Submitted for the commands of the Honorable the Minister for Lands.

The Oberon Reserve was notified in the *Gazette* on the 4th July, with an intimation that the lessee of the land might, within twelve months thereafter, defeat the proposed reservation, by the purchase of the whole or part of the land.

Mr.

See No. 28.

No. 32.

See receipt
annexed.

See No. 9.

Mr. Mate had previously applied to purchase portions (which have since been alienated to him), and he also on the 26th June, 1856 (that is, within the specified period of twelve months), made a further application, which was duly received and forwarded to the District Commissioner to be reported on, but cannot be traced further.

With respect to this last-mentioned application Mr. Mate has made several representations since the month of July, 1862, and in the following month I wrote to Mr. Lockhart to return the original application. In his last communication on the subject (7th October, 1863) Mr. Lockhart promised to make search for it among the papers in his late office at Tumut, when arranging them for removal to Deniliquin, but although this gentleman left Sydney about two months since, under an understanding with me that he was to return to his district by way of Tumut with a view to the transfer of his office records, and the transaction of other business in that part of the district, I have not since heard from him in reference to the matter, or indeed any other. See No. 31.

Mr. Mate has now supplied a copy of his application of 26 June, 1856, and also attested by a declaration before a magistrate the particulars of the land thereby designed to be purchased. Having regard to the special circumstances of the case, I respectfully recommend that the application be now dealt with in the ordinary course, as made within the stipulated period for defeat of the reserve.

A.O.M., 25 May, 1864.

Approved.—J.B.W., 27 May. Chief Commissioner of Crown Lands.—M.F., B.C., 27 May.
Now forwarded to the Surveyor General for disposal as above suggested.—A.O.M., B.C., 31 May, 1864.
Inform.

No. 36.

The Surveyor General to Mr. Licensed-Surveyor Wood.

Sir,

Surveyor General's Office, Sydney, 6 May, 1864.

Printed instructions sent to measure under pre-emptive right, four portions containing respectively 160, 320, 320, and 160 acres of the Umutbec and Tonga Runs, in the Murrumbidgee District, for Thomas H. Mate.

W. R. DAVIDSON,
Surveyor General.

P.S.—The land to be measured forms a part of the Oberne Reserve, which was proclaimed as a reserve open to defeat; but as Mr. Mate made his application within twelve months from the date of proclamation of the reserve, the Honorable the Secretary for Lands has determined that Mr. Mate may purchase the land under pre-emptive right.—W. R. DAVIDSON, Surveyor General.

No. 37.

The Chief Commissioner of Crown Lands to Mr. T. H. Mate.

Sir,

Crown Lands Occupation Office, Sydney, 7 June, 1864.

In reply to your letter of the 23rd April last, and with reference to your declaration subsequently lodged of the particulars of certain land applied for by you under pre-emptive right, at Tarcutta, by letter dated 26th of June, 1856, I have the honor to inform you that the Honorable the Minister for Lands, having regard to the special circumstances of the case, has been pleased to direct that your application shall now be dealt with in the ordinary course, and the matter has been referred to the Surveyor General for disposal. See No. 35.

I have, &c.,
A. O. MORIARTY.

No. 38.

The Commissioner of Crown Lands, Murrumbidgee, to The Chief Commissioner of Crown Lands.

Sir,

Murrumbidgee District, Crown Lands Office, 1 August, 1864.

In your letter to me of the 22nd October, 1863, you do me the honor to point out the necessity of obtaining the original application made by Mr. T. H. Mate for land which he wished to purchase under pre-emptive right out of the Tarcutta Reserve, which application had been forwarded to me for report on 8th July, 1856. See No. 32.

I now do myself the honor to forward the original application so sent for my report. On reference to the letter books and other documents which have now arrived here from Tumut, it appears that on July 30th, 1856, that is immediately after receipt of your order to report, I attempted to place myself in communication with Mr. Mate on the subject. I addressed him in a letter, begging for more detailed information as to where he required the land, pointing out to him the difference between the two reserves. Similar to No. 9.

To that letter I never received any reply. I do not know even now where he wishes to have the land. It appears that so early as 1856 I wished Mr. Mate to do that which he did at your request on 18th September, 1863. Had he done so, there would have been none of this misunderstanding in the matter. It does not appear even now at all clear to me where this land applied for is situated. If it be on the extended reserve he has a right to get it; if it be on the old original reserve, then when that application was made that reserve had become indefeasible. See No. 23.

I have, &c.,
CHARLES G. N. LOCKHART,
Crown Lands Commissioner.

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No. 39.

Mr. T. H. Mate to The Surveyor General.

Sir, Tarcutta, 9 August, 1864.
I beg to inform you that the (120) one hundred and twenty acres of land selected on the Tarcutta Creek by Patrick Nugent, comprises a portion of land applied for by me in virtue of my pre-emptive right. I also beg to state that Nugent was apprised by me, prior to his selection, that I have applied for the said land. I have, &c.,

THOMAS H. MATE.

Forwarded to Mr. Surveyor Wood for his report, with reference to former instructions of the 2nd July last.—W.R.D., B.C., 17 August, 1864. To be returned.

No. 40.

Mr. District-Surveyor Wood to The Surveyor General.

Sir, District Survey Office, Albury, 6 September, 1864.
With reference to your blank cover memorandum of the 17th ultimo, I have the honor to inform you that the instructions for the measurement of the pre-emptive portions for Mr. Mate have been transferred to Mr. Licensed-Surveyor J. Berry, who is now absent from Albury; and not having made a copy of the description of the land applied for, I cannot at present state from memory the exact locality.

2. Nugent's conditional purchase is situated on the left bank of the Tarcutta Creek, adjoining Mr. Mate's 2,916 acres portion on the north side.

3. If it should be found, from comparing the applications, that Mr. Mate's was made prior to Nugent's, I will instruct Mr. Berry to return the latter for cancellation.

I have, &c.,

JAMES H. WOOD,
Surveyor.

Must await Berry's survey for Mate.—E.O.S., 12/10/64.

No. 41.

Mr. P. Nugent to The Minister for Lands.

Sir, Tarcutta Creek, 1 November, 1864.
I take the liberty of writing to you, hoping that I may receive a favourable answer to this letter from you. On the 7th day of April, 1864, I paid £30 to the Land Agent at Wagga Wagga as a deposit on 120 acres of land situated on the Tarcutta Creek, and described by me as under:—To commence on the west bank of the Tarcutta Creek, at the northern boundary of Mr. T. H. Mate's 2,916 acres; then to go 60 chains west; and then to go 20 chains north; and then 60 chains east to the Tarcutta Creek; and then 20 chains up that creek to the point of commencement. As Mr. T. H. Mate has more than his purchased ground fenced in his large paddock, I cannot find his right boundary on the north line from the west to the east corner; therefore I cannot commence to fence in my land until it is properly surveyed. I applied to the Land Agent to get this done for me. In May last he wrote me word that he had no power to get the land surveyed. Perhaps I may be on the wrong ground. If so, it will ruin me and leave me very badly off. I have a wife and eight children to get a living for; the eldest child is only 10 years of age last June. On Sunday, October 23rd, 1864, I buried my mother here, aged 74 years. I am not able to shift about the country with this young family, I have lived within from 5 to 10 miles of here for the last 24 years, on Mr. T. and W. Walker's Kyamba Station. I would wish to stop in this neighbourhood the remainder of my days. I have cleared and stumped about 11 acres of the land and sown it with wheat this year. It has taken some money from me to get this done. The season was so far gone when I commenced on the place. The ground not being surveyed is now keeping me back from fencing and getting a lot of land cleared for the next year. If you could get the land surveyed for me soon I would have a good home for my family, and the land paid for in three years. If you can do anything for me I hope you will never want a friend yourself. I am not accustomed to writing letters. Pray excuse this, from your obedient servant,

PATRICK NUGENT.

P.S.—The receipt I hold for the land is No. 2727.

No. 42.

Memorandum by Mr. W. McLeary.

Patrick Nugent, Umbango, Tarcutta, 7th April, 1864.

Description:

120 acres. Section 13 Alienation Act, 1861. County of Wynyard, parish unnamed. 120 acres of land, situated on the Tarcutta Creek: Commencing on the west bank of Tarcutta Creek, at the northern boundary of Mr. Thomas Mate's 2,916 acres, 60 chains west, 20 chains north, 60 chains east to the creek; and 20 chains south to the point of commencement.

Left by Mr. W. McLeary on the 29th December, 1864. Surveyor General's Office.

No. 43.

No. 43.

Mr. T. H. Mate to The Surveyor General.

Sir,

Sydney, 1 February, 1865.

With reference to my application of June, 1856, for permission to purchase under pre-emptive rights four sections of land at Tarcutta Creek, and renewed application of September, 1863, with more detailed information; I beg to state that in November last Messrs. Berry called upon me for the expressed purpose of surveying the land. Upon my pointing out to Messrs. Berry the third portion, viz., 320 acres, on the left bank of Tarcutta Creek, north-west of my block of 2,916 acres, I was informed that they could not measure the land to include the portion I wished for without the authority of the Surveyor General. Should it appear to you, sir, that the land cannot be measured to meet my anticipations, I beg most respectfully to be allowed to increase the measurement so as to include the portion of land I intended in my application.

Messrs. Berry informed me that 320 acres would include the land I pointed out, if measured as anticipated by me. If, through any error or misconception on my part, I have not given a sufficiently accurate description of the land I sought to purchase, and when it is borne in mind that I forwarded my description at the instance of the Chief Commissioner of Crown Lands, when I was, distant from the locality 300 miles, I do hope that what appears common justice to me may be extended, either by increasing the land according to my anticipation, or allowing me to extend the quantity to include the same.

Considering also, sir, that this matter remaining in abeyance so long has not been through any error on my part, and believing that had the land been measured within two or three or more years after my former application I might have secured four sections of 640 acres each, I trust I may indulge the hope of a favourable consideration of my request.

I have, &c.,

THOMAS H. MATE.

P.S.—I beg also to state that I informed Patrick Nugent, the conditional selector, prior to his selection of the portion applied for by me, that I had made application for the land under my pre-emptive rights, and only awaited the surveyor to survey the same.—T.H.M.

No. 44.

Memorandum by The Surveyor General.

MR. MATE made application on 26th June, 1856, for four sections of land (two on each side of the Tarcutta Creek), situated within the Oberne Reserve, proclaimed 4th July, 1855, and open to defeat within twelve months from that date. In consequence of papers having been mislaid at the Local Crown Lands Office, the measurements were not made at that time, and in September, 1863, Mr. Mate furnished a certified copy of his application of 1856 (and at the request of the Chief Commissioner of Crown Lands that he would furnish a more detailed description of the land required) modified the areas applied for to two portions of 320 acres each, and two of 160 acres each; instructions for the measurement of this land were issued on 5th July, 1864.

It appears from Mr. Mate's letter of 1st February instant, that the surveyor has refused to measure one of the above 320 acres portions in such form as to include the land which Mr. Mate intended by his applications to secure (*see portions coloured red on tracing herewith*), as such measurement would be contrary to the practice of the department.

*On 7th April, 1864, Patrick Nugent selected as a conditional purchase a portion of the land which Mr. Mate desired to secure (*see 120 acres coloured green on tracing*), although Mr. Mate states that he fully informed the selector of his prior claim to the land.

The point marked A on the tracing, $\frac{1}{2}$ mile from the north-west corner of the 2,916 acres, was the only point fixed by the description furnished by Mr. Mate of this 320 acres in 1863, and taken as the centre of the eastern boundary thereof, the portion measured in accordance with the practice of the department would be as colored blue on tracing, and by increasing the area thereof to between 400 and 500 acres, would include the land desired by Mr. Mate.

Mr. Mate now requests to be allowed to increase the measurement so as to include the portion of land intended in his application, and he further urges that the delay in this matter of nearly nine years has not been through any error on his part, and that had the land been measured within a few years of the application, he might have secured four sections of 640 acres each.

It is therefore submitted, for the decision of the Honorable the Minister for Lands, whether Mr. Mate's original application for a section could be held in force, to the exclusion of the conditional purchaser abovenamed, from land which had it not been for the abovementioned delay Mr. Mate would have probably had no difficulty in securing, under the pre-emptive right, as at that period (should no other objection arise) the description given would not have been a bar to the measurement of any area which the lessee might desire to take, not exceeding 640 acres.

(For the Surveyor General),
P. F. ADAMS,

18 Feb.

- 1st. Ascertain whether or not the free-selector has complied with the law by residence?
- 2nd. If so, what value the improvements (if any) are?
- 3rd. Ascertain whether or not Mr. Mate made other application between the date of his first application and that of September, 1863, or whether he slept on his rights in the matter from 1856 to 1863?
- 4th. Whether Mate's application of 1863 was of prior date to the free-selector's?

JOHN ROBERTSON.

See minute of Secretary for Lands above.—M.F., 24 February. Surveyor General. Returned, Surveyor General's Office.

[Enclosure

[Enclosure C to No. 44.]

CONDITIONAL Purchase application, made by Patrick Nugent on 7th April, 1864, at 1 p.m., for 120 acres at Umbango Tarcutta—Wagga Wagga. Deposit £30, paid April 13th, 1864.

Description :

County of Wynyard, parish unnamed, 120 acres, situated on Tarcutta Creek : Commencing on the west bank of Tarcutta Creek, at the northern boundary of Mr. Thomas Mate's 2,916 acres, 60 chains west, 20 chains north, 60 chains east, to the creek, and 20 chains south, to the point of commencement.

No. 45.

Mr. P. Nugent to The Hon. John Robertson.

Sir,

Tarcutta Creek, 20 February, 1865.

I take the liberty of writing to you, hoping you will send some advice how I am to act in the matter here referred to by me. On the 7th April, 1864, I went to the Land Agent at Wagga Wagga, and I paid him £30 as a deposit on 120 acres of land that I have selected on the west bank of the Tarcutta Creek, joining Mr. T. H. Mate's 2,916 acres of purchased land. I have applied to the late Minister of Lands (about last October) to have the land measured for me, as Mr. Mate told other people and me that I would not get the land. I received no answer from the Minister for Lands. On the 8th November, 1864, Mr. Berry, land surveyor, from Albury, came here with instructions to measure 320 acres of land for Mr. Mate; and if Mr. Mate's application overlapped my application, I then would have to shift on other ground, as Mate had applied some years ago for land under the pre-emptive right law, when his 320 acres were measured according to the surveyor's instructions, and according to the Land law.

Mr. Mate then saw that his claim did not overlap my selection, so he then stopped the survey of my land. The surveyor has arrived here to-day to measure 640 acres of land on the west bank of the creek, instead of the 320 acres measured in November for Mr. Mate. When the land was measured in November there were then 6 or 8 chains of a gap between Mate and me. If the 640 acres now are measured Mr. Mate will take the land from me, and my improvements. I hope that the Land law that you made to give me and the like of me a chance to make a home will not give Mate the right of throwing up his first measured land and making a second application, which I consider worse than a highwayman—the one takes my money, the other wants my labour. Also, I have lived on the next station to Mr. Mate, with Mr. John Smith, of Kyamba, for about twenty-four years, and I defy Mate to say a wrong word against me; but since I have taken up land on his run I think he would sooner see me get grog at his inn, or hemp from his store, than land on his run, for my money.

I am here over ten months; I laid out £217 cash on this place. On the 10th October I buried my mother here—it was her last request of me; she was 74 years of age. I then considered the place my own, or I would not have promised her to do so. I have a wife and eight children, the eldest but ten years old. I cannot ramble about with this family, and what wages I would get by service would not keep us independent;—this is why I want a home for them where no man may tell me to go off his land or out of his house. I hope in God that you will be able to let me stop where I am. The surveyor has a few days work on the east bank of the creek before he comes over here to measure. If you could stop the survey for a few days and inquire into this, I believe I am entitled to the land I applied for. If there are any instructions, to be sent to the surveyor; his name is Mr. T. H. Berry, licensed surveyor; at work on Tarcutta Creek, 5 miles up that creek from the post office; or, if by telegram, to the Kyamba telegraph office, with the Tarcutta directions; or if there is an answer to this for me, direct "P. Nugent, Tarcutta Creek."

This letter is already too long, but I am not in the habit of writing, so I hope you will excuse,—
Yours, &c.,

PATRICK NUGENT.

P.S.—Please to send me some word, good or bad.

Surveyor General.—M.F., B.C., 27 Feb., /65. Urge the surveyor to send in his report. Mr. Nugent should be warned that possibly his conditional purchase will be cancelled, as it may be included in Mate's application.—E.O.S.

No. 46.

Mr. P. Nugent to The Minister for Lands.

Sir,

Tarcutta, 10 March, 1865.

On the 20th February last I wrote you a letter, and I registered it at Adelong, hoping that you might get it the sooner, and that I might get an answer from you. As I have not as yet received an answer, I here write you again, to know what I am to do about this land that I have taken up under the 13th section of your Land Act of 1861. The land is 120 acres, on the Tarcutta Creek, county of Wynyard, parish of Oberne, on T. H. Mate's run. It appears that Mate had a claim in for land under the pre-emptive right law for some years, but he never took the land up until I had taken some; then he got Mr. Berry, surveyor, from Albury, to measure 320 acres of land—about the 8th November, 1864. When the surveyor measured the land for Mr. Mate in November, the surveyor told me that he had instructions to measure the land for me that I selected on 7th April, 1864, if Mr. Mate's application for 320 acres did not overlap my application for 120 acres when Mate's land was measured. Then there was a distance of 6 or 8 chains between Mr. Mate's land and the land that I had applied for. The surveyor then went away without measuring my land, and returned here on 20th February, 1865, to measure land again for Mr. Mate. When Mate had the land measured in November, and found it would not take in my huts and the land that I have been working at since last April, I believe he threw up his first 320 acres, and shifted about 30 chains south, so as to overlap all my land; and the huts and the land was measured for Mate on February 23rd, 1865. Now, as I have been living on and improving the land for the last eleven months—and I wrote to the Land Agent to get me the land measured, also to the late Minister for Lands,

Lands, and I have received no answer from either of them, or from any member of the Government, about this land—will you be so good as to let me know if on the 7th of April next the land is not measured for me, or if I get no word before then from the Government, will I have it in my power to get the land surveyed according to the 27th section of your Land Act of 1861;—or must I stop here idle, with a wife and eight children, for another twelve months, waiting for survey of the land?

Sir, you will oblige by answering this, if it is not against the law, to set a working-man right before he is robbed out of his time and labour.

I am, &c.,
PATRICK NUGENT.

Inform and refer, 23 March, /65. Referred to Surveyor General.—M.F., B.C., 25 March, 1865.

No. 47.

The Under Secretary for Lands to Mr. P. Nugent.

Sir,

Department of Lands, Sydney, 25 March, 1865.

I am directed to inform you that your letter of the 10th instant, respecting your selection of ^{Sec No. 46.} 120 acres, has been forwarded to the Surveyor General with reference to previous correspondence.

I have, &c.,
M. FITZPATRICK.

No. 48.

Mr. Surveyor Berry to The Surveyor General.

Sir,

Albury, 7 April, 1865.

I have the honor to transmit a plan of portion 13, parish of Oberne, county of Wynyard, ^{Appendix C.} according to instructions received personally from District Surveyor.

I have, &c.,
JOHN BERRY.

This portion was measured for sale but must now be cancelled, being included in Mr. Mate's pre-emptive portion of 640 acres, portion 12, parish of Oberne.—J.H.W., A.D.S., Albury, B.C., 7 Dec., 1875.

No. 49.

Mr. Surveyor Berry to The Surveyor General.

Sir,

Albury, 13 April, 1865.

I have the honor to transmit a plan of portion 12, parish Oberne, county Wynyard, 320 acres, ^{Appendix D.} applied for as pre-emptive purchase by Thomas H. Mate, in right of his runs Tonga and Umutbee, in the Murrumbidgee District. See letter 6th August, 1864, and to report that it was necessary to reserve a road from Tarcutta to Umbango, through this portion.

I have, &c.,
JOHN BERRY.

Mr. Surveyor Wood may, I suppose, be instructed to resurvey a portion not (plan enclosed) exceeding 640 acres?—E.D., 1/8/65. Forwarded to Mr. Surveyor Wood for the above purpose.—HENRY HALLORAN (For the Sur. General), B.C., 12 August, 1865.

No. 50.

Mr. District-Surveyor Wood to The Surveyor General.

Sir,

District Survey Office, Albury, 6 May, 1865.

I have the honor to forward herewith a sketch showing Patrick Nugent's improvements on ^{Appendix E.} the Tarcutta Creek.

I beg to inform you that on the 7th April, 1864, a selection was made by Nugent, on the Tarcutta Creek, commencing at the north-west corner of Mr. Mate's 2,916 acres, and bounded on the east by the creek, downwards; Mr. Mate also made application for a pre-emptive right of 320 acres, commencing on the west bank of the Tarcutta Creek, 40 chains from the north-west corner of his 2,916 acres, but without stating whether the east boundary was to be up or down the creek from that point. I instructed Mr. Licensed-Surveyor Berry to ascertain from Mr. Mate whether his portion was to run north or south of the starting point and to measure accordingly. Mr. Mate chose the land up the creek and has thus included in the portion the land selected by Nugent. Nugent is not resident on the land selected by him owing, as he informed me, to being misinformed by Mr. Mate as to the corner of the 2,916 acres, thinking it was near the point marked A on sketch.

Nugent's improvements I estimate to be worth about £70.

As these applications conflict, perhaps the Surveyor General will be so good as to instruct me how I am to act in this matter.

I have, &c.,
JAMES H. WOOD,
Surveyor.

No. 51.

The Surveyor General to Mr. District-Surveyor Wood.

Sir,

Surveyor General's Office, Sydney, 10 May, 1865.

I have the honor to refer you to the instructions which were issued to you on the 2nd July, 1864, for the measurement of a conditional purchase of 120 acres on Tarcutta Creek, applied for by Patrick Nugent, and I request that you will be good enough to forward, without delay, your plan of the survey of the land, together with your report.

I have, &c.,

W. R. DAVIDSON.

Cannot be obtained.

No. 52.

The Surveyor General to Mr. District-Surveyor Wood.

Sir,

Surveyor General's Office, 10 May, 1865.

I have the honor to request that you will be good enough to inform me whether Patrick Nugent has fulfilled the conditions of residence on his conditional purchase required by Act.

I enclose for your guidance and information a description of the land to which I refer.

I have, &c.,

W. R. DAVIDSON.

No. 53.

Mr. District-Surveyor Wood to The Surveyor General.

Sir,

District Survey Office, Albury, 18 May, 1865.

In reply to your letter of the 10th instant, directing me to forward my plan of the survey of Patrick Nugent's conditional purchase of 120 acres on the Tarcutta Creek, I have the honor to inform you that in consequence of Mr. Mate having a prior claim under pre-emptive right to the land applied for by Nugent, the portion has not been measured.

I further beg to state that I proceeded to the locality last March for the purpose of ascertaining what improvements Nugent had made, a plan of the survey of which, and accompanied with my report, I transmitted to head quarters on the 6th instant.

I have, &c.,

JAMES H. WOOD,

Surveyor.

No. 52.

See No. 50.

No. 54.

Mr. District-Surveyor Wood to The Surveyor General.

Sir,

District Survey Office, Albury, 18 May, 1865.

In reply to your letter of the 10th instant, requesting me to state whether Patrick Nugent has fulfilled the condition of residence on his conditional purchase required by the Act, I have the honor to inform you that he is not resident on the portion of land as described in his application and that his residence is about 13 chains south of the land applied for.

2. I beg to state that I transmitted on the 6th instant a sketch showing the position of Nugent's improvements.

I have, &c.,

JAMES H. WOOD,

Surveyor.

No. 52.

See No. 50.

No. 55.

Mr. District-Surveyor Wood to The Surveyor General.

Sir,

District Survey Office, Albury, 8 June, 1865.

I have the honor to transmit a plan of a portion measured by Mr. Licensed-Surveyor Berry for Mr. Mate, and requesting that I may be informed whether the survey, so far as regards the locality, is unobjectionable.

2. As the survey has to be slightly amended, any further alteration (if required) might be made at the same time.

I have, &c.,

JAMES H. WOOD,

Licensed Surveyor.

Not with papers.

See No. 28.

No. 56.

Memorandum of The Surveyor General, and Decision of The Minister for Lands.

Further in reference to the application of T. H. Mate to purchase under pre-emptive right. NUGENT, the conditional purchaser, does not reside on the land described in his application; his cultivation and fencing constituting the bulk of his improvements, valued at £13, are on land claimed by Mr. Mate; the remainder of the improvements, valued at £28, are not upon land so claimed. Mr. Mate did apply for the measurement of this land about the year 1860, and was by me (then District Surveyor) informed that I had no instructions and was referred to the Chief Commissioner of Crown Lands. Mr. Mate's renewed application is dated 1863, seven months prior to the conditional purchase. Had it not been for the delay caused by the loss of the original application the land would have been measured as desired by Mr. Mate before 1860, there being at that time no restriction as to the exact position of measurements of this class unless otherwise objectionable. It is therefore submitted that the land was under contract prior to the conditional purchase which should be cancelled, and the deposit returned as in the cases of Mathews and Boller with the Twofold Bay Pastoral Association.

The Under Secretary for Lands.

P. F. ADAMS,

(For Surveyor General), 3 July, 1865.

Irrespective of the above, Mr. Mate is willing to pay the appraised value of the improvements made on the land. Under all circumstances stated, I think the deposit should be returned and the sale made to Mate on his payment for said improvements.—JOHN R. Surveyor General.—M.E., 5 July, /65.

No. 57.

19

No. 57.

Memorandum by The Deputy Surveyor General.

As, under the decision of the Honorable the Minister for Lands, Mr. Mate is to be allowed to purchase^{Sec No. 53.} the land originally applied for by him, on paying to the conditional purchaser of the value of his improvements, I suppose the enclosed tracing No. 1 may be forwarded to Mr. Mate, with the request that he^{Sec No. 49.} will state whether he is satisfied with the measurement of the 320 acres as thereon shown, or whether he would desire its extension further down the creek. At the same time tracing No. 2 of 320 acres, on the^{Not with papers.} opposite bank of the creek, may be forwarded to Mr. Mate for his approval.

Inform Mr. Mate of decision, forwarding tracings.—10 July.

P.F.A., 10 July, /65.

No. 58.

Mr. T. H. Mate to The Surveyor General.

Sir,

Tarcutta, 26 July, 1865.

I have to acknowledge the receipt of your letter of 17th instant, informing me of the^{Book containing this letter cannot be found.} Honorable Secretary for Lands having approved of my purchasing the land on the Oberne Run, originally applied for by me, conditionally that I pay Nugent the value of the improvements effected by him, and requesting me to state whether I will be satisfied with the measurements as shown by tracings enclosed.

In reply, I beg to state that the measurement of the land, 320 acres, on the left bank of the creek, does not comprise all the land applied for by me. I have therefore to request that the south boundary-line may be extended, say 2 chains further south, and the north boundary-line extended further north, so as to include the points intended to be included in my original application.

I find also that the 320 acres measured on the right bank of the creek does not include the lines pointed out by me to Mr. Surveyor Berry; and I have therefore to request that the south boundary-line may be extended further south, to include the lines intended by me to purchase.

I have, &c.,

THOS. H. MATE.

Mr. Mate should be informed in terms of the Minister's memo. of the 3rd July.—E.O.S., 21/11/65.^{Sec No. 56.}
Nugent should, perhaps, be informed of decision, and upon intimation of payment for improvements his application will be cancelled, and the deposit refunded.

No. 59.

Mr. District-Surveyor Wood to Mr. Licensed-Surveyor Berry.

Sir,

District Survey Office, Albury, 24 August, 1865.

I have the honor to request that you will, as early as convenient, amend your survey of Mr. Mate's pre-emptive purchase of 320 acres on the Tarcutta Creek. The area of the portion is now to be increased to 640 acres, by bringing the south boundary about 2 chains further south (to embrace the improvements effected by Nugent), and extending the north boundary down the creek, to include the quantity, and, if unobjectionable, to include the points intended to be included in Mr. Mate's original application.

I have, &c.,

JAMES H. WOOD,

A.D.S.

No. 60.

Mr. Licensed-Surveyor Berry, transmitting Plan, &c.

Sir,

Albury, 23 November, 1865.

I have the honor to transmit a plan of portion 12, parish of Oberne, county of Wynyard, 640^{Appendix F.} acres, applied for as pre-emptive purchase by Thomas Hodges Mate, and surveyed in accordance with instructions from District Surveyor's letter, 24 August, 1865, hereto attached.^{See No. 59.}

I am, &c.,

(For Messrs. Berry),

THOS. BERRY.

Application dated 26 June, 1856, defeating reserve, proclaimed 4 July, 1855. Already purchased 4,317 acres in four portions. Further applications made in 1856, which have been measured as 194, 298, and 320 acres, which, with this portion of 640 acres, form a total of 5,769 acres in eight portions, comprising an area of 120,000 acres. The Secretary for Lands approving of the sale of this 640 acres to Mr. Mate, on payment by him of certain compensation to one Patrick Nugent. The side lines do not extend back 80 chains, but the water frontage is not excessive, being 1 chain to 8 acres, according to Regulations. Appraiser, Owen C. Beardmore. Tracing herewith for appraiser.—P.F.A., 10/1/66. Mr. Reeves, for description of this 640 acres.—E.D., 10/1/66. Description prepared.—R.B.R., 11/1/66.

No. 61.

Description of Pre-emptive purchase.

PRE-EMPTIVE purchase by T. H. Mate, in right of licensed runs of Umutbee and Tonga, District of Murrumbidgee. (2nd Class Settled, late Unsettled.)

Description.

640 acres. County of Wynyard, parish of Oberne, on Tarcutta Creek, at the confluence of Umbango Creek, portion 12: Commencing on the left bank of Tarcutta Creek, at the north-western corner of T. H. Mate's 2,916 acres; and bounded thence on the east by part of the western boundary of that

that land bearing south 1 degree 30 minutes west 15 chains; on the south by a line bearing west 90 chains and 28 links; on the west by a line bearing north 94 chains and 60 links; on the north by a line bearing east 44 chains and 97 links to Tarcutta Creek; and on the north-east by that creek, upwards, to the point of commencement. Exclusively of the existing road 1 chain wide, from Tarcutta to Umbango, passing through this land in a south-easterly direction, the area of which has been deducted from the total area.

R.B.R., 11 January, 1866.

No. 62.

The Surveyor General to Mr. T. H. Mate.

Sir,

Surveyor General's Office, Sydney, 23 February, 1866.

I beg to inform you, in reference to your application of the 26th June, 1856, to purchase certain land on Tarcutta Creek under pre-emptive right, that the said land has been measured, and the Honorable the Secretary for Lands having authorized me in that respect, I have appointed Mr. Owen C. Beardmore, of Homebush, near Sydney, appraiser on behalf of the Government. If you are satisfied that the land in question shall be valued by him alone, you will please sign the form sent herewith, marked "A"; if, however, you wish to appoint an appraiser to act on your own behalf, you will sign the form "B" annexed. In this case you will be required to pay the costs of such appraiser, and of the umpire who will then have to be appointed, and upon forwarding the same to Mr. Beardmore he will proceed herein to act on behalf of the Government. You will of course understand, that unless an appointment, in either form A or B, be forwarded to him within sixty days from this date, he will proceed with the appraisement, in accordance with the 3rd clause of the 23th section of the Alienation Act.

2. In appointing an appraiser you will be so good as to sign your name in full.

I have, &c.,

W. R. DAVIDSON.

[Enclosure.]

(A.)

WHEREAS I, Thomas Hodges Mate, of Tarcutta, in the Colony of New South Wales, have made application to purchase certain unoccupied Crown lands, situate at Tarcutta Creek, a description whereof is set out in my letter to the Surveyor General, bearing date; and the Minister for Lands has intimated that he is willing to appoint Owen C. Beardmore, of Homebush, in the Colony of New South Wales, gentleman, to appraise the value of the said land on behalf of the Government: And whereas I am desirous of concurring in the appointment of the said Owen C. Beardmore as such appraiser as aforesaid: Now, therefore, I, the said Thomas H. Mate, do hereby nominate and appoint the said Owen C. Beardmore to be appraiser on my behalf, to the intent that upon his being appointed by the Minister for Lands as appraiser on behalf of the Government, he may as sole appraiser determine the matters aforesaid.

In witness whereof, I have hereunto set my hand this 6th day of March, A.D. 1866.

THOMAS H. MATE.

No. 63.

Appointment of Appraiser by Government.

WHEREAS Thomas H. Mate, of Tarcutta, in the Colony of New South Wales, has applied to purchase under pre-emptive right certain Crown land, situate in the Murrumbidgee District, part of the Umotbee and Tonga Runs, a description whereof is set out in the schedule hereinafter written: Now I, the Surveyor General of New South Wales, having been duly authorized by the Minister for Lands, in pursuance of the powers vested in him under and by virtue of the "Crown Lands Alienation Act of 1861," do hereby appoint Owen C. Beardmore, of Homebush, near Sydney, in the Colony of New South Wales, to be the appraiser on behalf of the Crown, to appraise the value of the said land and the price to be paid by the said Thomas H. Mate for the purchase thereof.

In witness whereof, I have hereto set my hand this 23rd day of February, A.D. 1866.

W. R. DAVIDSON,
Surveyor General.

Schedule referred to.

640 acres. County of Wynyard, parish of Oberne, on Tarcutta Creek, at the confluence of Umbango Creek, portion 12: Commencing on the west bank of Tarcutta Creek, at the north-western corner of T. H. Mate's 2,916 acres; and bounded thence on the east by part of the western boundary of that land by a line bearing south 1 degree 30 minutes west 15 chains; on the south by a line bearing west 90 chains 28 links; on the west by a line bearing north 94 chains 60 links; on the north by a line bearing east 44 chains 97 links to Tarcutta Creek; and on the north-east by that creek, upwards, to the point of commencement: Exclusively of the existing road 1 chain wide, from Tarcutta to Umbango, passing through this land in a south-easterly direction, the area of which has been deducted from the total area.

I, THE within-named Owen C. Beardmore, do solemnly and sincerely declare that I am not directly or indirectly interested in the matter referred to me, and that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me, under the "Crown Lands Alienation Act of 1861."

Subscribed and declared this 3rd day of March, A.D. 1866, before me,—
OWEN C. BEARDMORE.
M. M. COHEN, J.P.

No. 64.

Appraisement by single Appraiser.

To all to whom these presents shall come,—

I, Owen C. Beardmore, of Homebush, in the Colony of New South Wales, gentleman, send, greeting:—

WHEREAS on the 23rd day of February, in the year of our Lord one thousand eight hundred and sixty-six, I was duly appointed by the Minister for Lands, and on the 6th day of March, in the year of our Lord one thousand eight hundred and sixty-six, by Thomas Hodges Mate, of Tarcutta, in the Colony of New South Wales, as the sole appraiser to fix and determine the price or value to be paid by the said T. H. Mate for certain unoccupied Crown lands situate at Tarcutta Creek, a description whereof is set out in the Schedule in the paper writing hereto annexed: And whereas I have entered upon the consideration of the value of the said land, and have heard and considered the evidence produced before me by or on behalf of the Minister for Lands and the said Thomas Hodges Mate: Now I, the said Owen C. Beardmore, do hereby declare the sum of £640 to be the value of the said land, and do appraise and fix that sum as the amount to be paid by the said T. H. Mate for the purchase thereof from the Crown; and I assess and fix the costs of this appraisement payable to me at the sum of £2 10s., which said sum I direct shall be paid by the Minister for Lands.

In witness my hand, this 6th March, 1866.

OWEN C. BEARDMORE,
Appraiser.

Forwarded to the Chief Commissioner of Crown Lands in order that further required action may be taken.—W.R.D., B.C., Surveyor General's Office, 2 Oct., /66.

No. 65.

Application by Mr. P. Nugent.

(No. 86 of 1866.)

APPLICATION for the additional conditional purchase of unimproved land, without competition, by Patrick Nugent, of Tarcutta.

Received, with deposit, this 12th day of April, 1866, at 12 o'clock, by

EDWIN H. TOMPSON,
Land Agent for Wagga Wagga District.

Sir,

I desire to purchase, under the "Crown Lands Alienation Act of 1861," without competition, the portion of unimproved Crown land hereunder described; and I tender herewith a deposit at the rate of five (5) shillings per acre on the area for which I apply.

I have, &c.,
PATRICK NUGENT.

The Crown Land Agent, Wagga Wagga.

Description.

County of Wynyard, parish of Oberne, 90 acres, near or on Tarcutta Creek, all that piece or parcel of land situate in the county of Wynyard, at Oberne Reserve, on the Tarcutta Creek: Commencing on the Tarcutta Creek, at the south-east corner of the portion of 120 acres conditionally purchased by the said Patrick Nugent on the 7th day of April, 1864, at the Wagga Wagga Crown Lands Office, and bounded on the north by the south boundary of said conditional purchase, being a line west 60 chains to the south-west corner of said conditional purchase; thence on the west by a line south at right angles to the north boundary 15 chains; thence on the south by a line east at right angles to the west boundary, and parallel to the north boundary 60 chains; thence on the east by a line north at right angles to the south boundary and parallel with the west boundary 15 chains, to the commencing point.

PATRICK NUGENT.

No. 66.

Mr. T. H. Mate to The Surveyor General.

Sir,

Tarcutta, 14 May, 1866.

In pursuance of your letter of 23rd February last, relative to the appraisement of 640 acres of land applied for under my pre-emptive right, I beg to inform you that the said land has been duly appraised; but I was informed by Mr. Thomas, one of the officers of your department, that the matter awaited a certificate to show that Nugent had been paid the value of the improvements, in terms of your letter of 17th July, 1865.

Although I most respectfully demur to such a condition, having warned Nugent of his intrusion before he had made improvements to the value of £10, yet as I had promised to pay him a fair value for any improvements serviceable to me, I have, in fulfilment of that promise, proffered to pay for the improvements effected by him; but Nugent most positively refuses to accede to any proposals. I have therefore to request that you will adopt such measures as will give me the occupation and ownership of the land I have so long sought to obtain.

I have, &c.,
THOMAS H. MATE.

The value of Nugent's improvements to be ascertained. informed to above effect.—31 May, /66.

*Mr. T. H. Mate and Mr. P. Nugent
* Books containing these letters cannot be obtained.

No. 67.

Mr. P. Nugent to The Surveyor General.

Sir,

Tarcutta, 7 June, 1866.

See note on No] 66.

I have the honor to acknowledge the receipt of your favor of the 31st May last. In reply I beg to say that when I selected the land in question it was open to conditional purchase without competition, and was within the area so reserved.

If the Government have permitted this without providing for Mr. Mate's interests, it appears to me that that is a matter between the Government and Mr. Mate, and not between the Government and myself, who has been two years in possession, and improved the land, without any molestation, relying on the faith of the Act.

Under these circumstances I respectfully decline to take any steps in valuing improvements, and beg to say I shall hold possession of the land in question until I am dispossessed by law, in adopting which course you cannot blame me.

I have, &c.,

PATRICK NUGENT.

As Nugent will not give up the land, what course should now be pursued? Nugent declines to give up the land. What action should now be taken in reference to land?—E.O.S., 29/8/76. Submit the case to the Secretary for Lands, and request to be informed what steps are to be taken with regard to Nugent.—W.R.D., 30 August, /66. I understand that Nugent has made another conditional purchase, which must also be cancelled.—E.O.S.

No. 68.

Memorandum by The Deputy Surveyor General.

I AM told that Nugent has made an additional conditional purchase at Wagga Wagga Land Office; his original conditional purchase was cancelled, and I believe the land now taken up interferes with T. H. Mate's pre-emptive purchase.

P.F.A., 12 Sept., /66.

Mr. Smith or W. Fitzgerald.

No. 69.

The Surveyor General to Mr. P. Nugent.

Sir,

Surveyor General's Office, Sydney, 17 September, 1866.

Deposit paid, £20.

I am directed to inform you that the application made by you at Wagga Wagga on the 7th April, 1864, for the conditional purchase of 120 acres of land is void, as it is included in land measured for T. H. Mate, under pre-emptive right.

2. Enclosed is a form which, on being filled up in accordance with the instructions thereon, and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your deposit.

I have, &c.,

W. R. DAVIDSON.

[Enclosure to No. 69.]

(C.P. Reg. 64/695.)

Voucher No.

The Consolidated Revenue Fund Dr. to Patrick Nugent,—

	Amount to be refunded.
Date of credit at the Treasury, 13 April, 1864 :—	
For a refund of the deposit paid by Patrick Nugent on a conditional purchase of 120 acres of land, selected by him at the Crown Land Office, Wagga Wagga, on the 7th day of April, 1864, cancelled because it is included in land measured for T. H. Mate, under pre-emptive right :—120 acres at 5s..	£ s. d. 30 0 0
Total.....	£ 30 0 0

No. 70.

The Surveyor General to The Crown Lands Agent, Wagga Wagga.

Sir,

Surveyor General's Office, Sydney, 17 September, 1866.

I am directed to inform you that the applications of Patrick Nugent, made at Wagga Wagga on the 7th April, 1864, and 12th April, 1866, for the conditional purchases of 120 and 90 acres of land respectively are void, as they are included in land measured for T. H. Mate under pre-emptive right.

2. Forms for refund of deposit have been forwarded for the signature of the applicant, the nature of which you will be so good as to explain to him if required.

I have, &c.,

W. R. DAVIDSON.

No. 71.

The Surveyor General to Mr. P. Nugent.

Sir,

Surveyor General's Office, Sydney, 20 September, 1866.

Deposit paid, £22 10s.

I am directed to inform you that the application made by you at Wagga Wagga on the 12th April, 1866, for the conditional purchase of 90 acres of land is void, because the original purchase to which this is additional has been cancelled.

2. Enclosed is a form which, on being filled up in accordance with the instructions thereon and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your deposit.

I have, &c.,

W. R. DAVIDSON.

[Enclosure

[Enclosure to No. 71.]

(C.P. Reg. 66/1,433.)

Voucher No.

The Consolidated Revenue Fund Dr. to Patrick Nugent,—

	Amount to be refunded.
Date of credit at the Treasury, 18 April, 1866 :—	
For a refund of the deposit paid by Patrick Nugent on a conditional purchase of 90 acres of land selected by him at the Crown Land Office, Wagga Wagga, on the 12th day of April, 1866, cancelled because the original purchase to which this is additional has been cancelled :—90 acres at 5s.	£ s. d. 22 10 0
Total.....	£ 22 10 0

No. 72.

Mr. P. Nugent to The Surveyor General.

Sir,

Tareutta Creek, 24 September, 1866.

In reply to your letters of the 17th and 20th instant, I refer you to my letter of the 7th of June last for my decision on the matter of this land. I enclose you the vouchers as I will have nothing to do with them, having paid my deposit according to law, and I propose holding possession of the land until dispossessed by law. See Nos. 69 & 71.
See No. 67.
See enclosures to
Nos. 69 and 71.

I humbly beg to state that this land was not measured for Mr. Mate previous to my conditional purchase of same, having occupied and improved said land according to the terms of the Land Act. It seems to me a very hard matter that no poor man is safe in making a home if a squatter wishes to use his influence to injure him.

Yours, &c.,
PATRICK NUGENT.

No. 73.

The Surveyor General to The Under Secretary for Lands.

Sir,

Surveyor General's Office, Sydney, 25 September, 1866.

Referring to my blank cover letter of the 3rd July last year, relative to certain land at Tareutta, in dispute between Mr. T. H. Mate and one Patrick Nugent, I have the honor to request that, as Nugent declines to give up the land, you will favour me with instructions as to what further steps should be taken in the matter. See No. 66.

I have, &c.,
W. R. DAVIDSON.

This land may be formally given to Mr. Mate.—J.B.W., 27 September. Surveyor General.—
M.F., 27 September, /66.

No. 74.

Gazette Notice.

Pre-emptive Purchases.

Department of Lands, Sydney, 20 November, 1866.

It is hereby notified that His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the persons mentioned in the annexed list being allowed to purchase, under their pre-emptive right, the portions of land specified against their respective names, applied for during the currency of the leases under the Orders in Council.

2. The purchase money, as provided by the 5th clause of the Regulations under the Alienation Act of 1861, must, in each case, be paid into the Colonial Treasury, Sydney, within three months from the date of this notice, under the penalty of an addition to the price of 10 per centum, and should that increased price not be paid within six months from the above date, the claim to purchase will lapse, and the land will be brought to sale by auction. J. BOWIE WILSON.

Applicant.	Name of Run.	Area.	Price.	Deed Fee.
Thomas Hodges Mate.....	MURRUMBIDGE DISTRICT. Umutbec and Tonga	a. r. p. 640 0 0	£ s. d. 640 0 0	£1.

No. 75.

The Under Secretary for Finance and Trade to The Chief Commissioner of Crown Lands.

Sir,

The Treasury, New South Wales, 6 December, 1866.

I am directed to inform you that Thomas Hodges Mate paid into this office on the 27th November, 1866, the sum of £640, being the amount of purchase money for 640 acres, of the runs called Umutbec and Tonga, in the District of Murrumbidgee.

2. The sum of £1, being the fee on the title deed, has also been paid.

I have, &c.,
W. NEWCOMBE,
pro Under Secretary.
Forwarded

Forwarded to the Surveyor General for preparation of the deed.—A.O.M., Crown Lands Office, B.C., 11 December, 1866. Deed prepared.—F.U., 11/1/67. For description, see No. 61.

[Enclosure to No. 75.]

Memorandum by Mr. Stephen.

See No. 69.

Mr. Adams,—Mr. Nugent's conditional purchase cancelled 13th September, 1866; so informed on 17th of same month, enclosing form for refund of deposit, which he has never presented for payment. Papers at Deeds Branch for deeds to Mr. Mate.—W.W.S.

Mr. Mate is desirous that the Treasury should not take Nugent's money, as that would further complicate the matter. The three years has not quite expired. Nugent is holding back for this purpose, I believe.—P.F.A.

No. 76.

Mr. P. Nugent to The Minister for Lands.

Sir,

Tarcutta, 12 December, 1866.

See No. 74.

I have the honor, in reference to the notification in the Gazette of the 20th November last, respecting Mr. Thomas Mate's application for the purchase of land at Tarcutta Creek, under the 7th section of the "Crown Lands Alienation Act, 1861," to protest against the completion of the said purchase, on the grounds:—

- 1st.—That a portion of the land comprised in said proposed purchase by Mr. Mate includes 210 acres of land selected by me under the 13th and 22nd sections of the said Act, said land being a portion of a reserve for the purposes of conditional purchases without competition, under the 13th and 22nd sections of said Act.
- 2nd.—That the said portion being duly gazetted by the Government for such purposes, it is evident that Mr. Mate's application was not then sent in, or if it was, and overlooked by the Government, the rights of third parties are not to be prejudiced by reason thereof.
- 3rd.—That the fact of being a year and more in possession, and entitled to alienate thereby, without any conflicting claims, is further evidence that Mr. Mate's application was not prior.
- 4th.—That the said reserve not being withdrawn to this day is further evidence of my right to hold.
- 5th.—That, independent of such reasons, I have considerably improved the land, and can sell to advantage at the end of three years if I so desired it.
- 6th.—That I have no desire to sell it, but, on the contrary, have selected the place in question for a permanent home.
- 7th.—That a portion of said land contains a family burial-place, where the remains of my deceased mother repose at present.
- 8th.—That, for these reasons, I protest against being removed to gratify Mr. Mate, who can select under his pre-emptive right equally eligible land without interfering with me.

All of which I enter as my protest.

I have, &c.,

PATRICK NUGENT.

Surveyor General.—J.B.W., B.C., 17 Dec., /66.

No. 77.

Mr. Licensed-Surveyor Berry to The Surveyor General.

Sir,

Albury, 1 January, 1867.

See No. 65.

I have the honor to return herewith an application for additional conditional purchase by Mr. Patrick Nugent, parish of Oberne, county of Wynyard, and to report that the land applied for is embraced by the survey of Mr. T. H. Mate's pre-emptive purchase of 640 acres, No. 12, parish of Oberne, which will be seen on reference to the plan transmitted with letter of 23rd November, 1865.

See No. 60.

I have, &c.,

THOMAS BERRY,

Licensed Surveyor.

No. 78.

Mr. W. Willans to The Colonial Treasurer.

Sir,

Wagga Wagga, 20 June, 1867.

I have the honor to forward you herewith cheque for £4 10s., being the interest at 5 per cent. on the balance of the purchase money, £90, on the conditional sale to Patrick Nugent, under the "Crown Lands Alienation Act of 1861," of 120 acres at Tarcutta Creek.

I have also the honor to forward you the declaration of Patrick Nugent, required by the statute.

Requesting the receipt may be acknowledged.

I have, &c.,

W. WILLANS.

Mr. Willans' cheque is not negotiable, being on Wagga Wagga; to be returned.—W.N., 21 June, 1867. Mr. Willans so informed.—27 June, /67. Patrick Nugent, the declarant within referred to, was apprised on the 17th September, 1866, that his purchase had been cancelled, because it was included within land measured for Mr. T. H. Mate under pre-emptive right. Under the circumstances it is concluded the enclosed declaration should be rejected and the interest (£4 10s.) paid by Mr. Nugent refunded to him.—W.W.S., 9 Sept., 1867. Approved.—J.B.W., 11 Sept.

See No. 69.

See enclosure.

[Enclosure

[Enclosure to No. 78.]

DECLARATION OF CONDITIONAL PURCHASER.

(In cases where there has been no alienation of the land.)

I, PATRICK NUGENT, do solemnly and sincerely declare that I am the lawful owner, by conditional purchase, of the land hereunder described; and that improvements, consisting of fencing, clearing, draining, dwelling-house, barn, and to the value of £347, have been made on such land; and I declare further that the said land has been my *bona fide* residence continuously from the period of selection and first occupation to the present date; and that no alienation of the land has been made by me. I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of the Act 9 Victoria No. 9.

Made and subscribed before me, at Wagga Wagga, }
this 9th day of April, 1867,— }
FRED. A. TOMPSON, J.P.

PATRICK NUGENT.

County of Wynyard, parish unnamed, 120 acres on Tarcutta Creek, being conditional purchase No. of 1864
in the district of Wagga Wagga.

Certificate of Land Agent.

I hereby certify that to the best of my knowledge and belief the above declaration is in accordance with fact.
Land Agent District.
Interest £4 10s.; suspense, 18 July, 1867, by schedule.

No. 79.

Mr. W. Willans to The Colonial Treasurer.

Sir,

Referring to your favour herein of the 27th June, informing me that the cheque sent by me for Patrick Nugent's interest for selection was drawn on the Wagga Wagga Branch, and not negotiable in Sydney,—I have the honor to forward you a Post Office Order for the amount, regretting the inconvenience caused by me.

Wagga Wagga, 12 July, 1867.

I have, &c.,

W. WILLANS,

Attorney for P. Nugent.

No. 80.

The Under Secretary for Finance and Trade to The Under Secretary for Lands.

Sir,

The Treasury, New South Wales, 18 July, 1867.

I am directed to annex a schedule of moneys paid into this office as interest due upon conditional purchases.

I may add that the several amounts have been placed in the Suspense Fund, awaiting the authority of the Minister for Lands to credit the same.

I have, &c.,

HENRY LANE.

[Enclosure to No. 80.]

SCHEDULE showing the amounts received on 16th July, 1867, as interest due on conditional purchase.

Name of Conditional Purchaser.	District.	Date of selection.	Area.	Amount received.	Remarks.
Patrick Nugent	Wagga Wagga.....	1864. April 7	a. r. p. 120 0 0	£ s. d. 4 10 0	67-68

The interest on the above selection has been placed in Suspense Account upon instructions from Surveyor General, and in accordance with memorandum of Deputy Surveyor General attached to papers.
Treasury, 18 July, 1867.

No. 81.

The Under Secretary for Lands to Mr. P. Nugent.

Sir,

Department of Lands, Sydney, 24 September, 1867.

I am directed to inform you that the application made by you at Wagga Wagga on the 7th April, 1864, for the conditional purchase of 120 acres of land, is void, as it is included in land measured for T. H. Mate under pre-emptive right.

2. Enclosed is a form which, on being filled up in accordance with the instructions thereon, and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your interest.

I have, &c.,

M. FITZPATRICK.

[Enclosure to No. 81.]

NEW SOUTH WALES.

Conditional Purchase—Revenue refunded.

Department of Lands, Sydney, 24 September, 1867, Dr. to Patrick Nugent,—

	Amount to be refunded.
For the following refund, viz. :— Land Office at Wagga Wagga; date of selection, 7th day of April, 1864; interest paid on 120 acres; selection void, as it is included in land measured for Mr. T. H. Mate under pre-emptive right; interest to be refunded on 120 acres	£ s. d. 4 10 0

No. 82.

The Under Secretary for Lands to The Land Agent at Wagga Wagga.

Sir,

Department of Lands, Sydney, 24 September, 1867.

I am directed to inform you that the application of Patrick Nugent, made on the 7th April, 1864, for the conditional purchase of 120 acres of land is void, as it is included in land measured for T. H. Mate under pre-emptive right.

2. A form for refund of interest has been forwarded for the signature of the applicant, the nature of which you will be so good as to explain to him, if required.

I have, &c.,

M. FITZPATRICK.

No. 83.

Mr. P. Nugent to The Minister for Lands.

Sir,

Tarcutta Creek, 5 October, 1867.

Referring to a letter addressed to me, from the Lands Department, Sydney, dated 24th September, 1867, such letter wanting me to take back the interest paid by me into the Treasury in April last, which interest I considered to be due to the Government on account of 120 acres of land, conditionally purchased by me at Wagga Wagga Land Office, 7th April, 1864, and situated on the Tarcutta Creek, parish of Oberne, county of Wynyard, I beg to state that I will not take back the interest, believing, as I do, that I am the lawful purchaser of the land in question. I received a letter, dated 17th September, 1866, from the Surveyor General's Office, Sydney, stating that my 120 acres of land must be cancelled, on account of it being within land measured for Mr. T. H. Mate.

I beg to state that when I took up this land it was not measured for Mr. Mate or for any other person. I was living on the land, and had one crop off before there was any measurement made here; since then the land has been measured four different times, each time shifting the lines so as to take in the land I had taken up and improved.

Under those circumstances I consider the Surveyor General has not the right to cancel my land and give it to Mr. Mate; therefore I will hold possession of the land as my property. The Government had my money before the land was measured, or before it was applied for by any other person.

Mr. Adams, the Surveyor General, is well aware that this land was not measured for Mr. Mate when I took up the land. If you act with justice to me, you will demand from Mr. Adams the different dates and plans of the surveys made here by Mr. Thomas Berry, Licensed Land Surveyor, and also the reason that Mr. Berry did not survey 90 acres of land here for me last November; he had the Government instructions to do so, also the application that I signed for 90 acres as an additional conditional purchase, dated 12th April, 1866. This the Surveyor General says is also cancelled, for the reason that it joins the first purchase of 120 acres.

Yours, &c.,

PATRICK NUGENT,

Tarcutta Creek.

P.S.—This is the last letter I will write to the Government on the subject of this land. You are in the possession of my letters, containing all I have to say on the subject.—P.N.

This is another refusal of Nugent to give up the land; a reply perhaps is unnecessary.—1/11/67. Refer first to Mr. Adams with respect to statements herein connected with the survey of the land.—W.W.S., 4 Nov., /67. The circumstances of the case are detailed in my memo. of the 3rd July, 1865. The papers show the dates of survey, which are however immaterial, as the point on which the matter hinges is the date of Mr. Mate's application, and that Nugent did not cultivate and improve the land actually described in his application.—P. F. ADAMS, 12 Nov., /67. The decision of 11 Sept., 1867, must be adhered to I conclude.—W.W.S., 22 November, /67. Approved.—J.B.W., 27 November, /67.

No. 84.

The Under Secretary for Lands to Mr. T. Callaghan.

Sir,

Department of Lands, Sydney, 17 April, 1868.

At the request of the solicitor of one of the parties concerned in a case to be tried at the Assizes, to be held at Wagga Wagga on the 23rd instant, I am directed to forward to you, for production at the trial, the enclosed papers connected with a conditional purchase made by Patrick Nugent at Wagga Wagga on the 7th April, 1864; and to request that you will be so good as to take charge of the same, and when done with return them to this Department.

I have, &c.,

MICHAEL FITZPATRICK.

No. 85.

Mr. T. Callaghan to The Under Secretary for Lands.

Mate v. Nugent.

Sir,

Supreme Court, 9 May, 1868.

I have the honor to return herewith the papers forwarded by you, to be used in this cause, tried at Wagga Wagga on the 23rd ultimo.

I have, &c.,

THOMAS M. CALLAGHAN,

Associate to Mr. Justice Faucett.

Are all the papers returned? If so, may be put by.—W.W.S., 13. Put away.—18 May.

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No. 86.

E. Burton, Esq., to The Under Secretary for Lands.

Sir,

Elizabeth-street, 26 May, 1868.

In this case, which was tried before his Honor Mr. Justice Faucett on 23rd April last, and in *Mate v. Nugent*, which it is the intention of the defendant to move for a rule *nisi* for new trial on or about Monday next, I have the honor on his behalf to request that the various exhibits or documents put in evidence at the trial, and now in your office, be forwarded with all practicable speed to the Prothonotary of the Supreme Court.

I have, &c.,

E. BURTON.

To be complied with.—26.

The papers in this case, of which a schedule is enclosed, are now forwarded to the Prothonotary, as requested by letter herewith.—M.F., B.C., 28 June, 1866.

No. 87.

Mr. W. Willans to The Prothonotary.

Mate v. Nugent.

Sir,

Wagga Wagga, 28 May, 1868.

I have the honor, in obedience to a *telegram received this day from Mr. Edward Burton, *Not required. solicitor, Sydney, to send you the only exhibits herein in my custody; the rest are in the papers sent back (through the medium of the Associate, Mr. Callaghan) to the Surveyor General's Office. The department exhibits I send are deposit receipts for additional conditional purchases—90 acres by Nugent,—also last receipt from Treasury of interest on balance of purchase moneys, dated 25th March, 1868. Not with the papers. Enclosed.

The exhibits with the Surveyor General—the original application—are conditional purchase made 7th April, 1864. The declaration required by Act at end of three years. See No. 34. See enclosure to No. 78.

I have, &c.,

W. WILLANS.

I have written to Mr. Barton on the subject.

[Enclosure to No. 87.]

SUSPENSE ACCOUNT.

(No. 3,217—New South Wales.)

RECEIVED from W. Willans for Patrick Nugent the sum of £4 10s. for interest on conditional purchase awaiting decision.

£4 10s.

The Treasury, 25 March, 1868.

W. NEWCOMBE,
Pro Treasurer.

No. 88.

The Prothonotary to The Under Secretary for Lands.

Sir,

Supreme Court Office, 9 September, 1868.

I am directed by the Prothonotary to forward to your department the accompanying *documents produced on the trial of "*Mate v. Nugent*," and referred to in your memo. of this day's date. *The papers in the case.

I have, &c.,

J. A. READ,

For the Prothonotary.

No. 89.

Mr. T. H. Mate to The Minister for Lands.

Sir,

Sydney, 14 September, 1868.

The recent decision of the Supreme Court in the case myself *versus* Nugent prevents me taking possession of that portion of my pre-emptive purchase, held by Nugent as his alleged conditional purchase. My solicitors advise two courses still open to me, viz.: Appeal to the Privy Council, or commence a fresh action of ejectment. Feeling that I have an equitable claim upon the Government to put me in possession of the land, I am unwilling to proceed further until ascertaining from you the disposition of the Government to support my cause. The costs in the late action will amount to a considerable sum, and I think it a great hardship to have to substantiate my pre-emptive right in a Court of law, more particularly having complied with all the land regulations and orders in Council under which I have my claim.

Trusting to obtain the favourable consideration of the Government,

I have, &c.,

THOMAS H. MATE.

The Attorney General, with papers.—J.B.W., 18 Sept. Secretary to Law Department, B.C., 18 September.—M.F. I think that the Government ought to support Mr. Mate in this contention, he having paid for and obtained the grant of his land. I believe the decision of the Supreme Court to be erroneous, and even if it were otherwise, Mr. Mate's claim to be supported by the Government in the matter would be equally good.—JAMES MARTIN, Attorney General. The Under Secretary for Lands.—W.E.P., B.C., 17 Oct., 1868. Inform Mr. Mate.—J.B.W., 19 Oct.

No. 90.

No. 90.

The Under Secretary for Lands to Mr. T. H. Mate.

See No. 83.

Sir, Department of Lands, Sydney, 20 October, 1868.
 Referring to your letter of the 14th ultimo, stating that the recent decision of the Supreme Court in the case of yourself *v.* Nugent prevents you from taking possession of that portion of your pre-emptive purchase, held by Patrick Nugent as his alleged conditional purchase, and inquiring as to the disposition of the Government to support your cause in case of an appeal to the Privy Council, or a fresh action of ejectment, I am directed by Mr. Secretary Wilson to inform you that the Honorable the Attorney General has advised that the Government ought to support you in this matter as you paid for and obtained the grant of the land in question.

I have, &c.,
 M. FITZPATRICK.

No. 91.

Receipt from The Minister for Lands.

Mate *v.* Nugent.

RECEIVED from the office of the Minister for Lands the original deed of grant to Thos. H. Mate, of 640 acres, on Tarcutta Creek, dated 11th January, 1867, exhibited as defendant's exhibits in this cause, and erroneously sent to this office for Supreme Court.

18 March, 1869.

CHAS. H. WALSH,
 Attorney for T. H. Mate.

No. 92.

Messrs. Walsh & Betts to The Minister for Lands.

Sir,

183, Pitt-street, Sydney, 25 March, 1869.

On behalf of Mr. Thomas Hodges Mate we have the honor to request that you will cause to be delivered to the associate of his Honor Mr. Justice Cheeke, for production on the trial of this cause at the next Circuit Court, Wagga Wagga, all the papers in your Department relating to the pre-emptive purchase of Mr. Mate on the Oberne Reserve, in the Murrumbidgee District, and also all papers relating to the conditional purchase of Mr. Patrick Nugent of part of the said reserve, and also all papers relating to the Umutbee and Tonga Runs, in the same district, of which Mr. Mate is and has been the licensed occupant.

I have, &c.,
 WALSH & BETTS.

The papers will, I conclude, be forwarded.—W.W.S., 30th.

No. 93.

Messrs. Bradley & Son to The Under Secretary for Lands.

Sir,

164, Margaret-street, Sydney, 27 March, 1869.

We have the honor to request that the following documents in your office may be forwarded to Mr. George Cheeke, the associate of his Honor Mr. Justice Cheeke, for production at Wagga Wagga, in a cause for trial there early in next month:—

See No. 34.

1864, April 7.—Application of Patrick Nugent, to conditionally purchase 120 acres at Tarcutta Creek.

See Enclosure to

1864, April 7.—Receipt for £30, from P. Nugent, as deposit on said conditional purchase.

No. 34.

1866, April 12.—Application of said Patrick Nugent to conditionally purchase 90 acres at Oberne.

See No. 65.

1866, April 12.—Receipt for £22 10s. from P. Nugent as deposit on said conditional purchase.

Not with papers.

1868, March 25.—Receipt for £4 10s. from Patrick Nugent for interest on conditional purchases.

See Enclosure to

1867, June 30.—Letter from W. Willans to Colonial Treasurer.

No. 87.

See No. 78.

We are, &c.,
 BRADLEY & SON.

The papers have been sent.—W.W.S., 1 April, 1869.

No. 94.

Treasury Receipt for interest on Conditional Purchase by Mr. P. Nugent.

Suspense Account.

(No. 3,451.)

The Treasury, New South Wales, 31 March, 1869.

RECEIVED from Patrick Nugent, the sum of £4 10s. sterling for interest on conditional purchases—waiting further information as to dates of selections, &c.

£4 10s.

W. NEWCOMBE,
pro Treasurer.

No. 95.

Declaration.

DECLARATION of conditional purchaser, under the 21st section of the "Crown Lands Alienation Act of 1861," in cases where there has been no alienation of the land.

I, PATRICK NUGENT, of Tarcutta, do solemnly and sincerely declare, that I am the lawful owner by conditional purchase, under the 21st section of the "Crown Lands Alienation Act of 1861," of the land hereunder described, and that improvements, consisting of fencing, clearing, stockyard, huts, well, vines, fruit trees, and to the value of £300, have been made on such land; and I declare further, that I have resided continuously on the adjoining conditional purchase as my *bona fide* residence since the date of selection

selection on the 7th day of April, 1864, and first occupation thereof under the 13th section of the Act, for the full period required by law; and that no alienation of the land has been made by me: I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of oaths and affirmations taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra-judicial oaths and affidavits.*"

PATRICK NUGENT.

Taken and declared at Wagga Wagga, this 17th day of June, 1869, before me,—

GEORGE MAIR.

Description.

County of Wynyard, parish of Oberne, 90 acres, at Oberne, being conditional purchase No. 86 of 1866, in the district of Wagga Wagga, made on the 12th day of April, 1866.

Interest, £3 7s. 6d., credited 28 July, 1869.

No. 96.

Memorandum by Mr. Neate.

Patrick Nugent's additional conditional purchase of 12th April, 1866.

As the declaration on the original purchase of Nugent (7th April, 1864), has been rejected and interest refunded, a form for the refund of the interest on the within-mentioned additional purchase should now be sent to Nugent, and land agent informed.

As the papers in connection with the original purchase are noted as lent to the Associate of Mr. Judge Cheeke on the 1st April last, he should perhaps be asked to return them.

This purchase was cancelled as the original purchase had been cancelled in consequence of the land being included in T. H. Mate's pre-emptive purchase. C.E.N., 25/1/70.

No. 97.

The Under Secretary for Lands to Mr. G. A. Cheeke.

Sir,

Department of Lands, Sydney, 9 February, 1870.

With reference to the papers relating to the conditional purchase of Patrick Nugent, in the case of T. H. Mate *versus* Nugent, sent to you on the 1st April last, I am directed to request that you will be good enough to return the same at the earliest opportunity, they being records of the office.

I have, &c.,

A. O. MORIARTY.

No. 98.

The Under Secretary for Lands to Mr. P. Nugent.

Sir,

Department of Lands, Sydney, 14 February, 1870.

I am directed to inform you that the application made by you at Wagga Wagga, on the 12th April, 1866, for the conditional purchase of 90 acres of land is void, as the original purchase to which this additional was cancelled, being included in land measured for T. H. Mate, under pre-emptive right. Interest paid, £3 7s. 6d.

2. Enclosed is a form which, on being filled up in accordance with the instructions thereon, and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your interest.

I have, &c.,

A. O. MORIARTY.

[Enclosure.]

NEW SOUTH WALES.

Revenue refunded.

Department of Lands Dr. to Patrick Nugent,—

	Amount to be refunded.
	£ s. d.
For the following refund, viz. :—	
Land Office at Wagga Wagga; date of selection, 12th day of April, 1866; interest paid on 90 acres; selection cancelled; interest to be refunded on 90 acres	3 7 6

This interest of £3 7s. 6d. was credited to the Consolidated Revenue Fund, on the Audit Office, Sydney, 23 July, 1869.

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No. 99.

The Under Secretary for Lands to The Land Agent, Wagga Wagga.

Sir,

Department of Lands, Sydney, 14 February, 1870.

I am directed to inform you that the application of Patrick Nugent, made on the 12th April, 1866, for the conditional purchase of 90 acres of land is void, as the original purchase to which this is an additional, was cancelled, being included in land measured for T. H. Mate under pre-emptive right.

2. A form for refund of interest has been forwarded for the signature of the applicant, the nature of which you will be so good as to explain to him if required.

I have, &c.,

A. O. MORIARTY.

No. 100.

No. 100.

Mr. T. H. Mate to The Minister for Lands.

Sir,

Tarcutta, 24 January, 1871.

No. 90.

Referring to your letter of the 20th October, 1868, I have the honor to inform you that in pursuance of advice I proceeded against Nugent, by bringing a second ejection, in which he appeared and took defence for all the lands claimed by me.

This ejection was tried at Wagga Wagga Circuit Court on 8th April, 1869, when a verdict was had for me. Nugent applied for a new trial, and obtained a *rule nisi*, which the Supreme Court refused to make absolute.

The defendant still declined to give up possession, and ultimately such was only procured by execution of a *writ of habere*.

The costs incurred by me in the proceedings to eject Nugent amount to £555 4s. 9d.

I beg now to request that the Government will, in pursuance of your letter above referred to, take the necessary steps to reimburse me in this expenditure.

I have, &c.,

THOS. H. MATE.

In the case *Mate v. Nugent*, Mr. Mate was informed, in reply to his inquiry as to the disposition of the Government to support his cause in case of an appeal to the Privy Council, or a fresh action of ejection, that the Attorney General has advised that the Government ought to support him in this matter, as he paid for and obtained the grant of the land in question. After stating the legal process by which he procured possession of the land he states that the costs incurred in the proceedings to eject Nugent amount to £555 4s. 9d., and he asks the Government to reimburse him.—O.R., 17 February. This amount may be noted for Estimates.—J.B.W., 27 February. Inform. Return to Mr. Rich, 3/3/71. Mr. Rich, for Estimates. Mr. Ormiston. Noted accordingly.—R.H.O. For Estimates, end of April. This item, namely, £555 4s. 9d. for costs incurred by T. H. Mate for ejection of Nugent from his purchased land, does not appear in the printed Additional Estimates for 1871, laid before Parliament. The papers are resubmitted as to whether this item should go in the next Estimates.—O.R., 28 June, 1871. Yes.—J.B.W., 3 July, 1871. Noted accordingly.

No. 101.

The Under Secretary for Lands to Mr. T. H. Mate.

Sir,

Department of Lands, Sydney, 6 March, 1871.

No. 100.

With reference to your letter of the 24th January last, on the subject of your claim to be reimbursed the costs incurred by you in the case, yourself *versus* Nugent, I am directed to inform you that the Secretary for Lands has approved of the amount in question being noted for Estimates.

£555 4s. 9d.

I have, &c.,

W. W. STEPHEN.

No. 102.

Memorial of Mr. P. Nugent to His Excellency the Governor.

To His Excellency the Right Honorable Somerset Richard, Earl of Belmore, a Member of Her Majesty's Most Honorable Privy Council in Ireland, Governor and Commander-in-Chief of the Colony of New South Wales, and Vice-Admiral of the same.

The Memorial of Patrick Nugent, of Tarcutta, in the Colony of New South Wales,—

RESPECTFULLY SHOWETH:—

1. That on or about the 7th day of April, 1864, your memorialist conditionally purchased under the 13th clause of the "Crown Lands Alienation Act of 1861," 120 acres of land on the Tarcutta Creek, about 24 miles from the town of Wagga Wagga, in the Colony aforesaid, and adjoining 2,916 acres of Mr. Thomas Hodges Mate; he duly paid the deposit money therefor, and was informed by the Crown Lands Agent at Wagga Wagga that the land was open for selection.

2. That your memorialist went to reside on the said land within one month after his said conditional purchase, and made the improvements required by law thereon, and conformed in every way to the Regulations in force with respect to such land.

3. That on the 12th day of April, 1866, two years after the conditional purchase above-mentioned, your memorialist, in right of the said purchase, made an additional conditional purchase of 90 acres, adjoining to and in right of his said first-mentioned conditional purchase.

4. That subsequently, on or about the 22nd day of August, 1866, your memorialist applied for a pre-emptive lease or grazing right, in right of the said conditional purchases.

5. That after your memorialist had paid the requisite deposit money on the said conditional purchases, and been in quiet possession of the same for more than two years, a claim was made to them by the said Thomas Hodges Mate, of Tarcutta aforesaid, and the said Thomas Hodges Mate issued a summons in ejection out of the Supreme Court of this Colony to recover possession of the land comprised in the said original conditional purchase on which the subsequent purchase and the grazing right afterwards acquired were dependent; and your memorialist defended the said action, and the same coming on to be heard before his Honor Mr. Justice Faucett, and a jury of four persons, at Wagga Wagga Circuit Court, on the 23rd day of April, 1868, the said Thomas Hodges Mate put in as his evidence the said grant from the Crown, and his Honor, the presiding Judge, was pleased to tell the jury that there was no higher title than a grant from the Crown, and he was bound to tell them that they must find for the plaintiff, and directed the jury to find as well, whether or not in their opinion your memorialist had conformed to the provisions of the "Crown Lands Alienation Act, 1861," and the Regulations issued under it as regarded his selections, and the jury were unanimously of opinion that your memorialist had so conformed,

conformed, and his Honor, the presiding Judge, reserved the question for the decision of the Supreme Court of New South Wales whether the said grant to the said Thomas Hodges Mate took precedence of the title of your petitioner by conditional purchase, and the same coming on to be argued before the said Supreme Court their Honors were pleased to hold that the title of your petitioner was paramount to the said grant.

6. That the said Thomas Hodges Mate thereupon took proceedings to appeal to the Privy Council of England against the decision of the Supreme Court, which he afterwards abandoned.

7. That the said Thomas Hodges Mate brought a second action of ejectment against your petitioner for recovery of the said pieces or parcels of land, to which your petitioner took defence for the part which included his said selections, and the same having come on to be heard before his Honor Mr. Justice Checke, and a jury of four, at Wagga Wagga aforesaid, on the 8th day of April, 1869, the said Thomas Hodges Mate did not on this occasion rely on his grant but on the promise of the Government, under Her Majesty's Orders in Council, to give him a grant of land, comprising *inter alia* the said two selections of your petitioner, and the jury found a verdict for the plaintiff, but a case was also reserved for the decision of the said Supreme Court, which afterwards came on to be heard, and resulted in the finding of the jury being upheld.

8. That the said Thomas Hodges Mate subsequently obtained possession of the said selections under process of the Court, and forcibly dispossessed your petitioner, after being in possession for many years, and having paid the interest required by law upon the balance of purchase money, having fulfilled all conditions as to residence, and made improvements amounting in the whole to nearly £800.

9. That independently of the losses and damages detailed above, your petitioner has had to pay and is still liable for certain large sums of money for defending the actions of ejectment mentioned above, and expenses incident thereto, independently of the loss of the use of the moneys paid for deposit of purchase money of the said land and the interest on the balance.

Your memorialist therefore humbly prays that your Excellency will have the goodness to take under your consideration the circumstances detailed above, and afford your memorialist such relief as the nature of the case will warrant.

And your memorialist will ever pray, &c.

PATRICK NUGENT.

By his Attorney, L. A. WINDEYER.

Presented by Mr. M'Leay.—JOHN R., 8 June, 1871. The Secretary for Lands.—JOHN R., 12 June, 1871. The Under Secretary for Lands.—H.H., B.C., 12 June, 1871. Inform Mr. Nugent that the Government cannot admit that he has any claim for relief.—J.B.W., 16 June.

No. 103.

The Under Secretary for Lands to Mr. P. Nugent.

Sir,

Department of Lands, Sydney, 24 June, 1871.

With reference to your petition to His Excellency the Governor, praying that you may be granted relief for loss alleged to have been sustained by you in consequence of your having been dispossessed of your conditional purchase at Wagga Wagga, consequent upon the action of ejectment brought against you by Mr. T. H. Mate,—I am directed by the Secretary for Lands to inform you, that the Government cannot admit that you have any claim upon them for relief.

I have, &c.,

W. W. STEPHEN.

No. 104.

Mr. P. Nugent to The Minister for Lands.

Sir,

Tarcutta Creek, 14 August, 1871.

Referring to a letter received by me from the Department of Lands, Sydney, and dated June No. 103. 24th, 1871, and referring to a petition sent to the Governor by some person on my behalf, I beg to state that I had not authorized any person to apply to His Excellency for relief for my losses at law with Mr. Mate. If I am to get compensation it must be through the Parliament, and not out of the pocket of the Governor. Please to let me know if the Government intend to return me my deposit and interest, which they have the use of for the last seven years; it is bad enough to be at the loss of my land and time, and not to have my money taken, which is about £75.

PATRICK NUGENT,

Tarcutta.

The enclosed vouchers for the refund of deposits should be signed and sent to Mr. Nugent, and he should perhaps be informed that his being kept out of the money is his own fault, as he returned the refund forms with a statement that he would not accept them. Vouchers for the refund of interest were forwarded to him when the declarations were rejected in 1867 and 1870.—W.B., 16/8/71. For approval, 17th. Approved.—J.B.W., 17 August.

No. 105.

The Under Secretary for Lands to Mr. P. Nugent.

Sir,

Department of Lands, Sydney, 23 August, 1871.

With reference to your letter of the 14th instant, applying for the refund of the amount of the deposit and interest paid by you, on account of your conditional and additional conditional purchases of

of 120 and 90 acres, selected at Wagga Wagga on the 7th April, 1864, and 12th April, 1866, respectively, I am directed to inform you that the cause of the delay in this matter has been occasioned by yourself, in returning vouchers sent to you with a statement that you would not accept the money.

I am to add that the form for the return of the interest on your additional purchase is herewith enclosed, which should be forwarded to the Treasury for payment; the refund of any subsequent payment of interest will be made on application to that department.

I am also to add, that the refund of all the interest on the original conditional purchase will be made on application to the Treasury, as the money on that purchase has not been credited, but only placed in suspense.

I have, &c.,
W. W. STEPHEN.

P.S.—Duplicate vouchers for the refund of deposits (£22 10s. and £30) are now enclosed.

No. 106.

Mr. P. Nugent to The Minister for Lands.

Sir,

Tarcutta Creek, 18 September, 1871.

Referring to a letter I received from the Department of Lands, dated 23rd August, 1871, having reference to my conditional purchases on Tarcutta Creek, on the run of T. H. Mate, I here have to acknowledge the receipt of three vouchers enclosed in that letter for the undermentioned sums:—

	£	s.	d.
Deposit on 120 acres	30	0	0
Deposit on 90 acres	22	10	0
First interest on 90 acres	3	7	6
Total amount of vouchers	£55	17	6

The amount I have paid into the Government is as under:—

	£	s.	d.
April 7th, 1864.—Deposit on 120 acres	30	0	0
„ 12th, 1866.—Deposit on 90 acres	22	10	0
First interest on 90 acres paid	3	7	6
Second „ „	3	7	6
Interest on 120 acres paid from 1867 up to April, 1871	18	0	0
Total paid by me to the Government	£77	5	0

By this there is a balance of £21 7s. 6d., which I have not received vouchers for, and as I do not understand how I am to get this money unless I am sent vouchers for it from the Lands Department, I will be obliged to you to cause those vouchers to be sent to me with as little delay as possible. I will keep the vouchers of the 23rd August until I receive the others. I have to travel 40 miles to Wagga Wagga with the vouchers to the Bank before I return them to Sydney. By attending to this you will oblige your old servant,

PATRICK NUGENT,
Tarcutta.

Mr. Nugent should be informed that the duplicate vouchers for refund of deposit and first payment of interest, sent to him on the 23rd ultimo, should be transmitted to the Treasury, which department will refund all subsequent payments, as he has already been apprised.—22/9/71. Yes.—22/9/71.

No. 107.

The Under Secretary for Lands to Mr. P. Nugent.

Sir,

Department of Lands, Sydney, 30 September, 1871.

In reference to your letter of the 18th instant, wherein you state that you have not received vouchers for the refund of all the interest paid by you in respect of the two conditional purchases noted in the margin, and requesting that forms for the refund of the remainder of the interest may now be sent to you, I am directed to inform you that the duplicate vouchers for refund of deposit and first payment of interest on the 90 acres, forwarded to you on the 23rd ultimo, should be transmitted to the Treasury, which department, as you have already been apprised, will refund all subsequent interest.

2. I am to add that the interest on the 120 acres, which is placed in suspense, will be refunded on application to the Treasury, in accordance with a letter addressed to you on the 24th September, 1867, when the declaration in the purchase was rejected.

I have, &c.,
W. W. STEPHEN.

No. 108.

Mr. T. Robertson to The Minister for Lands.

Sir,

Pitt-street North, Sydney, 27 September, 1873.

I beg to enclose a letter I received a few days ago from Mr. Mate, and I should be obliged by your kindly informing me if the sum to which Mr. Mate refers has been placed upon the Estimates.

I have, &c.,
THOMAS ROBERTSON.

Mr.

£3 7s. 6d.
Form sent
similar to No.
93.

Forms sent
similar to Nos.
60 and 71.

No. 105.

No. 106.

Patrick Nugent,
120 acres, Wagga
Wagga, 7th
April, 1864.
90 acres, 12
April, 1866.

See No. 31.

Mr. Mate was informed in 1871, by direction of the late Minister, that the amount would be placed on the Estimates, but it appears to have been afterwards struck off. Submitted, 1 December. The matter will be considered with a view of placing the amount in a future estimate. The amount was withdrawn from the Estimates of 1872 while under discussion in the House, upon the ground that Nugent also should receive compensation.—J.S.F., 4/12/73. See No. 101.

[Enclosure to No. 108.]

Mr. T. H. Mate to T. Robertson, Esq., M.P.

Sir,

I shall esteem it a favour if you will remind the Honorable Minister for Lands of my claim for compensation in *Mate versus Nugent*. Mr. Farnell promised that he would again bring it before Parliament in the Estimates, and as I consider it a just claim I hope it will not be ignored.

Tarcutta, 22 September, 1873.

I remain, &c.,

THOMAS H. MATE.

No. 109.

Petition of Patrick Nugent.

To the Honorable the Minister for Lands, Sydney.

The Petition of Patrick Nugent, late of Tarcutta, in the Colony of New South Wales, farmer,—

SHOWETH:—

That on or about the 7th day of April, 1864, petitioner became the conditional purchaser, without competition, under the 13th section of the "Crown Lands Alienation Act of 1861," of 120 acres, on the Tarcutta Creek, adjoining T. H. Mate's 2,916 acres.

That your petitioner resided on said selection within one month from the date thereof, and continued to reside thereon until he was afterwards ejected by said T. H. Mate, as hereinafter set out.

That afterwards, in or about the month of April, 1866, your petitioner became the additional conditional purchaser of 90 acres, under the twenty-first section of said Crown Lands Act.

That your petitioner improved said several portions of land, within the meaning of the said Act, and the necessary statutory declarations were made in reference to same.

That subsequently the Crown granted the said lands to the said T. H. Mate and a grant thereof under the seal of the Colony, issued to him and his heirs.

That thereupon the same T. H. Mate commenced an action of ejectment against your petitioner in the Supreme Court of New South Wales to recover the said lands, and the same was tried at the Circuit Court, Wagga Wagga, before His Honor Judge Faucett and a jury of four, at the April sittings of 1868; and the said T. H. Mate having given in evidence the said grant, His Honor told the jury they must find for the plaintiff, the said T. H. Mate, as the grant was an indefeasible title, but at the same time reserved a case for the Supreme Court on your petitioner's behalf.

That said case came on to be heard at Sydney, when judgment was given in favour of your petitioner.

That thereupon the said T. H. Mate gave notice of his intention to appeal to the Privy Council at London, but afterwards abandoned the same.

That immediately on his so doing, the said T. H. Mate commenced a second action of ejectment against your petitioner to recover the same lands, and the said action was tried at the Circuit Court, Wagga Wagga, at the October sittings, 1869, whereupon the plaintiff set up a prior promise from the Crown of the land in question, and a verdict was had for the plaintiff.

That your petitioner's counsel advised your petitioner to apply to the Supreme Court for a new trial, which application was accordingly made, and which resulted, after a long argument, in the plaintiff's (T. H. Mate) verdict being upheld, the Court at the same time giving an opinion that it was a great case of hardship on your petitioner.

That subsequently your petitioner and his family were turned out of possession, under a writ of "habere" at the instigation of the said T. H. Mate, and thereby lost his home, his improvements, and the labour of many years, and your petitioner was almost rendered penniless.

That the improvements made on said lands, and declared to by petitioner at the time required for such purpose, are as follows:—

On the 120 acres of land selected under 13th section—

Nature of Improvements.	Estimated Value.
201 rods of strong iron-bark fence, worth 6s. per rod.....	£ s. d. 60 6 0
31 chains 90 links of a cchock and log fence, dog-legged, about 4 feet 6 inches high, and worth £35 per mile ...	13 18 11
25 rods of two-rail fence, at 3 shillings per rod	3 15 0
One shed or barn, 40 feet by 40 feet, from the ground to the ridge 25 feet, from ground to wall plate 14 feet...	50 0 0
24 acres of cleared land, at £8 per acre	192 0 0
One hut.....	7 0 0
Log fence and supling fence on bank of creek. Several acres of timber sapped and killed.....	21 0 0
Total value of improvements on 120 acres.....	£ 347 19 11

Value and nature of improvements on 90 acres additional conditional purchase.	Estimated Value.
80 acres of land stumped and cleared, at an average of £5 per acre	£ s. d. 120 0 0
16 acres, the timber felled and burned off, at £2 per acre	32 0 0
Several acres of timber, sapped and killed	5 0 0
60 rods of three-rail fence, at 4s.	12 0 0
Two-rail fence, 104 rods, at 3s. per rod	15 12 0
Chock and log-fence, dog-legged, 4 feet 6 inches high, 235 rods, at £35 per mile	25 14 0
Stock-yard, 3-rail fence, and calf-pen, 47 rods, at 5s. per rod	11 15 0
Milking bail	1 0 0
2 bark huts	15 0 0
One well, 20 feet deep, with good water	7 0 0
400 grape vines, planted, 6 feet x 6 feet	20 0 0
28 fruit trees, planted at same time, bearing fruit	10 0 0
440 yards of a water-drain, to take water off the land under cultivation. This drain averages about 2 feet wide by 18 inches deep, at 3d. per yard	5 10 0
Total.....	£ 280 11 0

N.B.—On this portion there is a family burying-ground, where my mother's body is interred; this makes the ejection more severe on me.

Total value of improvements on 120 acres, selected under 13th section	£ s. d. 347 19 11
Total value of improvements on 90 acres.....	280 11 0
Total improvements	£ 628 10 11
Costs and expenses incurred by petitioner in defending first action, and claimed by his attorney, William Willans, Wagga Wagga	109 11 0
Costs of second action claimed by him, including new trial (Mate's)	120 0 0
Total costs	£ 858 1 11

Costs of T. H. Mate taxed, and which followed verdict, unascertained at present, but will be supplied.

That from the foregoing statements it will be seen that your petitioner has incurred a heavy and ruinous loss, having lost the value of his improvements, his time and labour of many years. While your petitioner has incurred large and expensive law costs, which petitioner without assistance is unable to pay, and which, whilst they are unsatisfied, render your petitioner's exertions to support his family utterly fruitless.

May it therefore please the Honorable the Minister for Lands to take your petitioner's case into his consideration, and to cause to be done in the matter what the justice of the case may require.

PATRICK NUGENT.

Tarcutta, December 19th, 1873.

These papers had better be resubmitted for consideration on the preparation of next Estimates. Mr. Robertson has been personally informed.—W.W.S., 23 March.

No. 110.

W. Macleay, Esq., M.P., to Mr. P. Nugent.

Sir,

Elizabeth Bay, Sydney, 10 June, 1874.

Your petition for redress, as well as that of Mr. Mate, is and has been for a long time in the office of the Secretary for Lands. Mr. Farnell has not yet found time for the consideration of either of them, but I understand he will come to some determination before the preparation of the Estimates for next year.

I am, &c.,

WILLIAM MACLEAY.

No. 111.

M. Fitzpatrick, Esq., M.P., to The Minister for Lands.

Sir,

251, George-street, Sydney, 19 November, 1874.

May I beg that you will kindly address to my care some reply to the petition long unanswered from Mr. Patrick Nugent, claiming compensation for losses incurred in the actions brought against him by Mr. T. H. Mate for the possession of certain land near Tarcutta.

The case was a hard one on Mr. Nugent, and I doubt not that the Government will see their way to extend to him favourable consideration.

I have, &c.,

M. FITZPATRICK.

No. 112.

Mr. P. Nugent to The Minister for Lands.

Sir,

Umbango, 4 March, 1875.

Some few years ago I met with heavy losses at law with Mate, through the action of the Lands Department, and in July, 1873, I think there were 500 and odd pounds placed on the Estimates to pay Mate his losses for ejection of Nugent; this Mr. William Macleay opposed, and the matter was argued before the House; the result was twenty-seven votes on the side of Mr. Macleay, and eight votes on the side

side for Mate; the matter was not again brought before the House. Mr. Macleay saw the Minister for Lands on the matter; the Minister said he was waiting for me to send in a statement of my losses, which I have done by a petition dated about the 20th of December, 1874, and which petition, with Mr. Mate's, I was informed is in your office in the month of June last, and that the Minister for Lands would take some steps in the matter before the end of the last year. As the Estimates were not prepared before the late Minister resigned, I trust and hope you will take my case into consideration before the meeting of Parliament, as I have a large family of twelve children, and only my own labour to work for them—the law having left me homeless and moneyless, and swept away the saving of years for to make a home for my family. Mr. John Robertson, Colonial Secretary, by private letter, and by published letter after the first trial, advised me to try and get compensation from the Government.

See No, 109.

I am, &c.,
PATRICK NUGENT.

Mr. Ormiston informs me that all the Estimate papers, &c., are with the Under Secretary. Ascertain if this case is one of them.—C.N., 30/3/75. Nugent and Mate's compensation was submitted to be placed on Estimates by me.—R.H.O. The Minister for Lands desires that the amount fairly payable to Mr. Nugent should be placed on the Estimates. Let immediate inquiry be made of the Crown Solicitor.—W.W.S., 12. Mr. Williams says he cannot give an answer to this, as he would have to look up a lot of papers, and he cannot spare the time. The sum of £555 4s. 9d. was noted for Supplementary Estimates for 1871, for costs incurred by T. H. Mate for ejection of Nugent from his purchased land.—12. Have the amount noted for next Estimates.—T.G., 14/5/75. Submitted to the Minister, who wishes the papers brought up again in preparation of Estimates for next year.—W.W.S., 12 June. Take note for Estimates.—O.R., 14 June. Noted.

No. 113.

Mr. P. Nugent to William Forster, Esq., M.P.

Sir,

Murraguldra, 13 September, 1875.

I take the liberty of writing to you, as the Member for this district, on the following subject, viz.:—Last July two years there was a sum placed on the Estimates to compensate Mate for his law expenses in the ejection of Nugent from certain lands selected by Nugent on Tarcutta.

When the Estimates were placed before the House, Mr. William Macleay, M.L.A., spoke in my behalf, and the matter went to the vote of the House; I think there were twenty-seven votes on Mr. Macleay's side, and seven votes for Mate's side.

Mr. Farnell, the Minister for Lands, told Mr. Macleay if I would send in an estimate of my losses the matter would be dealt with.

Last December twelve months, I think, I sent a petition to the Minister for Lands, with the amount of my losses caused by the action of the Lands Department. Before the Parliament broke up at the end of last year Mr. Macleay wrote to me that Mr. Farnell would decide in my case and Mate's at the end of the year when the Estimates would be prepared; by the end of the year the Parliament had broken up, and Mr. Macleay had resigned his seat; so the matter dropped.

I wish you, as the Member for this district, to see the Minister for Lands on this matter, and if he cannot take any steps in the matter for me, I wish you to demand from your place in Parliament that my petition that is now in the Minister for Lands Office be laid before the House, and be dealt with as soon after the opening of Parliament as is convenient. By attending to this you will oblige your old servant,

PATRICK NUGENT.

P.S.—Please let me know if you can do anything in this matter before the opening of Parliament.—P.N.

The Secretary for Lands,—Though concurring in the desire of the late Member to do justice to Mr. Nugent, I must not be understood as assenting without further inquiry that claimant should be reimbursed for his losses by the Government. However, as Member for the district, I recommend the case to the consideration of the Government.—W.F., 20/9/75. The Under Secretary for Lands.—G.E., B.C., 20/9/75.

No. 114.

Mr. P. Nugent to The Minister for Lands.

Sir,

Umbango, 8 January, 1876.

Having written several letters to your department, and having got others to go there and make inquiry about a petition put in by me for compensation for losses at law with Mate, through the action of the Lands Department, I having not received any direct answer to the petition, I now write to know if the Government has taken any steps in the matter at the end of the year, when the Supplementary Estimates were passed at the end of the year 1875.

I was told by an agent in Sydney that a sum was put on the Supplementary Estimates for me at the end of the year 1875; and in 1874, Mr. Farnell promised Mr. W. Macleay that he would see to Mate's petition, and to mine also at the end of that year; but when the end of the year 1874 arrived Mr. Farnell was out of office.

I have, &c.,

PATRICK NUGENT.

Is this to be noted for the Additional Estimates?—O.R., 18 May. Noted for Estimates.

Yes.—W.W.S., 19 May.

No. 115.

Mr. P. Nugent to The Minister for Lands.

Sir,

Umbango, 17 March, 1876.

I write to draw your attention to a petition now in your office from me for compensation for losses sustained by me at law with Mate. Through the action of the Lands Department this question was at one time before the House, and the House was then in my favour. I have written to the late Minister for Lands on the matter; I have also written to you, and I received no answer; I employed an agent—Withers; he wrote to me that you had promised to place a sum on the Estimates for me when the Parliament met.

Withers wrote also that you had placed a sum on the Estimates; and he sent me a bill for £15 15s. for his trouble in the matter, and a request to send him more when the money was voted for me, as he did not get this fifteen guineas.

There was no sum placed on the Estimates for me. I sent his letters to the Honorable J. Robertson, so that you could see them. Please to answer and let me know if the Government will take any steps in the matter; if not I must put the matter in the hands of the Member, Mr. Leary, and have all the papers in the case laid before the Parliament.

I have, &c.,

PATRICK NUGENT.

Submitted. The amount of £555 4s. 9d. was entered on list for Estimates for 1876, as compensation to T. H. Mate, but struck out; shall it be again entered for 1877, or the papers sent to records?—O.R., 18 Sept., 1876. Submit on Draft Estimates and prepare *precis* of reasons for so doing.—T.G., 29/9/76.

No. 116.

Memorandum—Mate v. Nugent.

Department of Lands, Conditional Sales Branch, Sydney, 6 January, 1877.

THE sum of £555 4s. 9d.—Mate's costs in this case—was placed on the Estimates for 1872, and withdrawn while the subject was under discussion in the Legislative Assembly, on the ground that Nugent should also receive compensation.

On the 19th December, 1873, Nugent petitioned for some allowance for his loss and costs being according to his estimate—

Value of improvements put on his conditional purchases	...	...	£628	10	11
Costs and expenses of two actions	...	...	229	11	0
			<hr/>		
			£858	1	11

to which was to be added the amount of Mate's taxed costs.

On the 12th November (year not given) the Under Secretary minuted that immediate inquiry be made of the Crown Solicitor as to the amount fairly payable to Nugent, on which is a pencil memo. unsigned as follows:—

Mr. William says, he "cannot give an answer to this as he would have to look up a lot of papers and he cannot spare the time."

No other steps appear to have been taken to find out the amount rightly due to Nugent, but from a pencil memo. of Mr. Ormiston in 1875, it seems that Mate and Nugent's compensation was submitted to be placed on the Estimates.

Mate's compensation, £555 4s. 9d., also appears to have been placed on the Estimates for 1876, but was struck out.—F.H.W., 6/1/77.

[Plans.]

About 450 acres

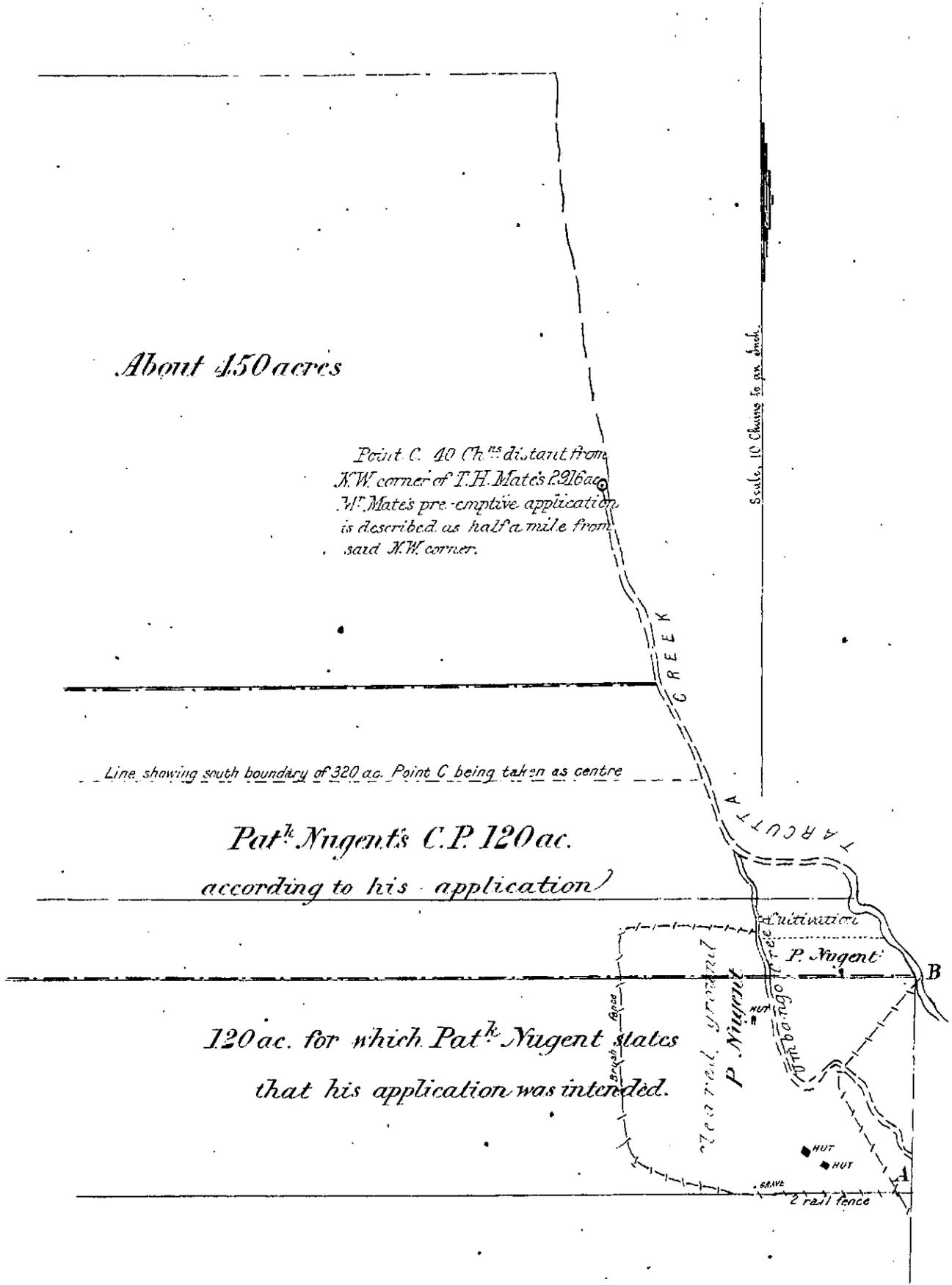
Point C. 40 Ch^{ns} distant from N.W. corner of T.H. Mat's 2916 ac. W. Mat's pre-emptive application is described as half a mile from said N.W. corner.

Scale, 10 Chains to an inch.

Line showing south boundary of 320 ac. Point C being taken as centre

Pat^l Nugent's C.P. 120 ac. according to his application

120 ac. for which Pat^l Nugent states that his application was intended.



Enclosure B to N^o 44.

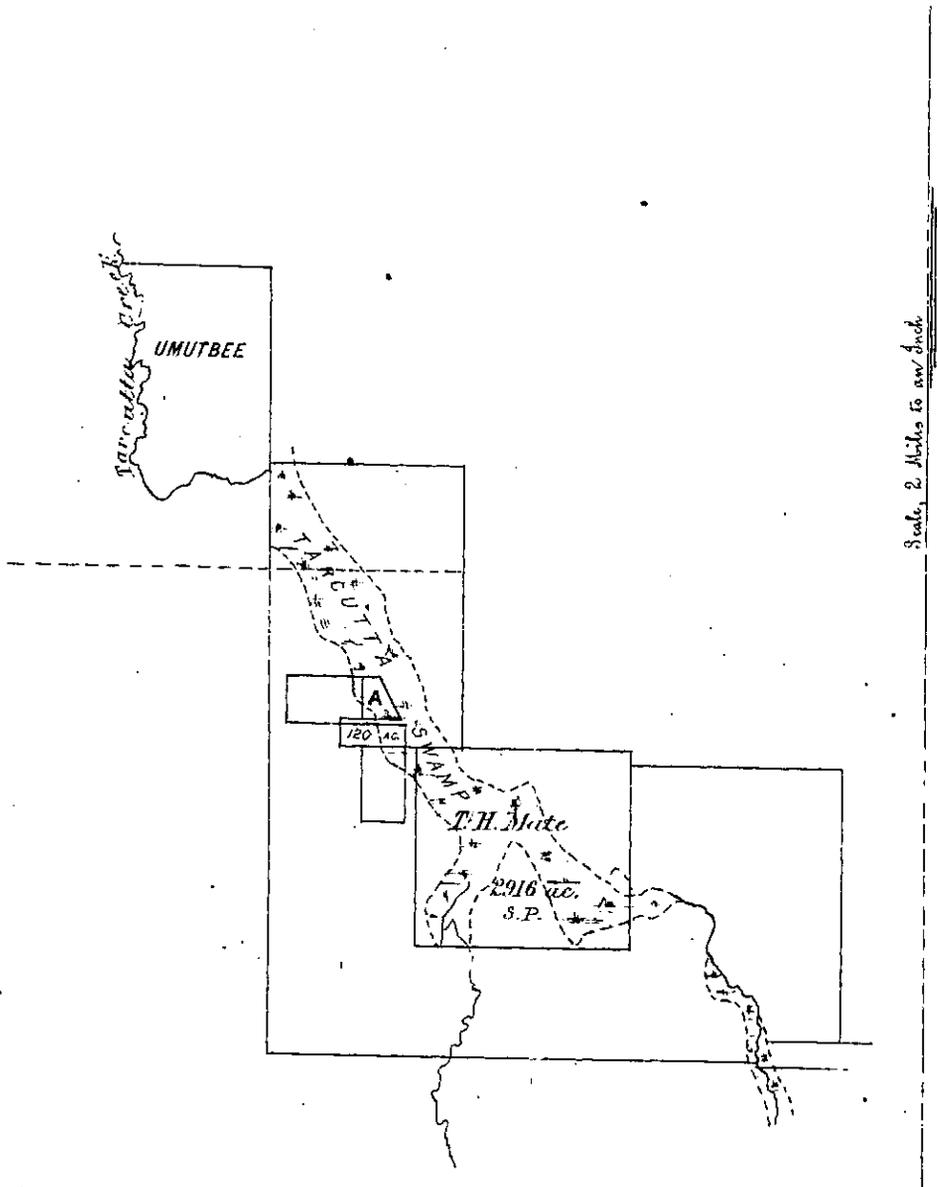
Appendix B.

SKETCH

showing position of 320 ac. \approx

applied for by M. Mate under Pre-right of his Runs, Umutbee & Taonga,

CO. OF WYNYARD



(Sig. 436)

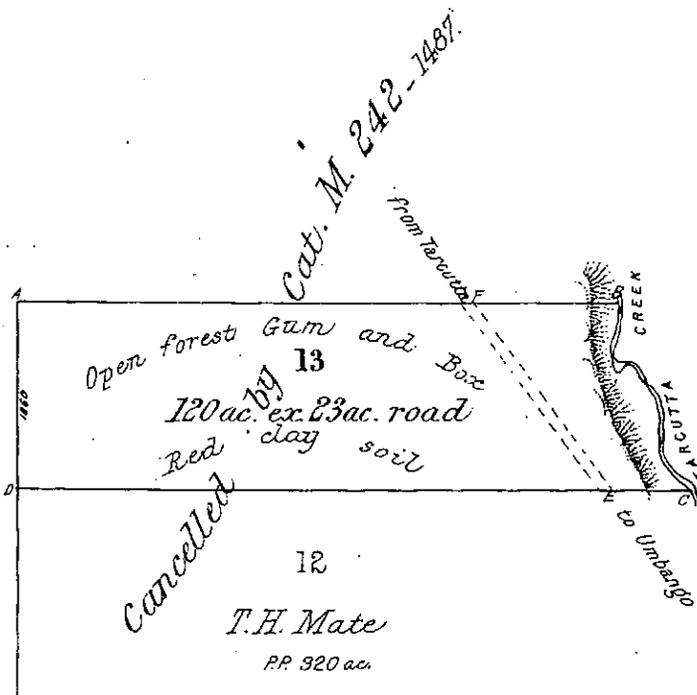
PLAN

Showing portion 13, in the

Parish of Obern, County of Wignyard.

Scale, 20 Chains to an Inch

Measured for sale



Reference to Corners.

Corner	Bearing	From	Links	N° on Tree
A	N. 7	BOX	24	13
B	N. 71 E.	GUM	63	"
C	N. 18 W.	"	41	12
D	N. 65 1/2 W.	"	54	"
E	N. 13 1/2 W.	"	57	C 65
F	N. 81 1/2 E.	"	37	D "

Date of Survey, 23 February, 1865.

John Berry, Licensed Surveyor.

(Sig. 436)

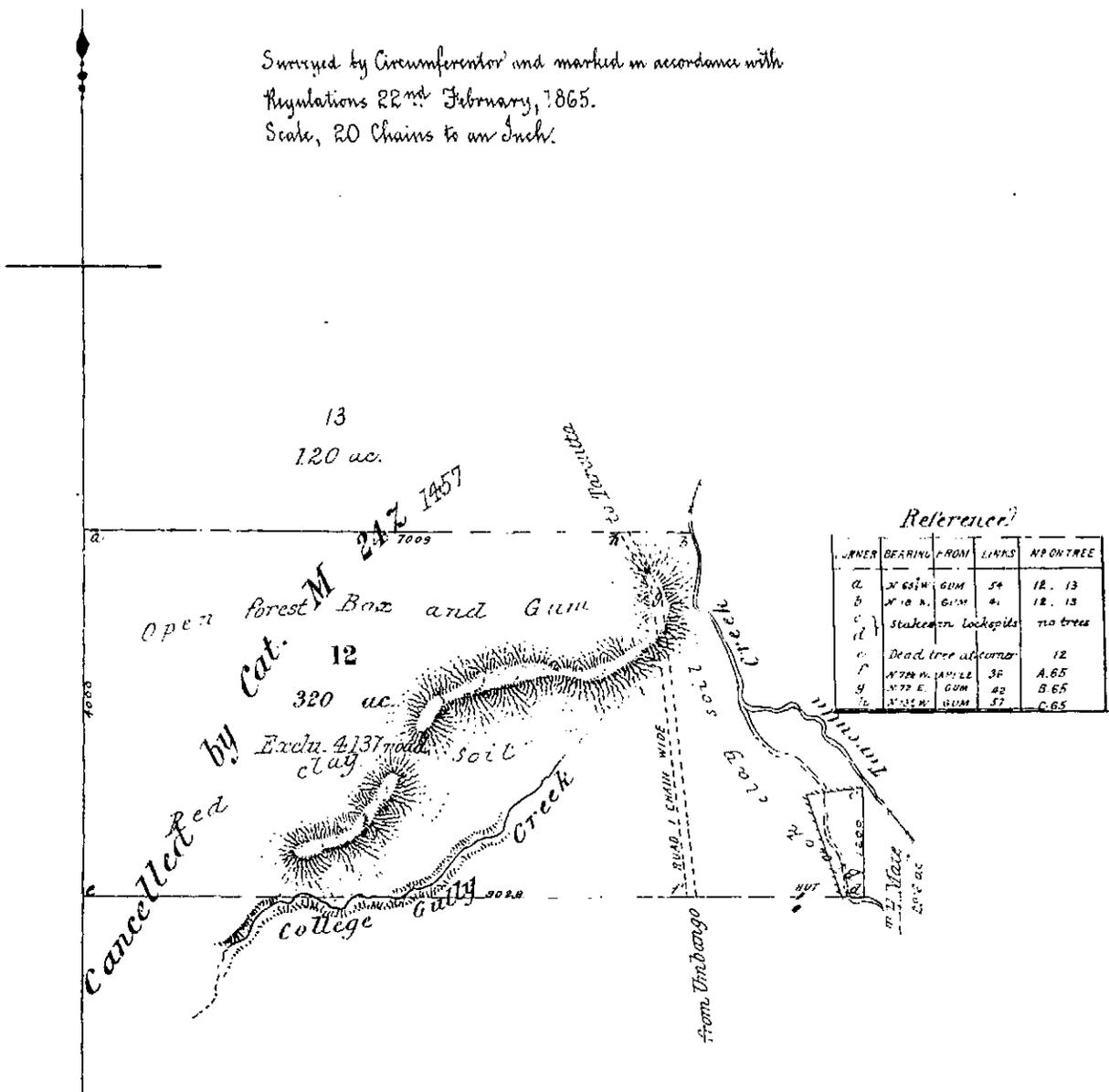
⌘

PLAN OF A PORTION OF LAND,
 No. 12, Parish of Obern,
 COUNTY OF WYNYARD,

Applied for by THOMAS HODGES MATE as a Pre-emptive Purchase in right of his
 Runs, Umuthee and Toonga, Murrumbidgee District.

Letter 64/8353, No. 64/1689. 6th August, 1864.

Surveyed by Circumferentor and marked in accordance with
 Regulations 22nd February, 1865.
 Scale, 20 Chains to an Inch.



Transmitted to Surveyor General, with letter 65/82-13th April, 1865

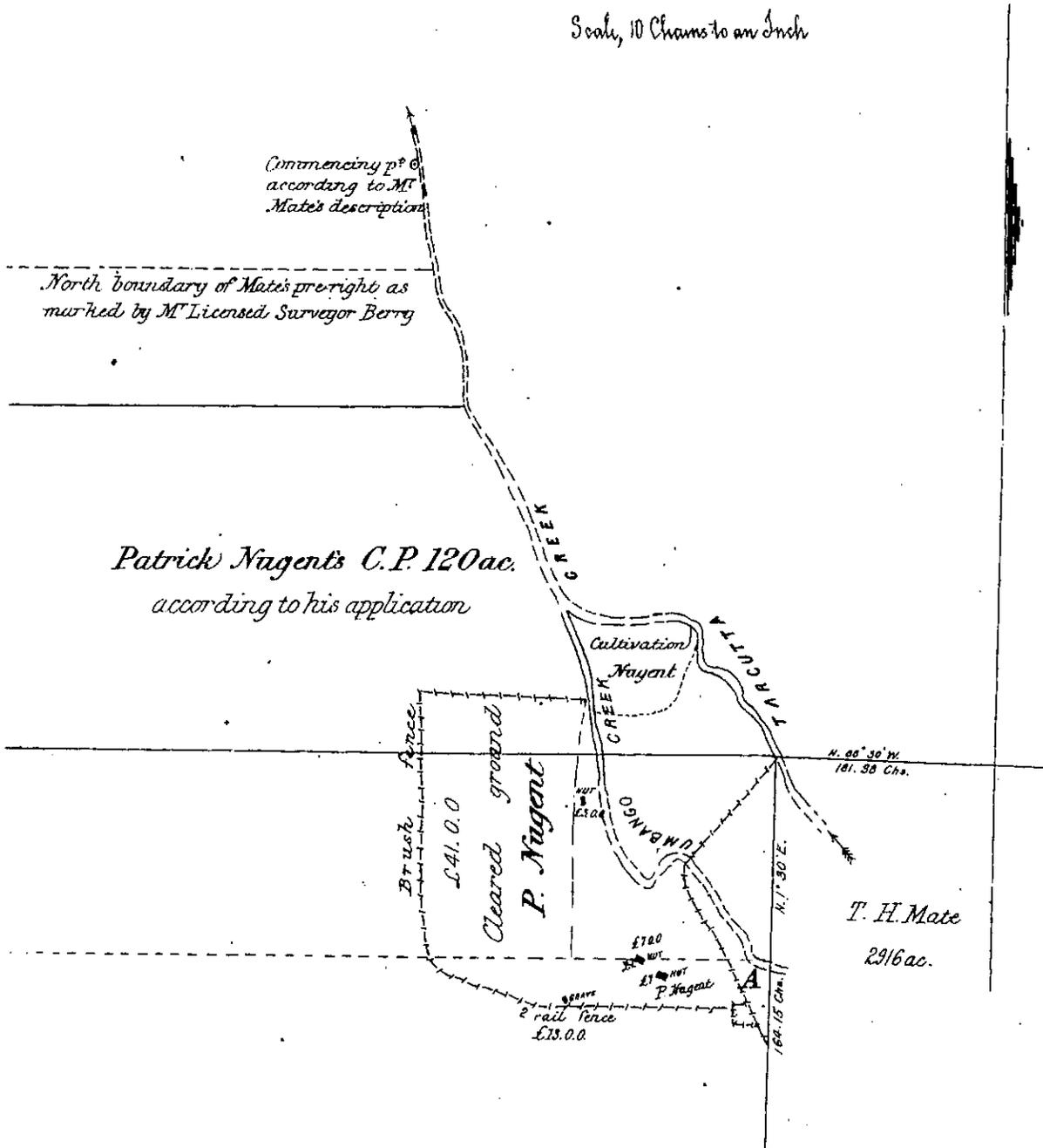
John Berry, Licensed Surveyor.

SKETCH SHOWING

Patrick Nugent's Improvements on the Torcutta C^{rk}

PARISH OF OBERNE, COUNTY OF WYNYARD.

Scale, 10 Chains to an Inch



Transmitted to the Surveyor, General with my letter N^o 65/237-
6th May, 1865.

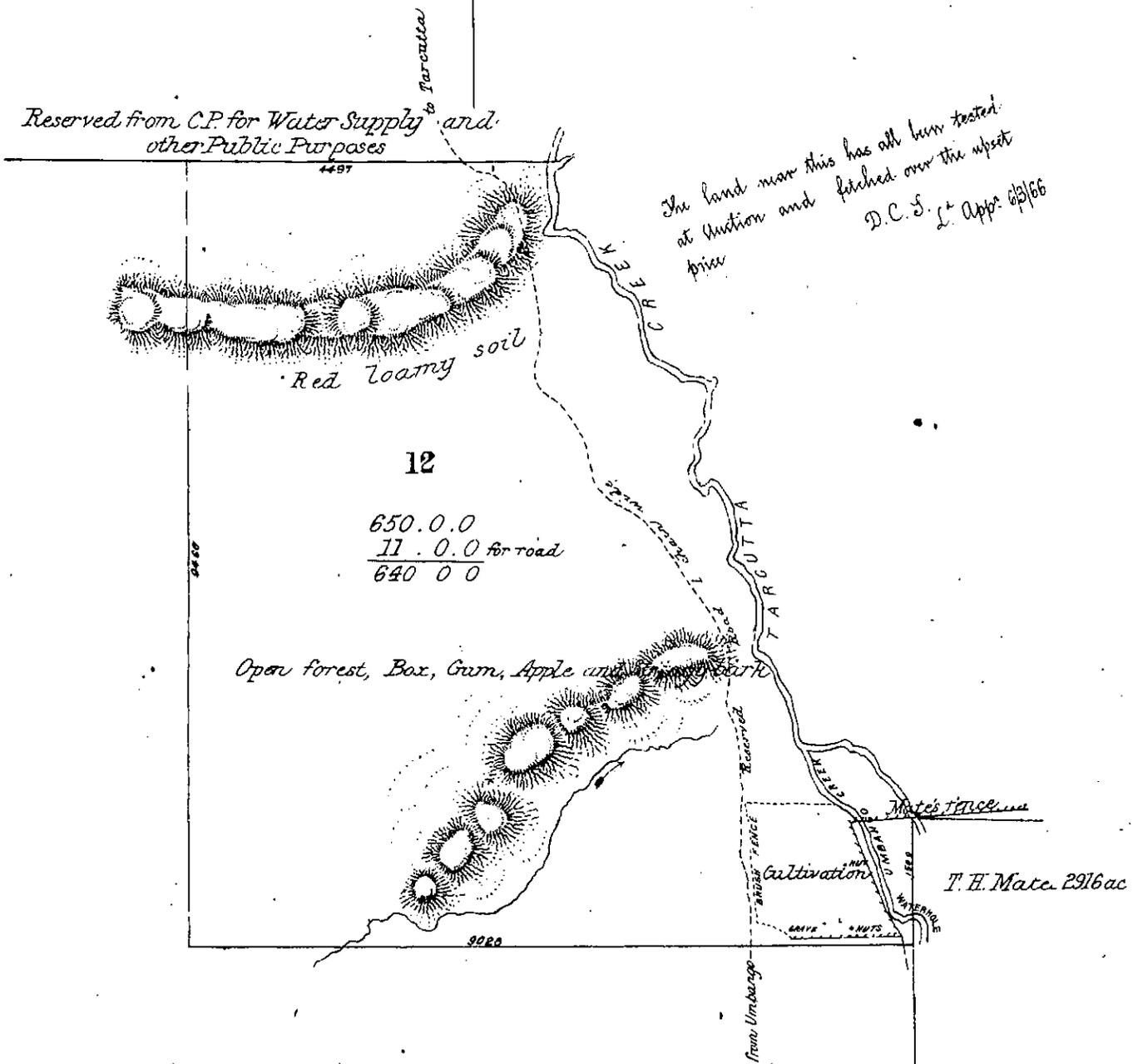
James H. Wood, Surveyor.

(Sig. 436)

PLAN OF A PORTION OF LAND,
 No. 12, Parish of Obern,
 COUNTY OF WYNYARD,

Applied for by THOMAS HODGES MATE as a Pre-emptive Purchase in right of his
 Runs, Umutbee and Toonga, Murrumbidgee District.

Scale, 20 Chains to an Inch.



Transmitted to the Surveyor General with Letter 65/182 23 Nov. 1865.

Thomas Berry, Licensed Surveyor.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

CROWN LANDS.

(CONDITIONAL PURCHASE OF TOPHAM FORGE AND J. CAMPBELL—CONFLICTING APPLICATIONS.)

Ordered by the Legislative Assembly to be printed, 24 July, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 19th June, 1877, That there be laid upon the Table of this House,—

“Copies of Application for the purchase in virtue of improvements, consisting of an excavation, from which gravel for ballasting the Moama and Deniliquin Railway line had been removed, and the conflicting Applications for Conditional Purchase by Topham Forge and J. Campbell, together with all Papers connected therewith.”

(Mr. McElhone.)

NO.	SCHEDULE.	PAGE.
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2.	Application by Topham Forge for an additional conditional purchase at same place, with description. 18 May, 1876	2
3.	M. Fitzpatrick, Esq., M.P., to the Secretary for Lands, protesting, in the interests of the lessee of Moira Run, against the selections made by Topham Forge, with minutes thereon. 28 June, 1876	2
4.	Mr. A. Armstrong to the Minister for Lands, requesting, on behalf of Mr. Forge, that an inquiry be made as to certain improvements alleged to have been made by the lessee of Moira Run on the land conditionally purchased by Mr. Forge, with enclosures. 8 August, 1876	2
5.	Under Secretary for Lands to Topham Forge, Esq., with reference to improvements having been represented as made at the date of his selection of the land referred to in Nos. 1 and 2. 24 August, 1876	4
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13.	Same to same, to the same effect, on the conditional purchase made on the 18th May, 1876. 10 October, 1876	5
14.	Application by Topham Forge, for the conditional purchase of unimproved Crown land, county of Cadell, parish of Moira, with description. 12 October, 1876	6
15.	Mr. A. Armstrong, on behalf of J. Campbell, to the Minister for Lands, requesting that the local surveyor may be instructed to report on his conditional purchase, with minutes thereon. 3 April, 1877	6
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CROWN LANDS.

No. 1.

D. [Alienation Act, sections 13, 14, and 19.]

Application for the conditional purchase, without competition, of unimproved Crown land.

District of Moama.

No. 28 of 1876.

Application by Topham Forge for the conditional purchase, without competition, of 500 acres unimproved Crown land.

Received by me, with a deposit of £125, this 11th day of May, 1876.

GEO. MAUNSELL,

Agent for the Sale of Crown Lands at Moama.

Sir,

11 May, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 500 acres; and I herewith tender the sum of £125, being a deposit at the rate of 5s. per acre on the area for which I apply.

I am, &c.,

To the Agent for the Sale of Crown Lands at Moama.

TOPHAM FORGE,

Moama.

DESCRIPTION.

County of Cadell, parish of Moira, 500 acres. Commencing at the north-east corner of block No. 64, from thence to line of reserve 89; thence west, thence south, thence east, thence north, thence east back to starting point.

No. 2.

D. [Alienation Act, section 21.]

Application for the additional conditional purchase, without competition, of unimproved Crown land.

District of Moama.

No. 31 of 1876.

Application by Topham Forge for the additional conditional purchase, without competition, of 140 acres unimproved Crown land.

Received by me, with a deposit of £35, this 18th day of May, 1876.

GEO. MAUNSELL,

Agent for the Sale of Crown Lands at Moama.

Sir,

18 May, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 140 acres; and I herewith tender the sum of £35, being a deposit at the rate of 5s. per acre on the area for which I apply.

I am, &c.,

To the Agent for the Sale of Crown Lands at Moama.

TOPHAM FORGE,

Moama.

DESCRIPTION.

County of Cadell, parish of Moira, 140 acres. Commencing at the north-east corner of block No. 64, containing 206½ acres, and adjoining my conditional purchase of 500 acres; from thence west about 29 chains; thence south about 60 chains; thence east to south-east corner of block 64; thence north back to starting point.

No. 3.

M. Fitzpatrick, Esq., M.P., to The Secretary for Lands.

Sir,

251, George-street, 28 June, 1876.

See Nos. 1 and 2.

At the instance of the lessee of Moira Run, I protest against the selections made by Topham Forge at Moama, on the 11th and 18th May last, containing 500 and 140 acres, as including an excavation of over 50,000 cubic yards, the value of which may be estimated at (£2,500) two thousand five hundred pounds, irrespective of the houses and other improvements.

I beg therefore that you will cause proper inquiry to be made into the facts of the case, and that in the meantime you will warn the selector that the land is claimed to be improved land, and therefore not open to selection.

I have, &c.,

MICHAEL FITZPATRICK.

The selector should be warned in usual manner and Mr. Fitzpatrick apprised.—17/7/76. This paper then to Charting Branch, who will perhaps cause the surveyor to be communicated with.—J.W., 17.

No. 4.

Mr. A. Armstrong to The Secretary for Lands.

Sir,

Land Agency Office, 261, Bridge-street, Sydney, 8 August, 1876.

Referring to a conditional purchase by Mr. Topham Forge, at Moama, since reported by the Crown lessee of Moira Run, Sir John O'Shanassy, to contain improvements to the value of (£2,500) two thousand five hundred pounds, I have the honor to hand herewith statutory declarations of Topham Forge, Seth

Seth Forge, and Frederick James Piggott, showing that the so-called excavation improvements consisted of the removal of a hill of gravel, which instead of improving had a deteriorating effect upon the value of the land selected by Mr. Forge, and to request that an early inquiry into all the circumstances be effected with the view of establishing Mr. Forge in his possession.

I have, &c.,
A. ARMSTRONG,
Agent for Topham Forge.

[Enclosure A to No. 4.]
Statutory Declaration.

I, Topham Forge, of the parish of Moira, county of Cadell, New South Wales, do solemnly and sincerely declare that the following statement is true in every particular, and that my making this declaration I am liable to be committed for perjury should any statement contained herein be found to be incorrect or untrue. I would therefore beg to submit the following statement:—That I, Topham Forge, in company with Mr. Frederick James Piggott, waited upon Mr. Simon Fraser, M.L.A., of Victoria, in the month of this year, the same gentleman being a director of Moama and Deniliquin Railway Company, for the purpose of inquiring of that gentleman if there was any agreement existing between John O'Shanassy and the Railway Company that would bar my selection of the ground, my application already being in the hands of the land officer of the district; or if there was any agreement between the Company and O'Shanassy as to improving the ground I had selected by making a dam. Mr. Fraser replied as follows:—No; there was no agreement to improve the land by making a dam or anything else. Mr. O'Shanassy represented the land to be his own (O'Shanassy's) private property, and gave the Railway Company authority to go and extract gravel therefrom. There was absolutely no agreement to make a dam or anything that would contain water. The Railway Company were to take gravel therefrom in any manner they deemed suited themselves best. The reason why Mr. O'Shanassy gave them leave was to the following effect: that the railway had encroached and made use of certain portion of land belonging to the O'Shanassys at the Moira, and that the matter was referred to the arbitrators, who awarded O'Shanassys much higher damages than the Company was disposed to give, who at once appealed against assessment, but withdrew it in consequence of O'Shanassy offering the Company this identical ground to extract gravel, and which he represented to the contractors was his own private property. Subsequently they found out that the ground was not O'Shanassy's, and that he had no right to give the Company the authority to extract gravel therefrom, and that they (the Company) had received no benefit or pay from O'Shanassy for extracting the gravel, but rather the reverse, for the Company withdrew their appeal. Mr. Collier, the contractor, also informed Mr. Piggott and myself that the O'Shanassys had deceived the Company in consequence of representing the land to be private property, whereas their proper course would have been to have taken out a gravel license.

I, Topham Forge, also swear that there was no house belonging to O'Shanassy on the ground at the time of or since my application was lodged with the land officer. There is certainly a shingle house belonging to Mr. Leun, of Echuca, who supplied the gravel-pit men with stores. Mr. Leun has since offered me this house in presence of Mr. Piggott for the sum of four pounds, but it was no business of O'Shanassy's, neither has he at any time made any claim to the same; in fact at the time of my application there was nothing on the ground that could be claimed by O'Shanassys. On the 29th of August (last Saturday) I met Mr. Fraser, who informed me that O'Shanassy through his solicitor had made application to him (Fraser) to give O'Shanassy a document whereby he (O'Shanassy) could claim improvements—that is to say, O'Shanassy wanted the Railway Company to swear or give them a document in writing that the gravel was extracted so as to make improvements for O'Shanassy. My brother was in my company at the time that Mr. Fraser gave us the above information. Mr. Barry, one of the railway contractors, was also present when Mr. O'Shanassy's solicitor made the above application to Mr. Fraser. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of Parliament of the Colony of New South Wales rendering persons making a false declaration guilty of wilful and corrupt perjury.

Declared before the undersigned, one of Her Majesty's Justices }
of the Peace for the Colony of New South Wales,— } TOPHAM FORGE.

JAMES SHACKELL, J.P.

[Enclosure B to No. 4.]

Statutory Declaration.

I, Seth Forge, of Timmering, do hereby make oath and swear that the following is true and correct, so far as I heard Mr. Fraser say to my brother; and I am further aware that should I state what is untrue in this document, I am liable to the pains and penalties of the law for making a false declaration:—Last Saturday, the 29th July, in company with my brother, I met Mr. Fraser, one of the directors of the Deniliquin and Moama Railway Company, who informed my brother that O'Shanassy, through his solicitor, asked him (Fraser) if the Company would give O'Shanassy a document to the effect that the Railway Company had made improvements by extracting gravel from the ground selected by my brother. Mr. Fraser stated in reply to Mr. O'Shanassy's question that the Company would do nothing of the kind, they having simply extracted the gravel as ballast for the railway line and not to make any improvements for O'Shanassy. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act of Parliament of the Colony of New South Wales rendering persons making a false declaration guilty of wilful and corrupt perjury.

Declared before the undersigned, one of Her Majesty's Justices of the Peace }
for the Colony of New South Wales, this 3rd day of August, 1876,— } SETH FORGE.

JAMES SHACKELL, J.P.

[Enclosure C to No. 4.]

Statutory Declaration.

I, Frederick James Piggott, of Moama, in the Colony of New South Wales, do solemnly and sincerely declare that the following statement is true in every particular, and that by making this declaration I am liable to be committed for perjury should any statement contained herein be found to be incorrect or false:—In company with Mr. Topham Forge, of the parish of Moira, county of Cadell, we waited upon Mr. Simon Fraser, M.L.A. for Victoria, one of the directors of the Deniliquin and Moama Railway Company, in the month of June last, for the purpose of inquiring of that gentleman if there was any agreement existing between the Deniliquin and Moama Railway Company as to improving the land now selected by Topham Forge, and in which the Company had been engaged extracting gravel from with the O'Shanassys. He replied as follows:—Mr. O'Shanassy represented the land in question to be his (O'Shanassy's) own private property, and gave the Railway Company authority to go and extract gravel therefrom. There was no agreement as to making a dam or anything that should contain or retain water; they were simply to take gravel therefrom in any manner they (the Company) deemed fit. The reason why Mr. O'Shanassy gave them leave was to the following effect:—That the Company had encroached upon a certain portion of land belonging to the O'Shanassys at the Moira, and that the matter was referred to arbitrators, who awarded O'Shanassy much more damages than the Railway Company was disposed to agree to, who at once appealed against the amount awarded to O'Shanassy, whereupon O'Shanassy came to the directors and said—"Withdraw your appeal, and I will allow you to take as much gravel as you like off of a private piece of ground belonging to me (O'Shanassy)." The place suiting the Company, they withdrew their appeal, and when ready took from this land the gravel they required. After having made use of the gravel for several weeks they discovered that O'Shanassy had no more claim to the ground than what they (the Company) had, and that they never received any benefit or pay from O'Shanassy in consequence of removing gravel therefrom. On the same date Mr. Collier, contractor, informed Mr. Forge and me that O'Shanassy had deceived the Company in representing the land to be his, and had they known it was Crown lands they would have taken out a license instead of acting as they did. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act of Parliament of the Colony of New South Wales rendering persons making a false declaration guilty of wilful and corrupt perjury.

Declared before the undersigned, a Justice of the Peace for the Colony }
of New South Wales, this 3rd day of August, 1876,— } FRED. JAS. PIGGOTT.

JAMES SHACKELL, J.P.

No. 5.

The Under Secretary for Lands to Mr. T. Forge.

Sir,

Department of Lands, Sydney, 24 August, 1876.

See Nos. 1 and 2.

It having been represented that the 500 and 140 acres of land conditionally purchased by you at Moama, on the 11th and 18th May, 1876, respectively, were improved at the date of selection, I am directed to caution you against improving the land in question, as your application will be cancelled should it be found, after inquiry, that the improvements alluded to are of sufficient value to bar selection.

I have, &c.,

W. BLACKMAN,
(Pro Under Secretary).

No. 6.

The Under Secretary for Lands to M. Fitzpatrick, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 24 August, 1876.

No. 3.

See No. 5

In reference to your letter of the 28th June last, stating that the conditional purchases of 500 and 140 acres, made by Topham Forge, at Moama, on the 11th and 18th May, 1876, respectively, contained improvements belonging to the lessee of Moira Run, I am directed to apprise you that Mr. Topham Forge has been cautioned against improving the land in question, as his application will be cancelled should it be found, after inquiry, that the improvements alluded to are of sufficient value to bar selection.

I have, &c.,

W. BLACKMAN,
(For the Under Secretary).

No. 7.

Application by J. T. Campbell.

D.

[Alienation Act, sections 13, 14, and 19.]

Application for the conditional purchase, without competition, of unimproved Crown land.

District of Moama.

No. 96 of 1876.

Application by John Thomas Campbell for the conditional purchase, without competition, of 300 acres unimproved Crown land.

Received by me, with a deposit of £75, this 28th day of September, 1876.

GEO. MAUNSELL,

Agent for the Sale of Crown Lands at Moama.

Sir,

28 September, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 500 acres; and I herewith tender the sum of £75, being a deposit at the rate of 5s. per acre on the area for which I apply.

I am, &c.,

To the Agent for the Sale of Crown Lands at Moama.

JOHN THOMAS CAMPBELL,
Moama.

DESCRIPTION.

County of Cadell, parish of Moira, 300 acres. Starting south-west corner of reserve 1,074, running due north 80 chains; thence west 40 chains running along north boundary of block 62, about 20 chains; thence about 60 chains south; thence back to starting point, so as to include all the available land between reserve 1,074 on the east side and blocks 69 and 62 on the western side.

No. 8.

Mr. A. Armstrong to The Secretary for Lands.

Sir,

Land Agency Office, 261, Bridge-street, Sydney, 10 October, 1876.

Referring to the case of Mr. Topham Forge, on Moira Run, I have the honor to request that Mr. Forge may be allowed to withdraw his application for the selection of the land in dispute, and that he may be allowed to select again other land on Thursday next with the money already paid, and that the Land Agent at Moama be specially instructed by telegram to receive his (Mr. Forge's) application on this special understanding.

I have, &c.,

A. ARMSTRONG,

Agent for Topham Forge.

Forge's application is hereby cancelled, being for land improved. Land Agent, Moama, may be telegraphed to to accept surrender of Forge's receipts on conditional purchases now cancelled, as cash for deposit on any new conditional purchases he may apply for next Thursday, endorsed by Forge to effect that he will lodge his refund forms, properly signed by him, when he is placed in possession of them, with the Land Agent, as deposit on fresh conditional purchases as above.—T.G. Blank cover, Under Secretary for Finance and Trade. 10th October, 1876. W.B., for Under Secretary. To be returned.

See No. 14

The orders issued to Mr. Forge have been duly received, and the amounts of same paid to Revenue as deposit upon conditional purchase No. 76-105. The Under Secretary for Lands.—G.E. The Treasury, blank cover, November, 1876. These papers should be noted against the fresh purchase 76-105, quoted above.—C.N., 23/11/76.

Topham Forge's conditional purchase applications 76-28 and 31, are hereby cancelled, being for improved land. You may accept surrender of Forge's receipts on these conditional purchases as cash for deposit on any new conditional purchases he may apply for next Thursday, provided they are endorsed by Forge to the effect that he will duly sign and lodge with you the refund forms sent him as deposits on the conditional purchases he may make next Thursday. The above will be sufficient. Send telegram.—W.W.S., 10th October, 1876. Approved.—T.G., 10/10/76.

No. 9.

No. 9.

Telegram from Under Secretary for Lands, to Land Agent, Moama.

10 October, 1876.

TOPHAM Forge's conditional purchase applications 76-28 and 76-31 are hereby cancelled, being for improved land. You may accept surrender of Forge's receipts on these conditional purchases as cash for deposit on any new conditional purchases he may apply for next Thursday, provided they are endorsed by Forge to the effect that he will duly sign and lodge with you the refund forms sent him as deposits on the conditional purchases he may make next Thursday.

W. W. STEPHEN.

No. 10.

The Under Secretary for Lands to Mr. T. Forge.

Sir,

Department of Lands, Sydney, 10 October, 1876.

I am directed to inform you that the applications made by you at Moama, on the 11th and 18th May, 1876, respectively, for the conditional purchases of 500 and 140 acres of land, are void, being for improved land. Deposit paid, £160.
See Nos. 1 and 2.

2. Enclosed are forms which, on being filled up in accordance with the instructions thereon, and forwarded to the Treasury, Sydney, will enable you at once to obtain the refund of your deposit.

I have, &c.,

WM. BLACKMAN,
(Pro Under Secretary).

[Enclosure A to No. 10.]

Conditional Purchase—Revenue refunded.

Dr. to Mr. Topham Forge.

Land Office at Moama.

Date of selection, 11th day of May, 1876.

Deposit paid on 500 acres, £125.

Selection void, being for improved land.

Deposit to be refunded on 500 acres, £125.

Department of Lands, Sydney, 10 October, 1876.

[Enclosure B to No. 10.]

Conditional Purchase—Revenue refunded.

Dr. to Mr. Topham Forge.

Land Office at Moama.

Date of selection, 18th day of May, 1876.

Deposit paid on 140 acres, £35.

Selection void, being for improved land.

Deposit to be refunded on 140 acres, £35.

Department of Lands, Sydney, 10 October, 1876.

No. 11.

The Under Secretary for Lands to The Land Agent, Moama.

Sir,

Department of Lands, Sydney, 10 October, 1876.

I am directed to inform you that the applications of Mr. Topham Forge, made on the 11th and 18th May, 1876, respectively, for the conditional purchases of 500 and 140 acres of land, are void, being for improved land. See Nos. 1 and 2.

2. Forms for refund of deposits have been forwarded for the signature of the applicant, the nature of which you will be so good as to explain to him, if required.

I have, &c.,

WM. BLACKMAN,
(Pro Under Secretary).

No. 12.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Sir,

Department of Lands, Sydney, 10 October, 1876.

I am directed to inform you that the conditional purchase noted in the margin being void, being for improved land, you will be good enough to refund to the selector the sum of £125, being the deposit money paid thereon. District, Moama.
Name, Topham Forge.
Date of selection 11 May, 1876.
Area, 500 acres.
Deposit, £125.

2. I am to add, that a receipt form for the disposal of the money has been forwarded to the applicant, with instructions to fill up same and transmit it to the Treasury.

I have, &c.,

WM. BLACKMAN,
(Pro Under Secretary).

No. 13.

The Under Secretary for Lands to The Under Secretary for Finance and Trade.

Sir,

Department of Lands, Sydney, 10 October, 1876.

I am directed to inform you that the conditional purchase noted in the margin being void, being for improved land, you will be good enough to refund to the selector the sum of £35, being the deposit money paid thereon. District, Moama.
Name, Topham Forge.
Date of selection 18 May, 1876.
Area, 140 acres.
Deposit, £35.

2. I am to add, that a receipt form for the disposal of the money has been forwarded to the applicant, with instructions to fill up same and transmit it to the Treasury.

I have, &c.,

WM. BLACKMAN,
(Pro Under Secretary).

No. 14.
Application by Topham Forge.

D. [Alienation Act, sections 13, 14, and 19.]

Application for the conditional purchase, without competition, of unimproved Crown land.

District of Moama.

No. 105 of 1876.

Application by Topham Forge for the conditional purchase, without competition, of 640 acres unimproved Crown land.

Received by me, with a deposit of £160, this 12th day of October, 1876.

GEO. MAUNSELL,

Agent for the Sale of Crown Lands at Moama.

Sir,

12 October, 1876.

I am desirous of purchasing, without competition, under the "Crown Lands Alienation Act of 1861," the portion of unimproved Crown land hereunder described, containing 640 acres; and I herewith tender the sum of £160, being a deposit at the rate of 5s. per acre on the area for which I apply.

I am, &c.,

To the Agent for the Sale of Crown Lands at Moama.

TOPHAM FORGE,

Moama.

DESCRIPTION.

County of Cadell, parish of Moira, 640 acres. Commencing at the south-west corner of block 109, T. Mitchelhill's, thence north 80 chains, thence west 80 chains, thence south 80 chains, thence east back to starting point.

[Minute on No. 14.]

Application forwarded to Mr. Licensed Surveyor Finley for report, 26 October, 1876.

No. 15.

Mr. A. Armstrong to The Secretary for Lands.

Sir,

Land Agency Office, 26, Bridge-street, Sydney, 3 April, 1877.

C.P. No. 76-96.
J. Campbell.
District, Moama.

I have the honor to request that instructions to report upon the selection noted in the margin may without further delay be forwarded to Mr. Licensed Surveyor Finley, reminding him that report sent for on 26/10/76 is not yet received.

I have, &c.,

A. ARMSTRONG,

Agent for J. Campbell.

Remind surveyor as requested.—J.W. Mr. Richardson. Mr. Landers.—A reminder should be sent to the surveyor who at present holds the instructions.—J. W. RUTTER, for Surveyor General. 25 May, '77.

No. 16.

The Surveyor General to Mr. Licensed Surveyor Trickett.

Sir,

Surveyor General's Office, Sydney, 11 June, 1877.

See minute on
No. 14.

I beg to invite your attention to my letter of the 26th day of October, No. 76-659, to Surveyor Finley, but transferred to you, whereby you were directed to measure, if unobjectionable, J. T. Campbell's conditional purchase 76-96; and I have to request that you will carry out the instructions above referred to with as little delay as possible, and report on this memo., when the instruction will probably be carried out.

I am, &c.,

JNO. F. LANDERS,

(For the Surveyor General).

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.

(CONDITIONAL PURCHASES—WITHDRAWAL, FROM INSPECTORS, OF CASES PRIOR TO 1875.)

Ordered by the Legislative Assembly to be printed, 25 July, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 20th June, 1877, That there be laid upon the Table of this House,—

- “(1.) A Copy of any Minute or Regulation of the Lands Department relative to three months Notice being given to Conditional Purchasers before the forfeiture of their Selections.
- “(2.) A like Copy bearing upon the withdrawal from Inspectors of all Cases of Conditional Purchases made prior to 1875.”

(*Mr. Jacob.*)

CROWN LANDS.

Lapsing Conditional Purchases.

In order as far as possible to prevent a recurrence of the inconvenience that has in several instances occurred heretofore, by reason of conditional purchases that have been resided upon as required by law (and in some instances only improved) being declared lapsed through non-receipt of the necessary declarations at this Office in proper time, I propose that a brief form of notice should be printed and transmitted by post to the selector, at the expiration of the three years term from date of purchase, warning him that the final declaration and balance (or interest thereon) have become due, and that if not duly lodged with the Land Agent within the ensuing period of three months, the selection will be declared forfeited; and further, that in the event of his being desirous of obtaining an extension of the time for making improvements to three years from the time of survey, application to that effect should be made to accompany the declaration of residence and payment of balance or interest.

A.O.M.,
15/6/77.

Approved.—R.D., 18/6/77.

UNDER the Lands Acts Amendment Act of 1875, the time for making improvements upon conditional purchases is permitted to be extended to three years from the date of survey. There is reason to believe that misapprehension as to the effect of this provision has gone abroad, and that many persons are under the belief that in like manner the payment of balance of purchase money (or interest thereon) and the declaration of residence can be deferred.

The Regulations published in August, 1875, are sufficiently explicit, but, to provide against further inconvenience arising, it is submitted that a brief notice calling attention to the requirements of the law might with advantage be published.

A.O.M.,
14/6/77.

I cordially agree in above.—R.D., 18/6/77.

Final Declarations of 1875.

By direction of Mr. Secretary Garrett, all the final declarations received upon conditional purchases, and falling due between January and August, 1875, were included amongst those that were referred for verification to the Inspectors, after the passing of the Act 39 Victoria No. 13, and very many of them are still in the hands of the Inspectors not yet reported upon.

I now submit that, as the parties have in these cases ostensibly complied with the requirements of the law, and have made declaration that they have actually and substantially fulfilled the conditions of their several purchases, it is hardly to be justified that the recognition of their claims should in the absence of particular grounds of objection be longer deferred.

It is needless to point out that the delay is well calculated to embarrass their transactions, or that the lapse of time has gone far to render it impracticable to distinguish between the cases in which the law has been carried out and those in which it has been evaded.

It is probable that some moral effect has been produced by the reference of such cases, but by their being longer kept open (as it appears to me) that effect is likely to be rather diminished than increased.

I therefore respectfully submit the propriety of withdrawing from the hands of the Inspectors all the declarations still outstanding received prior to August 1875, or the date of the passing of the Act referred to, except where those officers have found evidence of default on the part of the claimants; and of such declarations being passed, after such examination as had been considered sufficient prior to the adoption of the present system of verification.

I do not wish to conceal my impression that this measure may have the effect in some cases of endorsing breaches of the law, and of admitting claims which could not pass under closer scrutiny; but the practical injustice of delaying further the recognition of titles that are not liable to question appears to me to be an evil of greater magnitude.

A.O.M.,
6 June, 1877.

Approved.—R.D., 16/6/77.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

CROWN LANDS.
(RESERVES ON MESSRS. DANGAR'S RUNS.)

Ordered by the Legislative Assembly to be printed, 16 February, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 14 March, 1876, That there be laid upon the Table of this House, a Return showing,—

- “ (1.) The number of Reserves granted on Mr. W. J. Dangar’s Myall Creek Station, the area of such Reserves in acres, and the dates and years on which each Reserve was granted, and who applied for them.
“ (2.) The like Return as to Dangar Brothers’ Gostwyck, Tallaroi, Bunna Bunna, Millie, and any other Stations they hold in the Colony.”

(*Mr. McElhone.*)

CROWN LANDS.

LIST of Reserves applied for by Messrs. Dangar.
GWYDIR DISTRICT.

Name of Run.	No. of Reserves.	Area.	Date.	By whom applied for, or by whom recommended.	Area of Run.
Murgo	1	640 acres.	11 Mar., 1868.....	Mrs. Grace Dangar.	23,040 acres.
"	1	760 "	17 Sept., 1875.....	"	
"	1	640 "	11 Mar., 1868.....	"	
"	1	160 "	23 April, 1875.....	"	
"	1	3,192 "	15 June, 1875.....	"	
"	1	1,760 "	22 June, 1875.....	"	
"	1	950 "	"	"	
"	1	120 "	15 Sept., 1875.....	"	
"	1	3,200 "	"	"	
"	1	1,248 "	26 Oct., 1875.....	"	
"	1	1,200 "	17 Sept., 1875.....	"	
	11	13,870 acres.			
Yallaroi.....	1	320 acres.	11 Mar., 1868.....	Mrs. Grace Dangar.	56,000 acres.
"	1	640 "	"	"	
"	1	320 "	"	"	
"	1	640 "	"	"	
"	1	20 "	24 Jan., 1871.....	Licensed Surveyor Simpson.	
"	1	74 "	22 June, 1875.....	Licensed Surveyor Russell.	
"	1	140 "	"	"	
"	1	470 "	15 Sept., 1875.....	"	
"	1	1,900 "	"	"	
"	1	220 "	"	"	
"	1	960 "	"	"	
"	1	190 "	"	"	
"	1	139 "	"	"	
"	1	2,240 "	"	"	
"	1	1,100 "	"	"	
"	1	2,000 "	17 Sept., 1875.....	"	
"	1	800 "	"	"	
"	1	2,600 "	"	"	
"	1	3,160 "	"	"	
"	1	1,000 "	"	"	
	20	18,983 acres.			
			W. J. Dangar, lessee.		
Keriengobeldie	1	680 acres.	10 Oct., 1868.....	Crown Lands Commissioner.	30,720 acres.
			W. J., H. C., F. H., A. A. Dangar, lessees.		
Lay Green North.....	1	120 acres.	5 Nov., 1875.....	Licensed Surveyor Mathews.	32,000 acres.
"	1	320 "	10 Dec., 1875.....	"	
	2	440 acres.			
			W. J. Dangar, lessee.		
Myall Creek	5	2,560 acres.	29 June, 1869.....	W. J. Dangar.	191,360 acres.
"	1	400 "	24 April, 1874.....	Surveyor Evans.	
"	1	100 "	21 July, 1874.....	Surveyor Lipscombe.	
"	1	250 "	"	"	
"	1	32 "	"	"	
"	1	75 "	6 Nov., 1874.....	"	
"	1	288 "	6 April, 1875.....	"	
"	1	390 "	"	"	
	12	4,095 acres.			
			LIVERPOOL PLAINS.		
			W. J., H. C., F. H., A. A. Dangar, lessees.		
Millie, South.....	1	960 acres.	1 Oct., 1869.....	Crown Lands Commissioner.	80,000 acres.
"	1	1,360 "	23 Feb., 1876.....	Licensed Surveyor Elliott.	
"	1	237½ "	8 Mar., 1876.....	"	
"	1	72 "	"	"	
"	1	3,200 "	"	"	
"	1	3,200 "	22 Mar., 1876.....	"	
"	3	7,040 "	14 Sept., 1875.....	H. C. Dangar.	
	9	16,069½ acres.			

LIVERPOOL PLAINS—*continued.*

Name of Run.	No. of Reserves.	Area.	Date.	By whom applied for, or by whom recommended.	Area of Run.
Bulgeroi	3	456 acres.	6 July, 1867.....	Mrs. Grace Dangar.	54,000 acres.
"	1	3,200 "	9 Feb., 1876.....	John Gill.	
	4	3,656 acres.			

NEW ENGLAND DISTRICT.

Paradise Creck.....	1	320 acres.	10 April, 1867.....	Crown Lands Commissioner.	60,000 acres.
Gostwyck	1	274 acres.	20 May, 1862.....	Surveyor's report.	2,430 acres.
"	1	300 "	11 Sept., 1866.....	"	
"	5	564 "	22 Aug., 1865.....	"	
"	1	40 "	31 July, 1866.....	"	
"	1	68 "	30 July, 1872.....	"	
"	1	15 "	23 Feb., 1876.....	"	
	10	1,261 acres.			

Henry Dangar, lessee.

Yarrowyck	1	4,800 acres.	15 Dec., 1865.....	Crown Lands Commissioner.	81,180 acres.
"	1	450 "	19 April, 1872.....	Surveyor's report.	
"	2	356 "	9 Feb., 1876.....	"	
	4	5,606 acres.			

RESERVES.

Estimated total area—64,930 acres.

RUNS.

Estimated total area—610,730 acres.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TIMBER RESERVE NEAR NARRABRI.

(PETITION RESPECTING—RESIDENTS OF NARRABRI AND NAMOI RIVER.)

Ordered by the Legislative Assembly to be printed, 16 May, 1877.

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

The humble Petition of the undersigned Residents of Narrabri and that portion of the Gwydir District known as the Namoi,—

SHOWETH:—

1. That with surprise and alarm your Petitioners have been made aware, by notification bearing date the 20th day of March, in the year of our Lord 1877, and published in the *New South Wales Government Gazette*, dated 23rd day of the same month, and in the same year, that a reserve, numbered 1,088, of an area of some five hundred and twenty square miles, extending from Turrawan to four miles below Pilliga Hut, fronting close on to the Namoi River, and at or opposite the town of Narrabri, stretching backwards some sixteen miles, has been proclaimed by the Government for the preservation and growth of timber, and is moreover reserved from sale under the "Crown Lands Alienation Act of 1864," and exempted from the operation of licenses issued under the Crown Lands Regulations.

2. That, with the exception of a small supply remaining on the right bank of the river, far removed from the town, and which is calculated to last three months at the very outside, your Petitioners are cut off from all timber for fencing or building purposes by the aforesaid reserve having been proclaimed:

3. That the result of the aforesaid reserve having been made has been that many of your Petitioners have been deprived of the means of earning an honest livelihood by splitting and sawing; that the building and other trades depending upon an adequate supply of timber are either already brought, or will shortly be brought, to a standstill; that a sudden and decided stop has been put to the progress of the township; that the Crown lessees will have to discontinue fencing and other improvements; and the conditional purchasers will be debarred from fulfilling the conditions of improvement imposed upon them by the "Crown Lands Alienation Act of 1864."

4. That a more careful survey of the country lying between the Namoi and Castlereagh Rivers will show that the very best ironbark timber lies from fifteen to twenty-five or thirty miles back from the former river; that in the reserve aforesaid the ironbark timber is scarce and of inferior quality, unfit for Government purposes, but fit for the requirements of your Petitioners; and that the aforesaid reserve contains large quantities of oak, box, pine, and belar, such as (of no use to the Government or the Government's contractors) are of the greatest value to your Petitioners.

5. That the contractor for the bridges over the Narrabri Creek and Namoi River has had to pass right through and beyond the aforesaid reserve before he could find ironbark timber suited to his purposes.

6. That the action of the aforesaid reserve is proving and must prove most injurious to the welfare and detrimental to the prosperity of your Petitioners.

7. That the condition attaching to the so-called permit, prohibiting the cutting of any tree of a less diameter than twenty-four inches, precludes the utilizing of box, oak, pine, belar, and other useful timbers, which only in very rare instances attain to such dimensions.

Your Petitioners, under the aforesaid circumstances, respectfully pray that your Honorable House will cause inquiry to be made by disinterested experts into the truth of the aforesaid allegations, and extend to your Petitioners such measure of relief, either by revocation of or throwing back the aforesaid reserve some twelve or fifteen miles, as may seem meet to your Honorable House.

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

[Here follow 210 signatures.]

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

RESERVE FOR ACCESS TO WATER, EAST MAITLAND.

(PETITION OF CERTAIN RESIDENTS RESPECTING.)

Ordered by the Legislative Assembly to be printed, 11 June, 1877.

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

The Petition of the undersigned inhabitants of the Town and Ratepayers of the Borough of East Maitland,—

HUMBLY SHOWETH:—

That among the Reserves in the Town of East Maitland there is one marked on the Government plan or map of the said town as a Reserve for access to water.

That some little time back the street leading to this Reserve had been fenced across, and that on the Reserve itself a fence had been erected by reason of which fences access to the water at this Reserve was prevented.

That on representation of these facts to the Municipal Council of the Borough these fences were removed and that full access to the water has since been obtainable.

That by reason of excavations made by the Municipal Council upon other Reserves more conveniently situated to your Petitioners, and by reason of the dangerous nature of the banks of the creek at the Reserve for access to water, the latter is seldom if ever used as a watering-place.

That a portion of the Reserve for access to water has been enclosed for many years and has been occupied by permission of the Municipal Council of the Borough upon payment of the annual sum of six pounds, which sum has been paid by the occupant to the Municipal Council and has been by them expended in town improvements to the advantage and benefit of your Petitioners.

That the portion of the Reserve for access to water thus enclosed does not in any manner prejudicially affect the use of the Reserve as a watering-place.

That your Petitioners are informed that by reason of representations which have been made, proceedings are now being taken by direction of the Honorable the Minister for Lands to dispossess the occupant of the enclosures and to open the enclosure itself.

That inasmuch as the renewal of the enclosure will deprive the Municipal Council of the means of expending the annual sum of six pounds to the advantage and benefit of your Petitioners, whilst the existence of the enclosure is in no respect an inconvenience your Petitioners will suffer injury by the carrying of these proceedings into effect.

That your Petitioners would prefer and it would be a greater benefit to your Petitioners that the enclosure should remain as at present and the sum of six pounds per annum expended by the Municipal Council in the improvement of the Borough than that the enclosure should be removed and the expenditure of the annual sum be discontinued.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to take this Petition into your favourable consideration and to grant your Petitioners such relief in the premises as to your Honorable House may seem fit.

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

[Here follow 140 Signatures.]

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WALLIS CREEK WATER RESERVE.

(CORRESPONDENCE.)

Ordered by the Legislative Assembly to be printed, 25 July, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 27th February, 1877, That there be laid upon the Table of this House,—

“ All Correspondence between the Department of Public Lands and the
 “ Municipal Council of East Maitland, together with any Minutes, Plans,
 “ or other Documents concerning the opening of the Wallis Creek Water
 “ Reserve; together with any Correspondence which may have passed
 “ between the Crown Lands Department and the Government concerning
 “ the opening of the aforesaid Water Reserve.”

(Mr. Macintosh, on behalf of Mr. Davies.)

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WALLIS CREEK WATER RESERVE.

No. 1.

Mr. J. Borthwick to The Secretary for Lands and Public Works.

Sir,

East Maitland, 14 July, 1858.

There is no town in this Colony more advantageously situated than Maitland as regards supplying the inhabitants with pure water, because the town is bounded by Wallis Creek and the Hunter River; yet, notwithstanding these natural facilities, the inhabitants are debarred from procuring a bucket of water from either source owing to the want of access to either the creek or river, having to depend solely on a lagoon for a supply, and during the late drought the water from that source was very injurious to health, in fact calculated to produce fever or some other disease, owing to the decomposed vegetable matter contained therein. You will, I am sure, agree with me that to secure a supply of good water for the use of the inhabitants of any town is of the utmost importance, but more especially to one containing upwards of 2,000 souls and possessing such facilities; therefore I cannot bring myself to believe that the Surveyor General, in laying out the town, so far forgot as not to make provision for securing to the inhabitants access to both the creek and river.

Under that impression I am induced to address you upon the subject, hoping you will at once investigate and take the necessary steps to remedy the evil.

I am, &c.,

JOHN BORTHWICK.

For reference to the Surveyor General, who will please expedite this matter.—JOHN R., B.C., 16 July, 1858.

No. 2.

The Under Secretary for Lands and Public Works to Mr. J. Borthwick.

Sir,

Department of Lands and Public Works, Sydney, 16 July, 1858.

Your letter, dated 14th inst., respecting the water supply for the town of Maitland has been referred for the immediate report of the Surveyor General. See No. 1.

I have, &c.,

M. FITZPATRICK.

No. 3.

Memorandum by The Surveyor General.

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

It does not appear that in the old grants between East Maitland and the river Hunter, the occupation of which was originally authorized some thirty-five years ago, any reservation of access to the river was made.

There is still, however, a portion of frontage to Wallis Creek in the hands of the Crown, being about a quarter of a mile in extent, and situated in the old police paddock between Boardman's grant and the Glebe land, and if the reservation of a portion of this for access to water would be of public convenience there would be no objection to such reservation. This portion fronting the creek is nearly three quarters of a mile from the centre of East Maitland, and the precise boundaries may be seen by persons interested by reference to the map at the local office, Maitland.

GEORGE BARNEY,

Surveyor General.

Submitted. Mr. Borthwick may be informed.—JOHN R., 23 Aug., 1858.

No. 4.

The Under Secretary for Lands and Public Works to Mr. J. Borthwick.

Sir,

Department of Lands and Public Works, Sydney, 31 August, 1858.

Adverting to my letter of the 16th ultimo, respecting water supply to the town of Maitland, I am now directed to inform you that a report on the subject has been received from the Surveyor General stating that it does not appear that in the old grants between Maitland and the river Hunter any reservation of access to the river was made, but that there is still a portion of frontage to Wallis Creek in the hands of the Crown, being about a quarter of a mile in extent, and situated in the old Police Paddock between Boardman's grant and the Glebe land. No. 2

2. The Surveyor General further reports that if the reservation of a portion of this frontage to the creek for access to water would be of public convenience there would be no objection to its being so reserved, and that you may ascertain the precise boundaries of the land alluded to by reference to the map at the local office, Maitland.

I have, &c.,

M. FITZPATRICK.

No. 5.

No. 5.

The Police Magistrate, East Maitland, to The Surveyor General.

Sir, Police Office, Maitland, 7 September, 1858.

I have the honor to request your attention to the present state of the land at Maitland, hitherto known as the Police Paddock. The most eligible portion of this land (for building purposes) has been recently sold, and by far the larger part of that which is still unsold is unfit for building purposes, being low and subject to floods.

This latter part of the paddock is now the only land in the township through which access to Wallis Creek, for the purpose of obtaining water, can be granted to the inhabitants, and this access I consider can best be afforded by the prolongation of Watt-street in a direct line to Wallis Creek, and by thus granting say 50 or 100 yards of the land along the creek bank on each side of the street as a water reserve.

As it is owing solely to the retention hitherto of the Police Paddock that the Government is now without any material expense to grant a very important boon to the people of Maitland, I beg to recommend that the still unsold portion of the Police Paddock be reserved, at least for the present, to meet any unforeseen requirement that may arise hereafter.

I have, &c.,

E. D. DAY,

Police Magistrate.

Transmitted to the Under Secretary for Lands and Public Works with reference to my report, under blank cover of the 16th ultimo.—GEORGE BARNEY, B.C., 22 September, 1858. Mr. Day

See No. 3.

may have a copy of the report of the Surveyor General on Borthwick's letter, but the latter officer is silent as to the proposed prolongation of Watt-street. The Surveyor General should ascertain from the local surveyor whether or not the continuation of Watt-street to the creek would afford the best and most useful approach to the water, and if not to point out what portion of the Police Paddock will afford such approach.—JOHN R., 27 September, 1858. B.C., 28 September, 1858.—M.F. Inform Mr. Day.

No. 6.

The Surveyor General to The Police Magistrate, East Maitland.

Sir, Surveyor General's Office, Sydney, 22 September, 1858.

See No. 5.

Your letter of the 7th instant, respecting the reservation of a portion of land in East Maitland for the purpose of water supply, has been referred to the Under Secretary for Lands and Public Works.

I have, &c.,

G. BARNEY,

Surveyor General.

No. 7.

The Under Secretary for Lands to The Police Magistrate, East Maitland.

Sir, Department of Lands and Public Works, Sydney, 28 September, 1858.

See No. 5.
For report see
No. 3.

In reference to your letter of the 7th instant, I am directed to transmit to you a copy of a report furnished by the Surveyor General on a communication addressed to this department by Mr. John Borthwick, respecting the water supply to the town of Maitland.

2. I am at the same time to apprise you that instructions have been issued to the Surveyor General to ascertain from the local surveyor at Maitland whether or not the continuation of Watt-street to the creek would afford the best and most useful approach to the water, and, if not, to point out what portion of the Police Paddock is available for that purpose.

I have, &c.,

M. FITZPATRICK.

No. 8.

The Surveyor General to Mr. Licensed-Surveyor Maitland.

Sir, Surveyor General's Office, Sydney, 5 November, 1858.

It being the intention to set apart a portion of the Police Paddock fronting Wallis Creek as a water reserve for East Maitland, I have to request that you will be good enough to report as to whether or not the continuation of Watt-street in that town would afford the best and most useful approach to the water, and, if not, to point out what portion of the paddock will afford such approach.

2. You will likewise report as to the supply of water in the creek, between the Glebe land and Boardman's grant, and as to the practicability of increasing and rendering permanent that supply by damming the creek in this portion.

I have, &c.,

GEORGE BARNEY,

Surveyor General.

No. 9.

Mr. Licensed-Surveyor Maitland to The Surveyor General.

Sir, Maitland, 25 January, 1859.

No. 8.
Appendix A
enclosed.

Referring to instructions conveyed to me in your favor of the 5th November last, I do myself the honor to report that I have surveyed the locality therein referred to, and forward a plan of the same.

2. You will observe that from the south-west end of Watt-street I recommend the proposed access to Wallis Creek to bear due west, for, although the distance is but 80 links shorter than the line south-west from the same point, yet having regard for future contingencies I prefer it.

I have, &c.,

D. M. MAITLAND,

Licensed Surveyor.

Minutes

Minutes thereon.

Mr. Maitland has not reported on the practicability of increasing the supply of water by damming, but he informs me personally, and I have some knowledge myself of the locality, that the supply is naturally so copious as to render artificial increase quite unnecessary at present. No doubt a dam slightly above the ordinary level might be constructed, but the lands adjacent to the creek being lower than the banks a dam of any considerable height would tend to flood reserved lands.—A.G.M., 7 February.

Mr. Adams,—I have charted a sketch made for Police Magistrate. The recreation reserve does not extend further at present than Adams-street, but it may be desirable to extend it to the water reserve and the creek.

No. 10.

Petition from Inhabitants of East Maitland to The Secretary for Public Works.

East Maitland, 21 December, 1875.

The petition of the undersigned inhabitants of the town of East Maitland,—
Humbly sheweth:—

That water is rather a scarce commodity available for horses and cattle in this township at the present time, and that there is a water reserve to Wallis Creek, near the site of the old lock-up, which the Borough Council has let to a tenant, who has fenced it off, thus preventing people and cattle from having access thereto.

We believe it is only through you our grievance can be redressed, and therefore we earnestly and respectfully request that you will cause the reserve to be thrown open and used for the purpose for which it was originally dedicated.

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

[Here follow 76 signatures.]

Presented by S. Scholey, Esq., M.P.

Referred for the report of Mr. District-Surveyor Evans.—R. D. FITZGERALD, for Surveyor General, B.C., 29 December, /75.

No. 11.

Mr. District-Surveyor Evans to The Surveyor General.

Sir,

East Maitland, 12 January, 1876.

In compliance with instructions, I have the honor to report on a petition from certain inhabitants of East Maitland that a water reserve on Wallis Creek be thrown open to the public. See minute on No 10.

The reserve in question, marked on the map as containing 1a. 3r. 20p., is leased for a period of three years, commencing from 1 July, 1875, by the Municipal Council of East Maitland, to Francis Abberton, at a rent of £6 per annum. At the expiration of the lease the tenant consents to give up possession with a crop of lucerne laid down.

On the sketch I have shown the position of fences which obstruct the free use of the water, which, however, unless an approach were made, is not safe for cattle, the banks being very high, the creek boggy, and the water deep. Appendix B, enclosed.

The Municipal Council have provided two water-holes for watering stock in the town—one in the reserve to the south-eastern side of Bank-street, near Adams-street, and the other in the reserve at the junction of Lindsay and Melbourne streets. These are at opposite ends of the town, and the first-named is not far from the reserve which it is now sought to throw open. Both of these water-holes are accessible at all times, and more conveniently situated. To give an idea of how unsuited the reserve in its present condition is for the watering of stock I may mention that Mr. Abberton, the lessee, has a cask on it to water his stock, which cask is daily filled by hard labour from the creek.

Of the nine aldermen in the Municipality only one is in favour of throwing the reserve open, and it appears to me to be a matter entirely for the municipal authorities to deal with. The Council propose embanking the eastern side of Wallis Creek, from Bank-street northerly, and the opening of this reserve would seriously interfere with such a project.

I have, &c.,

THOMAS EVANS,
District Surveyor.

Mr. Thompson,—Has the reserve here mentioned, or any of the reserves in Maitland (East), been vested in the Borough Council as trustees?—F.W.W., 27/1/76. A large area of land at East Maitland was by a Bill passed last Session vested in the Borough Council. Perhaps the area included the reserve referred to. The reserve containing 1a. 3r. 20p. referred to was not embraced in the Bill mentioned.—J.D.R., 31/1/76. I cannot find any record of the dedication of this reserve, nor does it appear to have been placed under the control of the Council. Perhaps the Council should be asked to state on what authority the reserve is held.—31/1/76. Yes.—3/2/76.

No. 12.

S. Scholey, Esq., M.L.A., to The Secretary for Lands.

Sir,

Sydney, 27 January, 1876.

I have the honor to again call your attention to the petition presented by me for the opening of the street and reserve now fenced by a man named Abberton, which prevents the people of East Maitland from obtaining water from Wallis Creek. As the supply is becoming scarce I hope the Honorable Minister will give this matter his earliest attention. Mr. Blackman has promised Mr. Hutchinson that he will place the papers in his case before you to-morrow morning, Friday. I hope you will take this matter under your consideration. See No. 10.

Yours, &c.,

STEPHEN SCHOLEY.

No. 13.

No. 13.

S. Scholey, Esq., M.L.A., to The Secretary for Lands.

Sir,

East Maitland, 1 February, 1876.

I have the honor again to call your attention to the matter of the opening of the street and reserve for water supply on Wallis Creek, East Maitland, as the present supply of one of the greatest blessings, water, is becoming short.

An early reply will oblige

Yours, &c.,

STEPHEN SCHOLEY.

Question arisen as to the authority the Council have for holding the reserve. Mr. Oliver cannot furnish any information respecting the dedication of the reserve.—J.D.R., 3/2/76.

The Municipal Council should, I think, be required to show on what authority they have dealt with and leased the reserve in question.—R. D. FITZGERALD (for Surveyor General), 3/2/76.

Approved, and the Municipal Council should be required to at once remove the fences across the road leading down from the junction of Watt and Wallis streets so as to afford the public free access to the creek.—T.G., 10/2/76.

No. 14.

The Under Secretary for Lands to The Council Clerk, East Maitland.

Sir,

Department of Lands, Sydney, 10 February, 1876.

It having been represented to this department that the Borough Council of East Maitland has leased to F. Abberton a water reserve at Wallis Creek, I am directed to request that you will be good enough to state upon what authority the Council has acted in the matter.

I am also to request that the Council will at once cause the fences across the road leading down from the junction of Watt and Wallis streets to be removed, so as to afford the public free access to the creek mentioned.

I have, &c.,

W. W. STEPHEN.

No. 15.

The Council Clerk, East Maitland, to The Under Secretary for Lands.

Sir,

Municipal Council Chambers, East Maitland, 15 February, 1876.

In answer to your letter of the 10th instant, I am directed to say that the road referred to in your letter was never stopped up against the public by the direction of this Council, and that the public always had free access to the water if they had wished to have availed themselves of it.

I have, &c.,

P. BOWES,

Council Clerk.

No. 16.

Memorandum by S. Scholey, Esq., M.L.A.

Wallis Creek Water Reserve.

ALDERMAN Cains moved,—“That the fence be removed, and that an answer be sent that the fence should be removed.”

Alderman Marr seconded the motion.

Alderman Cunningham moved an amendment,—“That a reply be sent to the letter of the Government, stating that the reserve was always open to the public.”

Alderman Burko seconded the amendment.

Carried—4 to 2.

1. This motion is carried in the face of a petition signed by nearly 100 ratepayers.
2. And the report of the District Surveyor.
3. I saw the fences up last Monday.

Written by Mr. Scholey, M.P., 19 February, 1876.

Minutes on No. 16.

Submitted to me by Mr. Scholey, M.P. The Council should be called upon at once to remove all the fences that are now across the street leading down to the water reserve at Wallis Creek. Mr. Surveyor Evans should be instructed to see this done, and if the Council will not act as desired, to remove the fences himself.—T.G., 19/2/76.

Act on this, and send papers then to Deputy Surveyor General.—W.W.S., 19/2/76. Council Clerk, East Maitland, written to accordingly.—22 February, /76. Urgent.—Mr. District-Surveyor Evans is requested to carry out the instructions of the Minister immediately.—R. D. FITZGERALD (for Surveyor General), B.C., 29 February, /76.

No. 17.

The Under Secretary for Lands to The Council Clerk, East Maitland.

Sir,

Department of Lands, Sydney, 22 February, 1876.

With reference to a memorandum submitted by Mr. S. Scholey, M.L.A., on the subject of the closing of the road running to the water reserve, Wallis Creek, in the Municipality of East Maitland, I am directed by the Minister for Lands to request that you will be good enough to move the Borough Council of East Maitland to cause all the fences to be removed that are across the street leading down to the water reserve and Wallis Creek.

I have, &c.,

W. W. STEPHEN.

No. 18.

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No. 18.

Mr. District-Surveyor Evans to The Surveyor General.

Sir,

East Maitland, 6 March, 1876.

In reference to instructions of 29th ultimo, informing me that the Municipal Council of East Maitland were directed to remove all the fences that were across the street leading to the water reserve on Wallis Creek, and directing me to have the same removed should the Council decline to act,—I have the honor to enclose a letter from the Mayor, stating that the directions of the Honorable the Minister for Lands have been complied with, and also to report from personal observation that the Minister's directions have been carried out.

I have, &c.,

THOMAS EVANS,
District Surveyor.

[Enclosure to No. 18.]

The Mayor, East Maitland, to Mr. District-Surveyor Evans.

Sir,

Municipal Council Chambers, East Maitland, 2 March, 1876.

I do myself the honor to acknowledge the receipt of your letter of to-day's date, and to inform you in reply that, on receipt of the letter from the Minister for Lands referred to in your communication, the so-called fences were directed to be removed, and that direction has been complied with.

I have, &c.,

G. W. T. CHAMBERS,
Mayor.

No. 19.

S. Scholey, Esq., M.L.A., to The Secretary for Lands.

Sir,

Sydney, 8 March, 1876.

I have the honor to again, for your information, state that the water reserve at Wallis Creek, East Maitland, was on Monday (I was on the ground at 4 p.m. on the 6th) still unopened; the two fences on the street were taken down, but the fence on the reserve (water reserve) was still standing. Your order was given that the whole of the fences should be removed.

Yours, &c.,

STEPHEN SCHOLEY.

[Enclosure to No. 19.]

Minutes on No. 19.

Appendix C.

The Mayor may be informed, and requested to have the fence referred to removed without delay.—9/3/76. Yes, *i.e.* if Surveyor Evans's report proves to be incorrect. Inform Mr. Scholey to the effect of that report and of the further instructions given.—W.W.S., 9/3/76. Refer papers also to Surveyor Evans. Mr. District-Surveyor Evans accordingly.—P.F.A., B.C., 10 March.

No. 20.

The Under Secretary for Lands to S. Scholey, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 9 March, 1876.

Referring to your letter of the 8th instant, stating that the fences obstructing the approach to the water reserve at Wallis Creek have not yet been removed,—I am directed to inform you that the Borough Council of East Maitland has again been communicated with on the subject, and requested to remove the fences without delay should they be still standing.

I have, &c.,

W. W. STEPHEN.

No. 21.

The Under Secretary for Lands to The Mayor, East Maitland.

Sir,

Department of Lands, 9 March, 1876.

It having been represented to this department that the fences obstructing the approach to the water reserve on Wallis Creek have not yet been removed, I am directed to request that you will be good enough to have them removed without delay should they still be standing.

I have, &c.,

W. W. STEPHEN.

No. 22.

Mr. District-Surveyor Evans to The Surveyor General.

Sir,

East Maitland, 15 March, 1876.

In reference to B.C. instructions of the 10th instant, directing the removal of the remaining portion of the fence on reserve at Wallis Creek, East Maitland, I beg to report that I waited upon the Mayor, who declined to have any more of the fencing at present erected on the reserve removed, or to allow any one else to remove it; and stated that he had complied with the request of the Honorable the Minister for Lands in having the fences which crossed the street leading down to the water removed, as reported upon by my letter of the 6th instant. That report is in no sense inaccurate, as the directions of the Honorable the Minister, *viz.*, "to remove all the fences that are now across the street leading down to the water reserve to Wallis Creek" have been carried out, as indeed is plain from the sketch enclosed with Mr. Scholey's letter of the 8th instant, who shows the fences removed, and requires the removal of the fence separating the reserve from the street, and that along the top of the creek bank. The removal of

of these fences will not permit of freer access to the water than exists at present, and the Municipal Council of East Maitland say that if I remove the fence that proceedings will be taken against me in the law Courts, and rely upon the 153rd section of the Municipalities Act as giving them full authority and control over all reserves.

Under these circumstances I beg for further instructions before going to the extreme measure of removing a fence which will benefit no one, and will probably lead to a suit in the Supreme Court.

I have, &c.,

THOMAS EVANS,

District Surveyor.

No. 23.

The Mayor, East Maitland, to The Secretary for Lands.

Sir,

Municipal Council Chambers, East Maitland, 15 March, 1876.

No. 21.

In acknowledging the receipt of your letter of the 9th instant, I am directed by the Municipal Council of this Borough, without further comment respecting the motives of the party making the representations referred to in your letter, than to say that such motives cannot be for the general benefit of the townspeople, to lay before you the facts and circumstances of the case, the view which the Council take of their powers in the treatment of the water reserve, and the decision of the Council as to the course they will adopt in the matter.

The facts are these:—The water reserve is one of the public reserves of the town, and is situated on Wallis Creek, at the extreme western side of the laid-out town. The creek at the reserve is most difficult of access, and when the coffer-dams at the site of the floodgates are removed there will be a perpendicular bank of 3 feet along the creek at this spot, consequent upon the fall of the water which will then take place to that extent. The Council sometime back, at considerable expense, erected a dam upon another reserve nearer to the town than that upon Wallis Creek, and this dam has had the effect of producing a fine sheet of water far more conveniently situated than the creek at the water reserve. To this water the inhabitants of the town have long had access, and have availed themselves of it much in preference to proceeding to the water reserve at the creek. However, on the receipt of your former communication respecting the fences across the road leading to the creek at the water reserve, the Council took such steps, after making due inquiry as have had the effect of leaving free access to the water (as far as the nature of the bank of the creek itself will allow it) along the whole water-frontage of the reserve; and in doing this they have given full effect to the reserve as a watering-place. For upwards of twenty years that portion of the reserve which is furthest from the water has been enclosed, and it is simply ridiculous to suppose that its being now thrown open will facilitate the watering of animals, or the procuring of water from the creek more than the opening of the frontage, as above explained, has already done.

Having thus placed the facts before you, I have to state that the Council, considering that the town as laid out is fitted to accommodate thirty times the inhabitants now residing in it, and perceiving that the time for putting the reserves to the uses which they seem to have been intended would not arrive yet for many years, have enclosed many of them which would otherwise have remained waste lands, and have let them for grazing purposes, the proceeds arising therefrom going to add to the funds of the Council, and being expended in town improvements. The Council consider (and I would refer you to the 153rd section of the "Municipalities Act of 1867" as showing some grounds for this view) that they have the power of generally controlling and managing public reserves, and it is in the exercise of this power that they have enclosed some reserves as stated, the time for opening them not having in the opinion of the Council yet arrived. That they have erected a dam upon another reserve, and thereby supplied a far better watering-place for the inhabitants than that afforded by the creek at the water reserve, and that they have thrown open so much of the water reserve only as is necessary to afford free access to the water in the creek at the reserve.

Having now informed you of the powers which the Council believe they possess in the matter, and that they have exercised them in the best way for the public good, I have only to add, that they intend to act in accordance with their opinion as to their right to exercise these powers until the decision of a competent Court shows them to be in error. They therefore decline at the present juncture to remove any more of the fencing at the water reserve than has been already removed, or to allow any one else to do so without their authority.

There is not a single inhabitant injured by the fact that the whole of the fencing at the water reserve is not removed, but if any one fancies himself to be affected, and the Council can be made to remove the fence, the law is open to him, and he can proceed accordingly.

I have, &c.,

G. W. T. CHAMBERS,

Mayor.

No. 24.

S. Scholey, Esq., M.L.A., to The Secretary for Lands.

Sir,

Sydney, 17 March, 1876.

I have the honor to again call your attention to the present state of the East Maitland water reserve, Wallis Creek. This land, when the adjoining allotments were surveyed and sold, was left open to the public. Some time after application was made to the Municipal Council for a lease, and this was granted at the rate of £6 per year. It stands on the map of the town as never dedicated, or a line from any Government to that effect. The want of water this dry season has caused this matter to be brought before the ratepayers, and they took I think the proper course and forwarded to me as their representative a petition to present to you, respectfully worded, and signed by about 100 inhabitants. You promised in reply that it should have your attention. Month after month has passed away after calling on you and the officers of the different offices; all but begging for a drink of one of God's greatest blessings—water. This great injustice still remains.

The enclosed will show you that your order is put at defiance.

Yours, &c.,

STEPHEN SCHOLEY.

See Enclosure.

This

This matter should be looked to at once. If the Council will not remove the fences that obstruct the approaches to Wallis Creek I will consider the propriety of setting them aside as Trustees.—T.G., 18/3/76. As the papers are with Mr. District-Surveyor Evans the Minister wishes a telegram sent to him to return them at once with definite report as to whether *all* the fences have been removed.—W.W.S., 18/3/76. Mr. Landers to telegraph accordingly.—P.F.A., 18/3/76. See papers now sent in by Survey Office.—W.W.S., 18/3/76. From a perusal since my first minute on this letter was written of Mr. Evans's report, I find that my directions as to the removal of fences preventing access to Wallis Creek have been carried out, and that there is now no obstructions to such access. Mr. Scholey may be so informed. The question however, as to the powers of Municipalities over and in connection with such reserves as the one in question should be settled by a reference to the Crown Law Officers.—T.G., 20/3/76. The Under Secretary for Justice and Public Instruction. Department of Lands, 28 March, 1876.—W.W.S. These papers have been before the Attorney General, but as it is understood that the Honorable the Secretary for Lands desires to see them, they are forwarded as requested. The Under Secretary for Lands, B.C., 8 July, 1876.—W.E.P.

[Enclosure to No. 24.]

Extract from "Mercury," 17 March, 1876.

East Maitland Borough Council.

THE ordinary fortnightly meeting of the East Maitland Borough Council was held on Monday night, when there were present, the Mayor, Aldermen Bailey, Cunningham, M'Laughlin, Cains, and Marr. The minutes of the previous meeting and the outward correspondence having been read and confirmed, the following business was done:—

Correspondence from Thomas Evans, district surveyor, relative to the removal of the fences across the road leading to the water reserve, Wallis Creek. As the fences had already been removed, no further action on this letter was necessary. From Mr. S. Scholey, M.L.A., stating that the Under Secretary had informed him that the matter of the by-laws for the Council should be seen to at once. From the Department of Lands, saying that it having been represented to the Department that the fences obstructing the approach to the water reserve on Wallis Creek have not yet been removed, directions had been given to request the Mayor to be good enough to have them removed without delay should they still be standing. After a long and warm discussion on the matter, during which all the members of the Council spoke, and two amendments having been moved and lost, the following resolution was carried on the motion of Alderman M'Laughlin, seconded by Alderman Cunningham:— "That the Mayor be empowered to reply—using his own words—to the letter from the Minister for Lands, stating that the Council do not recognize the right of the Minister to interfere in the Council's management of public reserves." Alderman Marr called for a division on the motion, which resulted in his own being the only vote against it.

No. 25.

The Under Secretary for Lands to S. Scholey, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 20 March, 1876.

Referring to your letter of the 17th instant, further respecting the water reserve at Wallis Creek, I am directed to inform you that it appears from a report which has been obtained from the Surveyor General on the subject that the removal of the fences preventing access to Wallis Creek has been carried out, and that there is now no obstruction to such access. No. 24.

I have, &c.,
W. W. STEPHEN.

No. 26.

S. Scholey, Esq., M.L.A., to The Secretary for Lands.

Sir,

Sydney, 21 March, 1876.

Referring to Mr. Under Secretary Stephen's letter of the 20th instant, respecting the water reserve at Wallis Creek, I beg to state that I was on the reserve last night, Monday; that the road 66 feet wide is still obstructed 33 feet more or less, and the land marked "Water Reserve" (1a. 3r. 20p.) is still fenced on the road by nineteen panels of fencing, and on the bank of the creek by a two-rail fence to Mr. Brunker's land on the opposite end of the reserve from the road. No. 25.

I cannot understand the statement that there is now no obstruction to such access.

The person so reporting cannot be making a truthful statement. Whoever the person may be I shall be prepared to meet him on the reserve on Saturday next, or any other that the Government may appoint; then they will get at the truth. I again state that the water reserve is let at a rent of £6 per year, I am informed; in fact I saw a man cutting lucerne on the land last night.

This matter to me personally is nothing, but to the petitioners who addressed you through me it is all important.

Yours, &c.,
STEPHEN SCHOLEY.

Send on to District-Surveyor Evans for further report.—T.G., 21/3/76. Papers at Department of Justice. May await their return. In a month.—15/6/76.

No. 27.

Memorandum by The Surveyor General.

25 May, 1876.

THERE appears to be no record of the reserve referred to being vested in the Borough Council of East Maitland, and they were requested to show on what authority they dealt with and leased the reserve in question, and also to remove the fence across the road leading from the junction of Watt and Wallace streets.

The Council's reply ignores the subject of the former request, and states that the road was never stopped up against the public by their direction, and that the public had always free access to the water if they had wished to avail themselves of it.

The attention of the Honorable the Minister for Lands is directed to the above facts, and it is submitted as to what action is now to be taken in the matter. R. D. FITZGERALD,
For Surveyor General.

The Council should be required to show by what authority they leased the land in question.—T.G., 22/6/76. Write at once.

No. 28.

The Under Secretary for Lands to The Council Clerk, East Maitland.

Sir,

Department of Lands, Sydney, 24 June, 1876.

I am directed to invite your attention to my letter of the 10th February last, and to your reply thereto, dated 15th of the same month, and to again request that you will be good enough to state upon what authority the Borough Council of East Maitland leased to Mr. F. Abberton a water reserve at Wallis Creek.

I have, &c.,

A. O. MORIARTY,
For the Under Secretary.

See No. 14.
No. 23.

No. 29.

The Council Clerk, East Maitland, to The Secretary for Lands.

Sir,

East Maitland, Borough Council Chambers, 4 July, 1876.

In reply to your letter of the 24th ultimo, I am directed by the Council to say that the letter of the 15th March last, written you by the Mayor, under the Council's direction, seems to have escaped your attention. To that letter I would now refer you, as showing not only the circumstances connected with the letting of the water reserve, but also the authority claimed by the Council to have its management and control, and the course that, in the exercise of that authority, they had considered in their discretion as being the most beneficial to the inhabitants of the town. No answer that I can now give you can carry the matter further than does the letter to which I have above referred.

I have, &c.,

P. BOWES,

Council Clerk.

No. 28.
See No. 23.

Returned to the Under Secretary for Justice and Public Instruction with reference to his minute of the 8th instant. The Minister for Lands wrote for an opinion from the Crown Law Officers as to the powers of Municipalities over reserves such as that referred to herein.—B.C., July, 1876. To be returned.

See minute on
No. 21.

Send these papers and those that may be with the Minister for Justice to the Honorable the Attorney General, whose attention is drawn to the letter of the Council of 15th March, the question being as to the extent of the power of the Council over reserves not specially placed under their control.—T.G., 26/7/76. The Under Secretary for the Department of Justice and Public Instruction, B.C., 27/7/76.

See No. 23.

No. 30.

Memorandum by The Secretary for Lands.

Mr. L. Thompson,—

WHAT is the position of the business as to the opening of the approaches to the Wallis Creek water reserve, East Maitland, as to which correspondence has been passing between the Department and the East Maitland Municipality?
T.G., 17/8/76.

The papers in this case were forwarded to the Department of Justice on the 27th ultimo.—17/8/76. The Department of Justice may be urged to deal speedily with this matter.—T.G., 17/8/76.

No. 31.

The Under Secretary for Lands to The Under Secretary of Justice and Public Instruction.

Sir,

Department of Lands, Sydney, 19 August, 1876.

With reference to the papers in connection with the Wallis Creek water reserve at East Maitland, which were forwarded for the opinion of the Crown Solicitor on the 27th ultimo, I am directed by the Honorable the Minister for Lands to request that speedy action may be taken with regard to this matter in your Department.

I have, &c.,

W. W. STEPHEN.

No. 32.

The Under Secretary for Lands to The Council Clerk, East Maitland.

Sir,

Department of Lands, Sydney, 14 November, 1876.

I am directed to invite your attention to my letter of the 24th June last, requesting to be informed upon what authority the Borough Council of East Maitland leased to Mr. F. Abberton a water reserve at Wallis Creek, and to request the favor of an early reply.

I have, &c.,

W. W. STEPHEN.

No. 23.

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No. 33.

The Under Secretary for Lands to The Under Secretary for Justice and Public Instruction.

Sir,

Department of Lands, Sydney, 20 November, 1876.

Adverting to my letter of the 19th August last, in reference to the papers connected with the No. 31 Wallis Creek water reserve, which were forwarded for the opinion of the Crown Solicitor on the 27th July last, I am now directed by the Honorable the Minister for Lands to invite your attention thereto, and to request that you will be good enough to favor this Department with a reply.

I have, &c.,

W. W. STEPHEN.

No. 34.

The Council Clerk, East Maitland, to The Under Secretary for Lands.

Sir,

Council Chambers, East Maitland, 22 November, 1876.

I do myself the honor to acknowledge the receipt of your letter of the 14th inst., which is almost No. 32. identical with your letter of the 24th June last, referred to therein; and in reply I am directed to inform See No. 23. you that all the information you ask is contained in the Mayor's letter of the 15th March last, referred to See No. 23. in my letter of the 4th July, written in answer to your letter of the 24th June. If you wish to have a See No. 23. copy of the letter I have pointed out to you as containing the information you desire, I shall be happy on See No. 23. your notifying same to furnish you therewith.

I have, &c.,

P. BOWEN,

Council Clerk.

No. 35.

Question asked by S. Scholey, Esq., M.L.A., and reply of Secretary for Lands.

LEGISLATIVE ASSEMBLY—Friday, 15 December, 1876.

Question No. 14.

- (14.) Wallis Creek Water Reserve:—Mr. Scholey asked the Secretary for Lands, pursuant to Notice,—Is it his intention to open the Wallis Creek Water Reserve, as petitioned for by the inhabitants of East Maitland twelve months ago, December, 1875, and applied for month after month to the Lands Office; and if so, when?

Answer: Mr. Garrett answered,—The question has been submitted to the Crown Law Officers for legal advice, and the necessary opinion has not yet been received.

No. 36.

Memorandum by the Under Secretary for Justice and Public Instruction.

S. MR. SCHOLEY to ask THE SECRETARY FOR LANDS,—

- (1.) Is it his intention to open the Wallis Creek Water Reserve, as petitioned for by the inhabitants of East Maitland, December, 1875, more than twelve months ago, and applied for month after month to the Lands Office?
- (2.) In answer to question, December 15th, the matter had been referred to the Crown Law Officers for See No. 35. legal advice; if so, has that advice been given, and what is the intention of the Government?

The papers referred for the Honorable the Attorney General's opinion respecting above subject are returned herewith under separate B.C., 24th instant, with Mr. Dalley's opinion.

The Under Secretary for Lands, B.C., 24 January, 1877.—W.E.P.

No. 37.

Opinion of The Honorable The Attorney General.

Municipalities Act—Water Reserve, Wallis Creek, East Maitland—As to extent of power of Council over reserves not specially placed under their control.

Crown Law Offices, Sydney, 24 January, 1877.

UNDER section 153 of 31 Vic. No. 12, any Municipal Council may make by-laws for generally controlling and managing public reserves,—that is to say, for more effectually carrying out the objects for which such reserves were originally made.

The Council of any Municipality has no power under this section of altering the purposes for which these reserves were made, and clearly has no power to make sources of municipal revenue out of lands dedicated for specific public purposes, as it appears this municipality has done by letting such lands to tenants.

WILLIAM B. DALLEY,

Attorney General.

The Under Secretary for Lands, B.C., 24 January, 1877.—W.E.P.

No. 38.

No. 38.

Answer to Question asked in the Legislative Assembly respecting Wallis Creek Water Reserve, East Maitland.

TUESDAY, 30 JANUARY, 1877.

Question :—

- (7.) Wallis Creek Water Reserve :—Mr. Scholey asked the Secretary for Lands, pursuant to Notice,—
- (1.) Is it his intention to open the Wallis Creek Water Reserve, as petitioned for by the inhabitants of East Maitland, December, 1875, more than twelve months ago, and applied for month after month to the Lands Office ?
- (2.) In answer to Question, December 15th, the matter had been referred to the Crown Law Officers for legal advice ; if so, has that advice been given, and what is the intention of the Government ?

Answer :—

Mr. Garrett answered,—The papers in the case have been returned by the Crown Law Officers, and the matter will receive consideration at the earliest practicable moment.

Precis of the case.

Consequent upon representation of Mr. John Borthwick, of 14 July, 1858, of East Maitland, of the urgent need of such, an area of 1 acre 3 roods 20 perches was surveyed (25 January, 1859), and reserved for access to Wallis Creek for water supply.

On the 23rd December, 1875, a petition of inhabitants of East Maitland was presented by Mr. Scholey, M.P., to the effect that the Borough Council of East Maitland had let the Wallis Creek water reserve to a tenant, who had fenced it off, and praying for redress. This petition was referred for report to Mr. District-Surveyor Evans, who reported that the Council had leased the reserve in question to one Francis Abberton, at a rent of £6 per annum, for three years, commencing on the 1st July, 1875, and that the reserve and access thereto was obstructed by fences. He, however, seemed to concur with the Borough Council in their action.

Much agitation was kept up by the local Member (Mr. Scholey), and repeated directions were given by the Minister to remove the fences, and the Borough Council to be called upon to show their authority for the action they had taken.

By letter, 15 March, 1876, the Mayor (Mr. Chambers) replied that the Council relied upon the powers conferred by the 153rd section of the "Municipalities Act of 1867," and entered into detail of its action, concluding that the Council intended to act in accordance with their opinion as to their right to exercise these powers until the decision of a competent Court shows them to be in error.

The Minister directed the opinion of the Attorney General to be obtained, who furnished the following :—

Water Reserve, Wallis Creek, East Maitland.—As to extent of power of Council over reserves not specially placed under their control.

Crown Law Offices, Sydney, 24 January, 1877.

UNDER section 153 of 31 Vic. No. 12, any Municipal Council may make by-laws for generally controlling and managing public reserves,—that is to say, for more effectually carrying out the objects for which such reserves were originally made.

The Council of any Municipality has no power under this section of altering the purposes for which these reserves were made, and clearly has no power to make sources of municipal revenue out of lands dedicated for specific public purposes, as it appears this Municipality has done by letting such lands to tenants.

WILLIAM B. DALLEY,
Attorney General.

It is now submitted that the Borough Council of East Maitland be furnished with a copy of this opinion, and directed to remove the whole of the fencing, and allow free access to the reserve, and that Mr. Scholey, M.P., be so informed.

J. G. HAY, 12/2/77.

Submitted.—L.G.T., 19/2/77. Approved.—E.A.B., 22/2/77.

No. 39.

The Under Secretary for Lands to S. Scholey, Esq., M.L.A.

Sir,

Department of Lands, Sydney, 28 February, 1877.

In reference to the correspondence which has taken place relative to the act of the Borough Council of East Maitland in having, to the exclusion of the public, leased the water reserve at Wallis Creek, I am directed to inform you that under an opinion obtained from the Honorable the Attorney General, a copy of which I enclose, it seems that the Borough Council has not (as it supposes), under the 153rd section of the "Municipalities Act of 1867," any power to alter the purposes for which public reserves are made, or to make sources of revenue out of lands dedicated for public purposes.

I am to say that the Mayor has been furnished with a copy of the Attorney General's opinion, and at the same time requested to cause to be removed at once all the fencing on or leading to the reserve, and to allow the public free access thereto.

I have, &c.,
W. W. STEPHEN.

No. 40.

The Under Secretary for Lands to The Mayor, East Maitland.

Sir,

Department of Lands, Sydney, 28 February, 1877.

Adverting to the correspondence which has taken place relative to the removal of certain fencing about the Wallis Creek water reserve, I am directed by the Honorable the Minister for Lands to forward herewith, for the information of the Borough Council, a copy of an opinion obtained from the Honorable the Attorney General on the subject of the powers conferred on Borough Councils by the 153rd section of the "Municipalities Act of 1867."

I am further directed to desire that you will be good enough to have removed at once the whole of the fencing on or leading to the water reserve, and to allow the public free access to the said reserve.

I have, &c.,
W. W. STEPHEN.

No. 41.

See No. 1.

See No. 9.

See No. 10.

See No. 11.

See No. 23.

For opinion see No. 27.

For opinion see No. 37.

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No. 41.

The Council Clerk, East Maitland, to The Secretary for Lands.

Sir, Borough Council Chambers, East Maitland, 3 March, 1877.

I am directed by the Mayor to acknowledge the receipt of your letter of the 28th ultimo, No. 40, enclosing a copy of the Honorable the Attorney General's opinion on the powers conferred upon Municipal Councils by section 153 of 31 Victoria No. 12, and in reply to say that the Mayor will take the earliest opportunity of laying your letter before the Council, and will communicate the result without delay.

I have, &c.,
P. BOWES,
Council Clerk.

No. 42.

Memorandum by The Officer-in-charge, Occupation of Lands.

Wallis Creek Water Reserve, East Maitland.

INSTRUCT Crown Bailiff to prefer an information against the party in possession of this reserve, as being in occupation of land reserved for a public purpose. Send copy of Attorney General's opinion as to right claimed by Municipal Council to lease this reserve. A.O.P., 9 March, /77.

No. 43.

The Officer-in-charge, Occupation of Lands, to The Crown Bailiff, East Maitland.

Sir, Crown Lands Occupation Office, Sydney, 9 March, 1877.

I have to request that you will prefer an information under the 32nd section of the "Crown Lands Occupation Act of 1865," and the 44th section of the Lands Act Amendment Act of 1875, against the party in possession of the Wallis Creek water reserve, East Maitland, as being in the occupation of land reserved for public purposes.

I forward herewith a copy of the Attorney General's opinion as to the right claimed by the Municipal Council to lease this reserve. For opinion see No. 37.

I have, &c.,
A. O. PRETIIOUS.

No. 44.

The Mayor, East Maitland, to The Secretary for Lands.

Sir, Borough Council Chambers, East Maitland, 10 March, 1877.

Having referred the subject matter of your letter of the 28th ultimo, and the opinion of the Honorable the Attorney General, as therein enclosed, to the Council of this Borough, I am directed to ask you to have the goodness to allow matters to stand over for a little, and to request the Attorney General to do the Council the favour of reconsidering his opinion. He has evidently referred only to the 153rd section of the Municipalities Act, which is only a section of general provisions; the 156th section is the one more directly bearing upon the point at issue, and seemingly giving this Council a power to act exactly as they are doing; for I would point out that the Council are not using this reserve so as to prevent its use by the inhabitants for the purposes for which it was granted, the whole water frontage, and the road leading thereto, being fully opened; the Council are in fact only directing what portion of the reserve the inhabitants shall pass over in watering, and this it can scarcely be denied they have the right to do. The Government itself has established a precedent in their treatment of the reserve for Gaol and Court-house; they have fenced in the reserve, leaving a roadway to the Court-house. The Council have only done the same in respect of the water reserve: they have fenced it in, leaving a roadway to the water frontage, which, as stated, is open for its whole length.

Further, there seems much doubt as to the granting of this reserve as a special reserve for watering, and I am requested to suggest that the fact of it being such a reserve should not be accepted as a foregone conclusion without due investigation. In the town plan it appears as a "reserve for access to water," and certainly the action of the Council has in nowise altered the purpose for which the reserve by this plan seems to have been made.

I have, &c.,
G. W. T. CHAMBERS.

If the action directed to be taken with regard to this matter has not yet been carried out by Occupation Branch, the Minister for Lands desires in the first instance to deal with the representations made in this letter. Former papers will be required.—Officer-in-charge, Occupation Branch, B.C., 12 March, /77.—W.W.S.—Urgent.

Although the Attorney General's minute refers only in terms to the 153rd section of the Municipalities Act, it seems to me to apply equally to the 156th, and apparently is decisive as to the law of the case. I would not therefore advise that the action already taken by direction of the Honorable the Secretary for Lands should be countermanded, as it is very desirable that the matter should be brought to an issue, and a decision be arrived at which might probably form a precedent for future guidance.—A.O.P., 13/3/77.

P.S.—The discussion of the case has already extended over a twelvemonth.—A.O.P.

Stay proceedings *in re* Wallis Creek Reserve until further advised. For telegram.—A.O.P., See No. 45.
16 March /77. Re-submitted with reference to minute of 13th instant—E.O'D., 16/3/77. You See No. 46.
can proceed with Wallis Creek prosecution. For telegram.—A.O.P., 23/3/77.

No. 45.

Telegram from Officer-in-charge, Occupation of Lands, to Crown Bailiff, East Maitland.

13 March, 1877.

Stay proceedings *in re* Wallis Creek reserve until further advised.

No. 46.

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No. 46.

Telegram from Officer-in-charge, Occupation of Lands, to Crown Bailiff, East Maitland.

23 March, 1877.

You can proceed with Wallis Creek water reserve prosecution.

No. 47.

S. Scholey, Esq., M.L.A., to The Officer-in-charge, Occupation of Lands.

Sir,

East Maitland, 3 April, 1877.

See No. 46.

I am informed by the Land Bailiff of East Maitland that he received a telegram ten days ago, to proceed in opening the Wallis Creek water reserve, but has not yet received the proper authority from your office or the Secretary for Lands.

You will oblige by seeing to this matter.

I have, &c.,

STEPHEN SCHOLEY.

See enclosure to No. 48.

Authority for Senior-constable John Hogan submitted for signature of Minister last week.—E.O'D., 4/4/77. Now forwarded through the Inspector General.—E.O'D., 4/4/77. Telegram to Mr. Scholey.—5/4/77.

No. 48.

S. Scholey, Esq., M.L.A., to The Inspector General of Police.

Sir,

East Maitland, 5 April, 1877.

Constable Hogan, Lands Bailiff, was telegraphed to twenty days ago, to take proceedings against a person who had taken possession of the Wallis Creek water reserve, East Maitland, but received no authority. It appears from the enclosed telegram that this was sent to your office but not forwarded to him. You will oblige by seeing to this matter.

Yours, &c.,

STEPHEN SCHOLEY.

The authority referred to herein was forwarded to Mr. Morrisset on the 4th instant, and I have so informed Mr. Scholey.—E.F., I.G.P. Superintendent Morrisset, 6/4/77. What steps has Senior-Constable Hogan taken?—E.V.M., Superintendent, 11 April, /77. Senior-Constable Hogan, East Maitland.

[Enclosure to No. 48.]

TELEGRAM from Officer-in-charge, Occupation of Lands, to Stephen Scholey, Esq., M.L.A.

5 April, 1877.

Authority to Senior-constable Hogan now forwarded through Inspector General.

No. 49.

S. Scholey, Esq., M.L.A., to The Secretary for Lands.

Sir,

East Maitland, 5 April, 1877.

It is three weeks since you gave orders that proceedings should be taken to open the water reserve at Wallis Creek, East Maitland. The Land Bailiff received a telegram to proceed, but no authority.

See No. 47.

See No. 48.

I wrote on Wednesday to Mr. Pretious, of the Lands Department. He telegraphed that the authority was sent to Inspector General. I have written to that gentleman, but received no reply; if ever men were humbugged the petitioners have been for one year and four months.

You will oblige me by seeing to this matter.

I have, &c.,

STEPHEN SCHOLEY.

Inquire if authority has gone on.—A.O.P. The authority was forwarded to Superintendent Morrisset on the 4th instant.—E.O'D., 9/4/77. For telegram.—A.O.P., 10/4/77.

No. 50.

Telegram from Officer-in-charge, Occupation of Lands, to S. Scholey, Esq., M.L.A.

10 April, 1877.

THE authority was forwarded to Superintendent Morrisset on the 4th instant.

No. 51.

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No. 51.

Senior-Constable Hogan to The Superintendent of Police, West Maitland.

Police Station, East Maitland, 13 April, 1877.

Re Wallis Creek Water Reserve.

SENIOR-CONSTABLE John Hogan (No. 1,698) reports, for the information of his Superintendent, that he preferred an information, and obtained a summons, returnable on the 17th instant, against the person in occupation of the said reserve.

JOHN HOGAN,
Senior-Constable.

Forwarded for the Inspector General's information.—E. V. MORRISSET, Superintendent, 14 April, 1877. The Officer-in-charge of Occupation of Lands, B.C., 16 April, /77.—E.F., Inspector General of Police.

No. 52.

Memorandum by The Under Secretary for Lands.

Wallis Creek Water Reserve.

Mr. Thompson, solicitor of West Maitland, to be employed in behalf of the Crown in the above case, to assist the police.

Will Mr. Pretious have necessary letter sent at once?

W.W.S., 18/4/77.

Approved.—R.D. Send telegram accordingly to Crown Bailiff.—A.O.P., 19/4/77.

No. 53.

Telegram from Officer-in-charge, Occupation of Lands, to Crown Bailiff, East Maitland.

19 April, 1877.

EMPLOY Mr. Thompson, solicitor of West Maitland, to act on behalf of the Crown in prosecution of trespassers on the Wallis Creek water reserve.

No. 54.

Telegram from Crown Lands Bailiff, East Maitland, to Officer-in-charge, Occupation of Lands.

20 April, 1877.

In re Wallis Creek water reserve, Mr. Thompson, solicitor, requires proclamation proclaiming Wallis Creek water reserve, or other papers that will enable him to prove it is a reserve; case comes off on Tuesday, 24th instant.

This reserve does not appear to have been proclaimed in the Gazette. It is probably a reserve on the map of the town, which has been approved by the Executive, and Mr. Lewis thinks it has *been dedicated*. The map cannot now be procured. Mr. Smith, the custodian of maps, does not know who has it.—E.O'D., 21/4/77.

Reserve was measured in 1859, but does not appear to have been Gazetted.—A.O.P., for telegram.

No. 55.

Telegram from Officer-in-charge, Occupation of Lands, to Crown Bailiff, East Maitland.

21 April, 1877.

RESERVE was measured in 1859, but does not appear to have been Gazetted.

No. 56.

Memorandum by Mr. W. Freeman to Officer-in-charge, Occupation of Lands.

THE following telegram has just been signed by the Surveyor General, for transmission :—

“Mr. District-Surveyor Evans will be good enough to determine by survey the boundaries of the Wallis Creek water reserve, and produce plan at trial of trespass suit.”

W. FREEMAN,
23 April, 1877.

Seen.—A.O.P.

No. 57.

Senior-Constable Hogan to Officer-in-charge, Occupation of Lands.

Police Station, East Maitland, 5 May, 1877.

Re Water Reserve, Wallis Creek, East Maitland.

SENIOR-CONSTABLE John Hogan (No. 1,698) reports for the information of the Chief Officer-in-charge, Occupation of Lands, Sydney, that the above case was heard on Tuesday last, the 1st instant, before the Bench at East Maitland. R. W. Thompson, Esquire, solicitor, prosecuted for the Crown, as per telegram authorizing

ee No. 53. authorizing the senior-constable to employ him on behalf of the Crown. The case was dismissed on the grounds that there was no evidence to show that the land in question had been dedicated by proclamation for a water reserve.

JOHN HOGAN,
Senior-constable.

Forwarded through the Inspector General of Police.—E. V. MORRISSET, Superintendent of Police, 7 May, /77. The Inspector General of Police. The Officer-in-charge of Occupation of Lands, B.C., 9 May, 1877.—E.F., I.G.P. Can the map now be found which would give a reference to the dedication, if any?—A.O.P., 10 May, 1877. Unless already dedicated, prepare description and recommendation to make it a water reserve, with Executive Minute.—A.O.P. A description of the reserve will be forwarded for the approval of the Executive Council on Monday next.—G.L., 11 May, /77. Ask Mr. Budge, with my compliments, if this matter has passed the Executive Council. Mr. Scholey, M.P., is anxious about it.—A.O.P., 21 May, /77. Reserve gazetted, 16th instant. Slip herewith.—E.O'D., 22/5/77. Refer to Proclamation in Gazette and request that a fresh information may be laid.—A.O.P., 22/5/77. Crown Bailiff, East Maitland, requested accordingly, 23 May, /77.

See No. 53.

See No. 9.

No. 58.

Gazette notice.

Department of Lands, Sydney, 16 May, 1877.

RESERVE FROM SALE FOR WATER SUPPLY AND ACCESS THERETO.

His Excellency the Governor, with the advice of the Executive Council, directs it to be notified that in pursuance of the provisions of the 4th section of the "Crown Lands Alienation Act of 1861," the land specified in the Schedule appended hereto shall be reserved from sale for the preservation of water supply and access thereto.

RICHARD DRIVER.

No. 44, County of Northumberland, town of East Maitland, about 2½ acres. The Crown lands within the following boundaries: Commencing on the right bank of Wallis Creek, at the north-west corner of Edward D. Day's 1 acre 16 perches, allotment 5, section 3; and bounded thence on the south by the north boundary of that allotment bearing east to Wallis-street; thence by the south-western side of that street north-westerly to its junction with the north-western side of Watt-street; thence by the northern side of that street north-easterly to the south-east corner of A. Borthwick's 3 roods 23 perches, allotment 6, section 3; thence on part of the north by the south boundary of that land bearing west to its south-west corner; thence on the east by the west boundaries of allotments 6, 7, 8, and a west boundary of allotment 9, bearing north to a south boundary of James N. Bruncker's 3 acres 1 rood 4 perches; thence on the remainder of the north by that south boundary bearing west to Wallis Creek aforesaid; thence by that creek, upwards, to the point of commencement.

No. 59.

The Officer-in-charge, Occupation of Lands, to The Crown Bailiff, East Maitland.

Sir,

Occupation of Lands, Sydney, 23 May, 1877.

Referring to your letter of the 5th instant, reporting that the Wallis Creek water reserve case came off on the 1st instant, and was dismissed on the ground that there was no evidence to show that the land had ever been dedicated by proclamation for a water reserve,—I have the honor to refer you to proclamation in Gazette under date of the 16th instant, and request that a fresh information may be laid.

I am, &c.,

A. O. PRETIUS,

Officer-in-charge.

No. 57.

See No. 58.

No. 60.

Telegram from Officer-in-charge, Occupation of Lands, to The Crown Bailiff, East Maitland.

3 June, 1877.

HAVE you taken action *in re* Wallis Creek reserve? Report how matter now stands. Employ Mr. Young as solicitor.

No. 61.

Telegram from Crown Bailiff, East Maitland, to Officer-in-charge, Occupation of Lands.

20 June, 1877.

FARRELL, who is in occupation of water reserve, East Maitland, is willing to give possession to me—may I take possession for Crown?

Advise Crown Bailiff to take possession on behalf of the Crown, and to give Mr. Farrell notice to remove fencing forthwith (say within three days); otherwise the Government will remove it.—A.O.P., 21 June, /77. Send telegram to inquire what has been done.—A.O.P., 29 June, /77.

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No. 62.

The Mayor, East Maitland, to The Secretary for Lands.

Sir,

East Maitland Municipal Council Chambers, 20 June, 1877.

I do myself the honor to inform you that a petition, signed by a large number of the ratepayers and inhabitants of the Borough, was lately, in error as to the proper course in the matter, made and presented to the Honorable the Legislative Assembly in place of to yourself.

In seeking to remedy this mistake I now forward you a copy of the petition, and would ask you to grant the prayer therein contained, and to stay the proceedings which have been initiated to dispossess the present occupant. Enclosed.

The Crown Lands officer here, holding your authority in this matter, must, if requested to report upon the point, inform you that ample access is now afforded to the water, and that the enclosure does not prejudicially affect the use of the reserve as that of one for access to water, and Mr. Evans, the District Surveyor, must be able to afford the same testimony.

The petition itself so explains the circumstances of the case and the ground of the petitioner's prayer that I presume I need not enlarge upon it.

I have, &c.,

G. W. T. CHAMBERS,

Mayor.

Obtain and let me see as early as possible a copy of the depositions in the case referred to from the East Maitland Court-house.—R.D., 22/6/77.

[Enclosure to No. 62.]

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

The petition of the undersigned inhabitants of the town and ratepayers of the Borough of East Maitland,—
Humbly sheweth:—

That among the reserves in the town of Maitland (East) there is one marked on the Government plan or map of the said town as a reserve for access to water.

That some little time back the street leading to this reserve had been fenced across, and that on the reserve itself a fence had been erected, by reason of which fences access to the water at this reserve was prevented.

That on the representation of these facts to the Municipal Council of the Borough these fences were removed, and that full access to the water has since been obtainable.

That by reason of excavations made by the Municipal Council upon other reserves more conveniently situated to your petitioners, and by reason of the dangerous nature of the banks of the creek at the reserve for access to water, the latter is seldom if ever used as a watering-place.

That a portion of the reserve for access to water has been enclosed for many years, and has been occupied, by permission of the Municipal Council of the Borough, upon payment of the annual sum of £6, which sum has been paid by the occupant to the Municipal Council, and has been by them expended in town improvements to the advantage and benefit of your petitioners.

That the portion of the reserve for access to water thus enclosed does not in any manner prejudicially affect the use of the reserve as a watering-place.

That your petitioners are informed that by reason of representations which have been made, proceedings are now being taken by direction of the Honorable the Minister for Lands to dispossess the occupant of the enclosure, and to open the enclosure itself.

That inasmuch as the removal of the enclosure will deprive the Municipal Council of the means of expending the annual sum of £6 to the advantage and benefit of your petitioners, whilst the existence of the enclosure is in no respect an inconvenience, your petitioners will suffer injury by the carrying of these proceedings into effect.

That your petitioners would prefer, and it would be a great benefit to your petitioners, that the enclosure should remain as at present, and the sum of £6 per annum expended by the Municipal Council in the improvement of the Borough than that the enclosure should be removed, and the expenditure of the annual sum be discontinued.

Your petitioners therefore humbly pray that your Honorable House will be pleased to take this petition into your favourable consideration, and to grant your petitioners such relief in the premises as to your Honorable House may seem fit.

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

[Here follow 140 signatures.]

No. 63.

The Officer-in-charge, Occupation of Lands, to The Crown Bailiff, East Maitland.

Sir,

Occupation of Lands, Sydney, 21 June, 1877.

Referring to you telegraphic communication informing me that Mr. Farrell is willing to give up possession of the water reserve at Wallis Creek, East Maitland, I have to request you will be good enough to take possession of the reserve on behalf of the Crown, and give Mr. Farrell notice to remove his fencing forthwith (say within three days); otherwise the Government will remove it.

I am, &c.,

A. O. PRETIUS,

Officer-in-charge.

No. 64.

Telegram from Officer-in-charge, Occupation of Lands, to Crown Bailiff, East Maitland.

29 June, 1877.

WHAT has been done with respect to taking possession of the Wallis Creek water reserve?

No. 65.

Telegram from Superintendent of Police, East Maitland, to Officer-in-charge, Occupation of Lands.

30 June, 1877.

SENIOR-CONSTABLE Hogan absent in Sydney. Wallis Creek water reserve has been thrown open for the use of the public.

492—C

No. 66.

No. 66.

The Officer-in-charge, Occupation of Lands, to The Crown Bailiff, East Maitland.

Sir,

Occupation of Lands, Sydney, 7 July, 1877.

See No. 57.

Referring to your letter of the 5th May last, reporting that the case in prosecution for trespass on the Wallis Creek water reserve at East Maitland had been dismissed, I have to request you will be good enough to furnish me with a copy of the depositions taken in the case as soon as possible.

I have, &c.,

E. DU FAUR,

Acting Officer-in-charge.

No. 67.

The Crown Bailiff, East Maitland, to The Officer-in-charge, Occupation of Lands.

Re Wallis Creek water reserve.

Police Station, East Maitland, 12 July, 1877.

Enclosed.
See No. 66.

SENIOR-CONSTABLE John Hogan herewith forwards a copy of the depositions in the above case to the officer-in-charge, Occupation of Lands, Sydney, as required by letter, dated 7th July instant.

The Senior-Constable further states that the reserve is open and the fence removed since the 28th June last.

JOHN HOGAN,

Senior-Constable.

Forwarded through the Inspector General of Police.—E. V. MORRISSET, Supdt., 14 July, 1877.
The Inspector General of Police. The Officer in Charge, Occupation of Lands, B.C., 17 July, 1877.—
E.F., I.G.P.

[Enclosure.]

Information (General Purposes.)

New South Wales, }
to wit. }

BE it remembered that on this 11th day of April, in the year of our Lord one thousand eight hundred and seventy-seven, at Maitland, in the Colony of New South Wales,—

John Hogan, a Senior-Constable of Police, stationed at East Maitland, being a person duly authorized to prefer information, under the "Crown Lands Occupation Act of 1861," and the "Crown Lands Amendment Act of 1875," 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 Colony of New South Wales, and on oath informs me that on the 9th day of April, in the year of our Lord one thousand eight hundred and seventy-seven, one Francis Abberton, late of East Maitland aforesaid, not being a person claiming under any subsisting lease or license or otherwise, under the "Crown Lands Occupation Act of 1861," or under the "Crown Lands Amendment Act of 1875," or under any other Act, was found unlawfully occupying certain land reserve for public purposes by enclosing the same, the said land being in the town of East Maitland, fronting Wallis Creek, and known as the East Maitland Water Reserve, contrary to the Act in such case made and provided; whereupon the said John Hogan prays that I, the said Justice, will proceed in the premises according to law.

Sworn at Maitland, in the said Colony, on the }
day first above written, before me,— }

JOHN HOGAN.

THOMAS W. PEARSE, Justice of the Peace.

Francis Abberton.

Senior-Constable John Hogan, on oath, states: I produce a duplicate of a summons, which has been returned to me from Muswellbrook, as having been served on defendant, Francis Abberton; there is affidavit, &c., of service on the back; defendant does not appear to-day although called three times.

Sworn at Maitland, this 19th April, 1877, before me,—

JOHN HOGAN.

T. H. BARTLETT, J.P.

Postponed till this day week, the 26th April instant.
17 April, 1877.

T. H. BARTLETT, J.P.

John O'Brien, on oath, states: I am a constable stationed at Muswellbrook; I served a duplicate of the summons which I now produce, on defendant, Francis Abberton, at his residence at Kayuga, near Muswellbrook; I served it personally; it is under the hand and seal of a Magistrate of this territory, and made returnable for the 17th of this month; I served it on the 12th instant; I have heard him called three times, and he fails to appear.

Cross-examined by Mr. Chambers: Abberton has a selection there, and he has resided on this selection since I have been in that district, two or three months.

Sworn at Maitland, this 24th April, 1877, before me,—

JOHN O'BRIEN.

G. F. W. ADDISON, P.M.

(Information read—Cause to show.)

John Hogan, on oath, states: I am the informant in this case; I produce my authority from the present Minister for Lands for laying this information; I do not know Abberton; I know the piece of land referred to in my information; I have seen it on the map, and have been there to see it; I found no one there but a person named Matthew Farrell came and pointed it out to me; I found this land enclosed; it was so on the 9th April last by a two-rail fence; the land inside the fence had been under cultivation with lucerne, it was then quite bare; the fence was so erected as to prevent the public from having free access to this land enclosed; this land fronts Wallis Creek on one side.

Cross-

Cross-examined by Mr. Chambers: The fence does not go right down to the creek; the fence is at the top of the bank; I could get down the bank in some parts to the water, but I don't think it would be safe to take cattle.

By the Bench: This fence that is erected does not prevent stock having access to the water if they chose to go there.

Re-examined by Mr. Thompson: The enclosure would be a hindrance to a large number of stock going there to water.

Sworn at Maitland, this 1st May, 1877, before me,—

JOHN HOGAN.

G. W. F. ADDISON, P.M.

Thomas Evans, on oath, states: I am the district surveyor appointed by the Government; I know the piece of land that is in question in this matter; I produce a plan or sketch of it; I know it is correct, as I have made the survey of it myself; there is a piece of this land fenced in, 1 acre and 7 perches, the remainder is unfenced, excepting another small piece that is fenced; the remainder of the reserve outside the 1 acre and 7 perches is 1 acre 2 roods 22 perches; this land unenclosed forms a lane leading down to the water; the piece of land enclosed is between the top of the bank and Mr. Bruncker's fence on the east side; if you take the bank away it would face Wallis Creek; it is fenced as near as it could be to the water and is in East Maitland; I produce a plan showing 3 acres 1 rood and 4 perches, offered for sale on 31st August, 1858, by the Government, and showing the adjoining portions as a water reserve put in as evidence of locality. [Ex. B.]

Cross-examined by Mr. Chambers: As regards this enclosure the whole access to the water is open; there is such access as would be sufficient for all the cattle of East Maitland to water.

Re-examined by Mr. Thompson: If 200 head were taken there at the same time there would not be sufficient access to water for the whole of them.

Sworn at Maitland, 1st May, 1877, before me,—

THOMAS EVANS.

G. W. F. ADDISON, P.M.

Patrick Bowes, on oath, states: I am Council Clerk of the Municipal Council of East Maitland; I produce a lease that I found in my office from the Municipal Council of East Maitland to Francis Abberton of a piece of land said to be the reserve for access to water; I know a man named Farrell has paid rent for this land; I don't think Abberton has.

By Mr. Chambers: I don't know that this is the lease by which he now holds possession, but I merely produce it as a document that I have found.

Sworn at Maitland, this 1st May, 1877,—

PATRICK BOWES.

G. W. F. ADDISON, P.M.

Robert Galloway, on oath, states: I was formerly Council Clerk for the Municipality of East Maitland; I took a document headed "Agreement"; I find it bears my signature as a witness as Council Clerk; it was signed by Francis Abberton; this document was in my custody immediately at the time of my giving up the duties of Council Clerk; I produce the lease—(admitted, marked exhibit S.); I drew up this document myself.

Sworn at Maitland, this 1st May, 1877, before me,—

ROBERT GALLOWAY.

G. W. F. ADDISON, P.M.

Matthew James Farrell, on oath, states: I know the piece of land on the bank of Wallis Creek which is in question in this matter; I have paid to the Municipality of East Maitland rent for this land on account of Mr. Abberton; I produce one receipt that I got; I have paid rent since then—£3 I believe. (Ex. D.)

Cross-examined by Mr. Chambers: I have taken this place off Abberton's hands for the remainder of the term he has now to run; I have paid rent for it since then myself, and I have got a receipt in my own name; I have the land since January or February last year, since Abberton left the district; he has gone to Muswellbrook.

By the Bench: He sub-let the land to me; I at first paid the rent due by Abberton—the rent I afterwards paid for myself.

By Mr. Thompson: The Council have given me no lease.

Sworn at Maitland, this 1st May, 1877, before me,—

his
MATTHEW JAMES FARRELL.
mark.

G. W. F. ADDISON, P.M.

Case dismissed.

1st May, 1877.

G. W. F. ADDISON, P.M.
T. H. BARTLETT, J.P.
WM. ECKFORD, J.P.

[Three plans.]

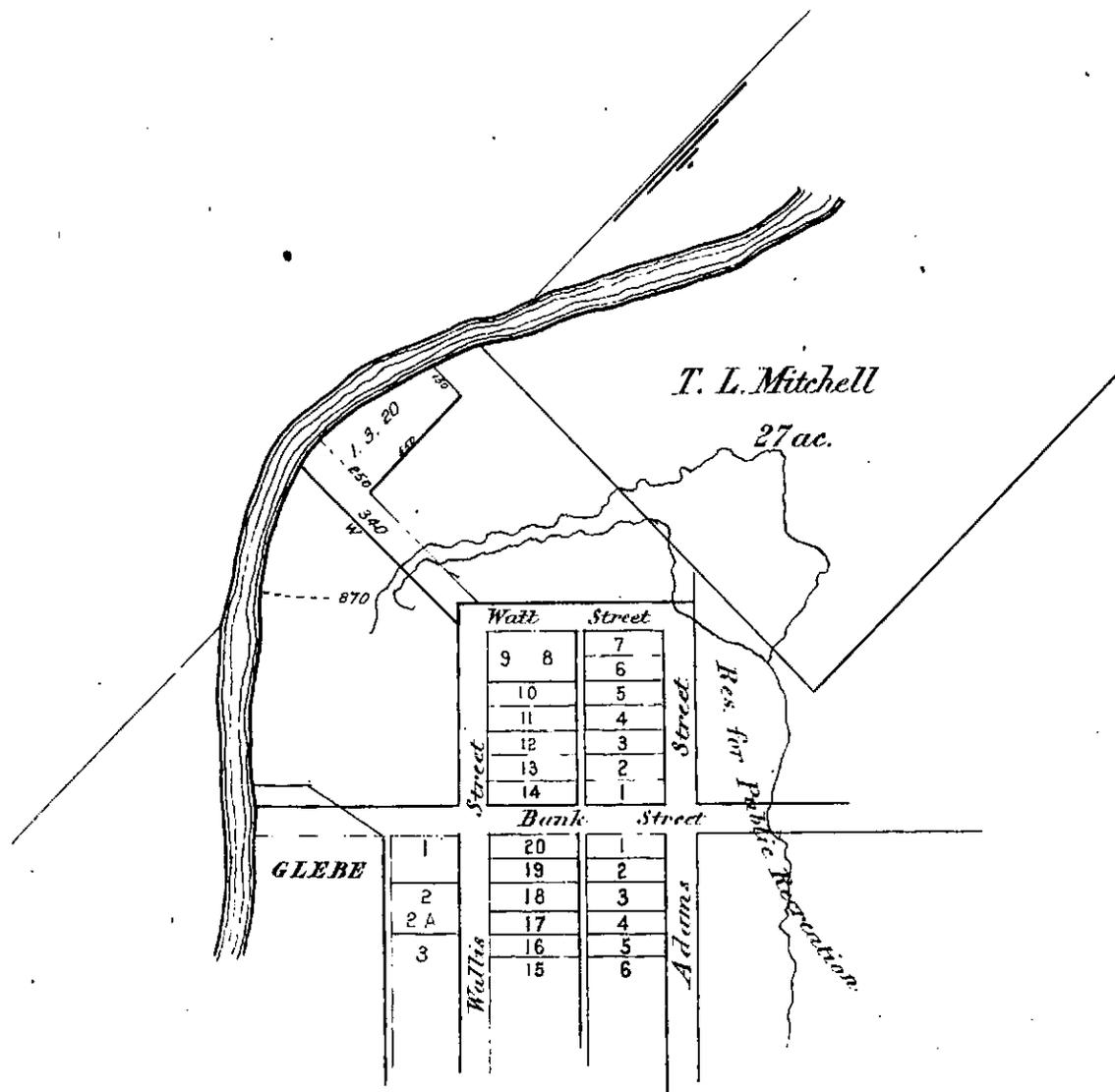
PLAN

SHOWING PROPOSED WATER RESERVE

Maitland,

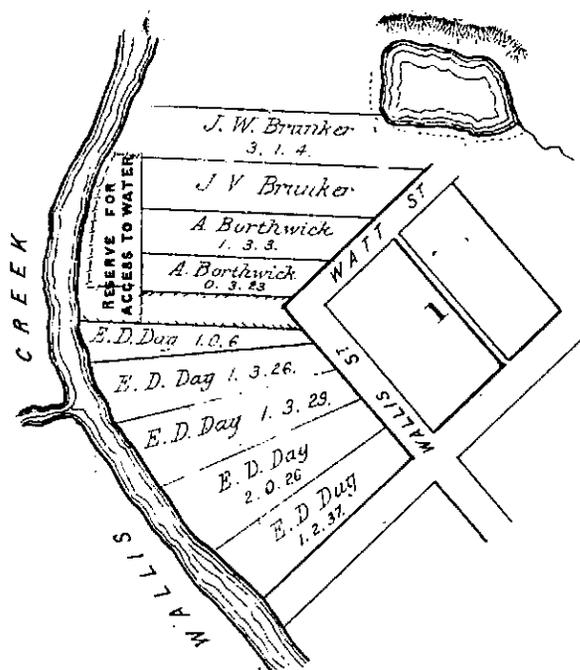
COUNTY OF NORTHUMBERLAND.

Scale, 8 Chains to an Inch.



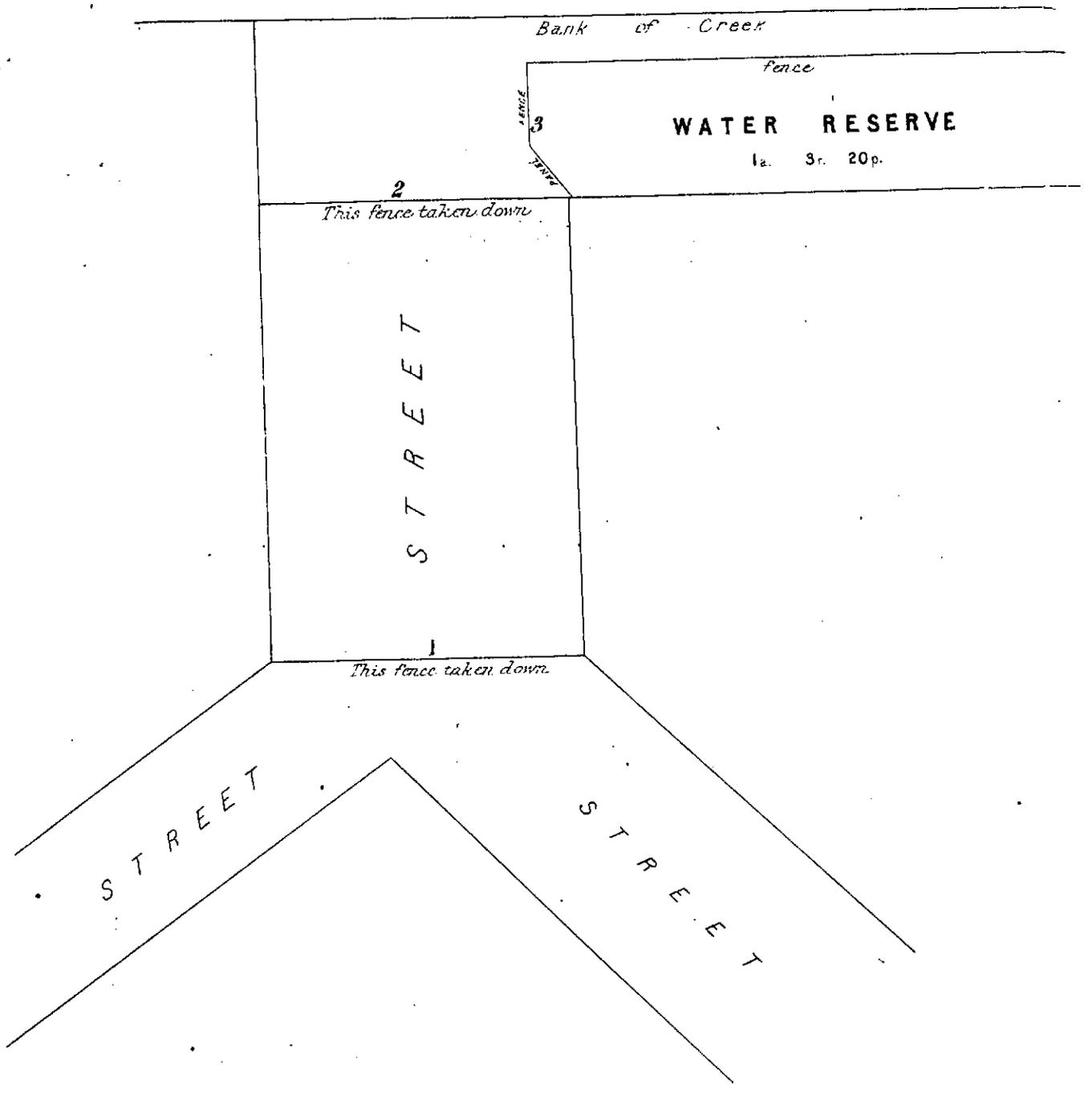
Transmitted to the Surveyor General with my letter of January 25, 1859.

D. M. Maitland, L.S.



(Sig. 492)

Wallis Creek



Reference.

- N^o 1. Obstruction taken down
- 2. " " "
- 3. Still standing on Monday, the 6th of March, 1876, at 4 p.m.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

YANCO AND COLOMBO CREEK RESERVES.
(AREA, &c., OF NEW RESERVES.)

Ordered by the Legislative Assembly to be printed, 11 January, 1877.

RETURN of the new Reserves made out of the Yanco and Colombo Creek Reserves; the area of each; the total area of such Reserves; on whose runs they were made, and date notified.

No.	Area.	Date Notified.	Name of Run.	Name of Lessee.	Remarks.
1,011 Exd.	280 <small>acres.</small>	22 Aug., 1876	Colombo Creek	James Osborne, junr., and Henry Osborne.	
1,624	31	16 Sept., 1876	Goree	Angus Robertson, Duncan Robertson, junr., and David Sheriff Robertson.	
1,625	62	" "	"	" " "	Reserved from lease. No. 217, 16 Sept., 1876.
1,626	1,100	" "	"	" " "	
1,627	35	" "	"	" " "	
1,628	141½	" "	Colombo Creek	James Osborne, junr., and Henry Osborne.	Reserved from lease. No. 182, by <i>Gazette</i> , 16 Dec., 1873.
1,629	640	" "	North Yathong Run	William Wilson	Reserved from lease. No. 84, by <i>Gazette</i> , 11 March, 1852.
1,630	400	" "	Yarrabee & Yanco	Angus Robertson, Duncan Robertson, junr., David Sheriff Robertson, and Francis Jenkins.	Reserved from lease. No. 215, 16 Sept., 1876.
1,631	64	" "	Yarrabee	<i>Vide</i> Yarrabee—below	Reserved from lease. No. 216, 16 Sept., 1876.
1,632	1,920	" "	Widgiewa	James Cochrane.	
			Morundah	F. Jenkins.	
			Yarrabee	<i>Vide</i> Yarrabee—below.	
1,642	11	" "	Bundure	New Zealand and Australian Land Company (Limited.)	
1,643	1,600	" "	Yanco	Samuel Wilson.	
1,644	2,080	" "	Cocketgedong	George Watt and Hugh Thompson.	
1,645	2,230	" "	Coonong	Samuel M'Caughy.	
1,646	3,520	" "	Yanco	Samuel Wilson.	
1,647	3,840	" "	"	"	
1,648	1,600	" "	"	"	
1,649	760	" "	Coonong	Samuel M'Caughy.	
1,650	180	" "	Yarrabee	Angus Robertson, Duncan Robertson, and David Sheriff Robertson.	
1,651	500	" "	Cocketgedong	George Watt and Hugh Thompson.	
1,658	20	" "	"	"	
1,663	226	7 Oct.,	Bundure	New Zealand and Australian Land Company (Limited.)	Reserved from lease. No. 223, gazetted 7 Oct., 1876.
1,664	242	13 Oct.,	Goree	Angus Robertson, Duncan Robertson, junr., and David Sheriff Robertson.	
1,665	442	17 Oct.,	Bingagong	John Peter.	
1,674	237	26 Sept.,	Widgiewa	James Cochrane.	
1,682	640	" "	Yarrabee	Angus Robertson, Duncan Robertson, and David Sheriff Robertson.	
1,684	250	" "	"	"	
1,685	132	" "	Curabunganney	Richard Blackwood.	
1,691	200	21 Oct.,	Coree	John Wilson.	
			Bingagong	John Peter.	
			Colkamanan	"	
1,321 Exd.	6,080	23 Sept.,	Bunagong Back Plains.	William O. Campbell and Charles C. Wildash.	
			Yamma	Isaac Younghusband.	
	29,463½	Total Area.			

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

YANKO AND COLOMBO CREEK RESERVES.

(CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 8 August, 1877.

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CROWN LANDS.

No. 1.

Memo. from The Deputy Surveyor General to Mr. District-Surveyor Wood.

3 July, 1867.

REPORT the position and areas, with sufficient information to draw descriptions of reserve from conditional purchase, required on the Yanko Creek, with a view to cancellation of the existing reserve extending its full length.—P. F. ADAMS.

No. 2.

(Form F.)

MEMORANDUM OF INSTRUCTIONS, 3 JULY, 1867.

Subject.

Reply.

Mr. D.-S. Wood is requested at his early convenience to report the position and areas with sufficient information to draw descriptions of the reserves from conditional purchase required on the Yanko Creek, with view to cancellation of the existing Reserve extending its full length.—P. F. ADAMS, 3 July, 1867.

Mr. Surveyor Bolton is requested to act, and with reference to my *letter of this date.—J. H. WOOD, D. S., Albury, 10 August, 1867.

*Missing.

No. 3.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions conveyed in your B.C. of 3 July, and Mr. District-Surveyor Woods' letter of the 10th August, directing me to suggest water reserves on the Yanko Creek, embracing one-fifth of the frontage in lieu of Reserve No. 157, extending the whole length of the creek, I do myself the honor to recommend that the Crown land within the boundaries described in the accompanying description marked A may be reserved from conditional purchase for access to water. See No. 1. Not with the Papers. See Appendix B to No. 38.

To have put this Reserve exactly opposite Reserve B would have occupied an undue amount of frontage, on account of a great bend in the Yanko Creek.

The water is not permanent anywhere along this part of the creek; but this reserve will give access to Tomgroggan Lagoon on Reserve B, which I believe has never been dry.

I have, &c.,
C. F. BOLTON,
Surveyor.

[Enclosure to No. 3.]

A.

DESCRIPTION of proposed reserve marked A for access to water, situate on the Yanko Creek, county of Mitchell: Commencing at a point on the right bank of the Yanko Creek bearing south 40 degrees west 11 chains from Tomgroggan Lagoon, and east 165 links from a gum-tree marked broad-arrow over *wk* over A, and bounded thence on the south by a line bearing west to the west boundary-line of F. Jenkins' Yanko Run; on the west by that line bearing north 1 mile; on the north by a line bearing east to the Yanko Creek; on the east by that creek, downwards, to the point of commencement.

This reserve forms part of Jenkins' Yanko Run.

C. F. BOLTON,
Surveyor.

No. 4.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions conveyed in your B.C. of 3rd July, and Mr. District-Surveyor Woods' letter of 10th August, 1867, in reference to water reserves on Yanko Creek, I do myself the honor to recommend that the Crown lands in the accompanying description marked B may be withdrawn from conditional purchase. See No. 1. Missing.

The site of this reserve was chosen on account of the permanent water in Tomgroggan Lagoon, the water in the Yanko not being permanent.

I have, &c.,
C. F. BOLTON,
Surveyor.

[Enclosure to No. 4.]

B.

DESCRIPTION of proposed reserve for access to water, marked *x* on the Yanko Creek, county of Mitchell: Commencing on the left bank of the Yanko Creek, at a gum-tree marked broad-arrow over *wk* over *x*, bearing about south 50 chains from Tomgroggan Lagoon, and bounded thence on the south by a line bearing east to the 4 miles; on the east by a line bearing north 1 mile; on the north by a line bearing west to the Yanko Creek; and on the west by that creek downwards to the point of commencement.

This reserve forms part of F. Jenkins' Yanko Run.

C. F. BOLTON,
Surveyor.

No. 5.

No. 5.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions conveyed in your B.C. of 3rd July, I do myself the honor to suggest, that the Crown land described in the accompanying description be reserved from conditional purchase, for access to water.

See No. 31.

The Yarrabee Waterhole, which extends along this part of the creek, has never been known to be dry. I enclose a sketch in a separate letter, showing approximate position of this reserve; also, Howell's 320 acres, which is shown in the wrong place in a tracing supplied me from head quarters.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 5.]

C.

DESCRIPTION of proposed reserve, marked c, on the Yanko Creek, county of Mitchell: Commencing at the north-east corner of Howell's 320 acres, at Yarrabee; and bounded thence on the north by a line bearing east to the east boundary of Yarrabee Run; on the east by that boundary bearing about south 22 degrees west 1 mile and 6'30 chains; on the south by a line bearing west to the Yanko Creek; on the west by that creek, upwards, to the point of commencement.

This reserve forms part of Peters' Yarrabee Run.

C. F. BOLTON,
Surveyor.

No. 6.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions conveyed in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown lands described in the accompanying description, marked n, may be reserved from conditional purchase for access to water.

The reserve fronts part of the Yarrabee Waterhole, which is permanent, and the land contained in it is of inferior quality.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 6.]

D.

DESCRIPTION of proposed reserve for access to water, marked n, on the Yanko Creek, county of Boyd: Commencing at the south-east corner of Howell's 320 acres at Yarrabee homestead; and bounded on the north by lines bearing west to the west boundary of Peters' Yarrabee Run; on the west by that line bearing about south 22 degrees west 64'73 chains; on the south by a line bearing east to the Yanko Creek; and on the east by that creek, upwards, to the point of commencement.

This reserve forms part of J. Peters' Yarrabee Run.

C. F. BOLTON,
Surveyor.

No. 7.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions conveyed in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown lands described in the accompanying description may be reserved for access to water. If, however, the reserve numbered 121, shown on the plan supplied me, has been set apart for any special reason, it might be desirable to alter the reserve proposed by me so as to embrace it, in which case the same starting point would do by describing the reserve north of it instead of south. The reason why I suggested the proposed site was, that it might not be too close to reserve.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 7.]

E.

DESCRIPTION of proposed reserve for access to water, marked e, counties of Mitchell and Boyd: Commencing at a gum-tree marked broad-arrow over w₂ over e on the Yanko Creek, where the New Washpen or Back Creek flows into it; and bounded thence on part of the south by a line bearing east to the eastern boundary-line of Yarrabee Run; on the east by that line bearing about north 22 degrees east 1 mile and 6'30 chains; on the north by a line bearing west to the west boundary-line of Yarrabee Run; on the west by that line bearing about south 22 degrees west 1 mile and 6'30 chains; and on the remainder of the south by a line bearing east, to the point of commencement.

This reserve forms part of J. Peters' Yarrabee Run.

C. F. BOLTON,
Surveyor.

No. 8.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions conveyed in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description, marked F, be reserved from conditional purchase.

This reserve embraces the Bengegong Waterhole, which is permanent, and extends $\frac{1}{4}$ a mile along the Yanko Creek.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure

7

[Enclosure to No. 8.]

F.

DESCRIPTION of proposed reserve for access to water, marked F, counties of Mitchell and Boyd: Commencing at point on the Yanko Creek 3 chains below the confluence of the ana branch of the Colombo Creek with the Yanko Creek, and bearing north 5 degrees west 38 links from a gum-tree marked broad-arrow over WR over F; and bounded thence on part of the south by a line bearing east to the north-east boundary-line of Bingegong Run; on the east by that line, bearing about north 40 degrees west 1 mile and 24.43 chains; on the north by a line west to the west boundary-line of Bingegong Run; on the west by that line, bearing about south 20 degrees west 1 mile and 51.36 chains; and on the remainder of the south by a line bearing east to the point of commencement.

This reserve forms part of J. Peters, Bingegong Run.

C. F. BOLTON,
Surveyor.

No. 9.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description may be reserved from conditional purchase for access to water. See No. 1.

This reserve embraces a waterhole known as the Reedy Waterhole, and some good waterholes in the Yanko Creek.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 9.]

G.

DESCRIPTION of proposed reserve for access to water, marked G, Yanko Creek, counties of Mitchell and Boyd: Commencing on the left bank of the Yanko Creek at a gum-tree marked broad-arrow over WR over G bearing 279 degrees 35 chains from the south end of Reedy Waterhole; and bounded thence on part of the south by a line bearing south 63 degrees east to the east boundary-line of the Bingegong Run; on the east by that line bearing about north 34 degrees east 1 mile and 60 links; on the north by a line bearing north 63 degrees west to the west boundary-line of Bingegong Run; on the west by part of that line bearing south 20 degrees west 1 mile 56 links; and on the remainder of the south by a line bearing south 63 degrees east to the point of commencement.

This reserve forms part of Peters' Bingegong Run.

C. F. BOLTON,
Surveyor.

No. 10.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to suggest that the Crown land described in the accompanying description, marked H, may be reserved from conditional purchase for access to water. See No. 1.

The water, though not very permanent, lasts longer than any other place within 3 or 4 miles. The greatest advantage, however, of this site is its being situate where the road from Warrandera to Jerilderie strikes water after keeping away from the creek for some miles.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 10.]

H.

DESCRIPTION of proposed reserve for access to water, marked H, Yanko Creek, county of : Commencing on the left bank of Yanko Creek, about 2 miles above Goree Old Station, at a tree marked broad-arrow over WR over H; and bounded thence on the south by a line bearing south 63 degrees west to the eastern boundary-line of Goree Run; on the east by that line bearing north 34 degrees east, 70 chains 50 links; on the north by a line bearing north 63 degrees west to the Yanko Creek; and on the west by that creek downwards; and on the remainder of the south by a line bearing south 63 degrees east, to the point of commencement.

This reserve forms part of J. Peters' Goree Run.

C. F. BOLTON,
Surveyor.

No. 11.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of 3rd July, I do myself the honor to recommend that the Crown lands described in the accompanying description, marked J, may be reserved from conditional purchase for access to water. See No. 1.

The water in the creek at this place is permanent for nearly $\frac{1}{2}$ a mile. The Yellow Creek, from which the description commences, is well known by people in the neighbourhood.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 11.]

J.

DESCRIPTION of proposed reserve for access to water, Yanko Creek, county of : Commencing at a gum-tree, marked broad-arrow over WR over J, on the left bank of the Yanko Creek, opposite the outbreak of the Yellow Creek, about 20 chains below a subdivision fence; and bounded thence on the south by a line bearing south 63 degrees east to the south-east boundary-line of Goree Run; on the south-east by that line, bearing about north 60 degrees east, 83 chains 56 links; on the north by a line bearing north 63 degrees west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

No. 12.

No. 12.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with your instructions, conveyed in B.C. of 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description, marked *x*, be reserved from conditional purchase for access to water.

The water on this reserve has been made permanent by damming the Yanko Creek and an ana branch on the north side of it. There is a larger supply of water in the ana branch than in the creek itself; this is therefore a very suitable site for a water reserve.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 12.]

K.

DESCRIPTION of proposed reserve for access to water, marked *x*, on the Yanko Creek, county : Commencing on the right bank of the Yanko Creek, at the south-east corner of a measured portion of 320 acres at Bundure Homestead; and bounded thence on part of the west by the east boundary of that land and its northern prolongation, being a line bearing north in all 5 miles; on the north by a line bearing east 1 mile; on the east by a line bearing south to the south boundary-line of Bundure Run; on the south by that line bearing about south 59 degrees west, 93 chains 33 links; and on the remainder of the west by a line bearing north, to the point of commencement.

This reserve forms part of Bundure Run.

C. F. BOLTON,
Surveyor.

No. 13.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions conveyed to me in your B.C. of the 3rd July, 1867, I do myself the honor to recommend that the Crown lands described in the accompanying description marked *L* may be reserved from conditional purchase for access to water.

This reserve contains a large waterhole in the Yanko Creek, and part of a lagoon some distance from the creek; on the whole it is a very suitable site for a reserve.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 13.]

L.

DESCRIPTION of proposed reserve for access to water, Yanko Creek, county of : Commencing on the right bank of the Yanko Creek, at the south-east corner of a measured portion of 320 acres, at Bundure Old Wash-pen, numbered 33; and bounded thence on the west by the east boundary of that land and its northern prolongation, being a line bearing north in all 5 miles; on the north by a line bearing east 1 mile; on the east by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

This forms part of Bundure Run.

C. F. BOLTON,
Surveyor.

No. 14.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions contained in your B.C. of the 3rd July, 1867 (No. 67/58), I do myself the honor to recommend that the Crown land described in the accompanying description marked 97 *x* over *L* may be reserved from conditional purchase.

The frontage of Bundure Run appears to be more than 10 miles; I have therefore proposed a small reserve to give access to part of the Broomy Waterhole, which extends into this run. The Broomy Waterhole is well known on account of its being very permanent.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 14.]

M.

DESCRIPTION of proposed reserves for access to water on the Yanko Creek, county of : Commencing on the right bank of the Yanko Creek, at the south-west corner of Bundure Run; and bounded on the west by part of the west boundary-line of that run bearing north 4 miles; on the north by a line bearing east 20 chains; on the east by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

This reserve forms part of Bundure Run.

C. F. BOLTON,
Surveyor.

No. 15.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown lands described in the accompanying description marked *x* may be reserved from conditional purchase for access to water in the Yanko Creek.

The site is a suitable one, and it occupies the only piece of vacant frontage on the Thurrowa Run large enough for the purpose.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure

[Enclosure to No. 15.]

N.

DESCRIPTION of proposed reserve for access to water on the Yanko Creek, county of Urana: Commencing on the Yanko Creek, at the north-west corner of portion $\frac{1}{4}$, containing 290 acres; and bounded thence on the east by the west boundary of that land and its southern prolongation 5 miles; on the south by a line bearing west 1 mile; on the west by a line bearing north to the Yanko Creek; and on the north by that creek upwards, to the point of commencement. This reserve forms part of S. Wilson's Thurrowa Run.

C. F. BOLTON,
Surveyor.

No. 16.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor See No. 1. to recommend that the Crown land described in the accompanying description, marked o, may be reserved from conditional purchase for access to water. This reserve embraces a portion containing 640 acres, which was measured as a pre-emptive purchase for Wilson Brothers, but afterwards disallowed. The Broomey Waterhole, which is permanent, extends all along that part of the Yanko Creek fronting this reserve. In addition to this advantage the site proposed suits the fences subdividing the run.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 16.]

O.

DESCRIPTION of proposed reserve for access to water on the Yanko Creek, county of : Commencing on the right bank of the Yanko Creek, at the south-east corner of portion $\frac{1}{2}$, containing 640 acres; and bounded thence on the east by the east boundary of that land and its northern prolongation to the north boundary-line of Wilson Brothers' Yanko Run; on the north by that line bearing about south 74 degrees west 84 chains 60 links; on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement. This reserve is situate on S. Wilson's Yanko Run, and embraces the 640 acres mentioned in description.

C. F. BOLTON,
Surveyor.

No. 17.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of the 3rd July (67/58), I do myself See No. 1. the honor to recommend that the Crown land described in the accompanying description, marked P, may be reserved from conditional purchase for access to water. I did not make this reserve opposite reserve O on account of the paddock fences, which unless removed at a considerable expense would prevent the stock from getting to the water. The water on the reserve proposed by me lasted well in the natural state of the creek, and has been rendered permanent by a dam.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 17.]

P.

DESCRIPTION of proposed reserve for access to water on the Yanko Creek, county of : Commencing on the left bank of the Yanko Creek, at a point due south of the south-west corner of portion $\frac{1}{2}$, containing 640 acres; and bounded thence on the east by a line bearing south 5 miles; on the south by a line bearing west 1 mile; on the west by a line bearing north to the Yanko Creek; and on the north by that creek, upwards, to the point of commencement. This reserve forms part of S. Wilson's Yanko Run.

C. F. BOLTON,
Surveyor.

No. 18.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of the 3rd July, 1867, I do myself the honor to recommend that the Crown land described in the accompanying description marked q, may be reserved from conditional purchase for access to water.

This is the only vacant piece of frontage along this part of the creek large enough for the purpose. However, it is a very suitable site for a reserve, the water having been made permanent by dams, and its See No. 1. position answers that of the subdivision fences.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 18.]

Q.

DESCRIPTION of the proposed reserve for access to water on the Yanko Creek, county of : Commencing on the right bank of the Yanko Creek at the south-west corner of portion $\frac{1}{2}$, containing 640 acres; and bounded thence on part of the east by the west boundary-line of that land and its northerly prolongation; on the north by part of that line bearing about south 74 degrees, west 84 chains 60 links; on the west by a line south to the south boundary-line of the aforesaid run; on the south by part of that line bearing east 1 mile; and on the remainder of the east by a line bearing north to the point of commencement. This reserve forms part of Wilson Brothers, Yanko Run.

C. F. BOLTON,
Surveyor.

No. 19.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with your instructions contained in your B.C. of the 3rd July, I do myself See No. 1. the honor to recommend that the Crown land described in the accompanying description marked R, may be reserved from conditional purchase for access to water. This

This reserve, in addition to affording access to water on Yanko Creek, embraces a lagoon which retains a large supply of water, and is a good drinking place for stock.

The land contained in the reserve is inferior to the land adjoining it.

I have, &c.,
C. F. BOLTON,
Surveyor.

[Enclosure to No. 19.]

R.

DESCRIPTION of proposed reserve for access to water in the Yanko Creek, county of Commencing on the right bank of the Yanko Creek, at the south-west corner of portion No. 26, containing 640 acres; and bounded thence on the east by the west boundary-line of that land and its northerly prolongation to the north boundary of Wilson Brothers Yanko Run; on the north by part of that line bearing about south 60 west 82 chains 40 links; on the west by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

This reserve forms part of S. Wilson's Yanko Run.

C. F. BOLTON,
Surveyor.

No. 20.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description marked s, may be reserved from conditional purchase for access to water.

This reserve gives access to the White Waterhole in the Yanko Creek, which was almost permanent in its natural state, and has been rendered quite so by dams.

I have, &c.,
C. F. BOLTON,
Surveyor.

[Enclosure to No. 20.]

S.

DESCRIPTION of proposed reserve for access to water in Yanko Creek, county of : Commencing on the right bank of the Yanko Creek, at a point bearing north from the north-east corner of portion No. 26-66, on Coree Run, containing 640 acres; and bounded thence on the east by a line bearing north 5 miles; on the north by a line bearing west 1 mile; on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

This reserve forms part of S. Wilson's Yanko Run.

C. F. BOLTON,
Surveyor.

No. 21.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions contained in your B.C. of 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description, marked t, may be reserved from conditional purchase for access to water in Yanko Creek.

This site contains some good waterholes in the Yanko Creek, and suits the fencing between Yanko and Coree Runs; which has been run along a "give and take" line, crossing the bend of the creek.

I have, &c.,
C. F. BOLTON,
Surveyor.

[Enclosure to No 21.]

T.

DESCRIPTION of proposed reserve for access to water, in Yanko Creek, county of Townsend: Commencing on the right bank of the Yanko Creek, at the south-east corner of portion 1, parish of Wononga, county of Townsend, containing 640 acres; and bounded thence by the east boundary of that land and its northern prolongation, being a line bearing north 5 miles; and on the north by part of that line bearing east; on the east by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

This reserve forms part of Wilson, Brothers Yanko Run.

C. F. BOLTON,
Surveyor.

No. 22.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown land described in the enclosed description, marked u, may be reserved for access to water.

I was unable to get to the Yanko Creek to mark the starting point of this reserve, on account of the depth of water and strong current in the ana branches of the creek.

This site is a very suitable one, the water in the Yanko having been made permanent by the Nine-mile Dam.

I have, &c.,
C. F. BOLTON,
Surveyor.

[Enclosure to No. 22.]

U.

DESCRIPTION of proposed reserve of access to water on the Yanko Creek, county of : Commencing on the left bank of Yanko Creek, at a point 10 chains below the Nine-mile dam on Coree Run; and bounded thence by a line bearing east 2 miles; on the east by a line bearing north 1 mile; on the north by a line bearing west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

This reserve forms part of Samuel Wilson's Coree Run.

C. F. BOLTON,
Surveyor.

No. 23.

11

No. 23.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of the 3rd July (No. 67-58); I do myself the honor to recommend that the Crown land described in the enclosed description marked v may be reserved for access to water in the Yanko Creek. See No. 1.

There were some good waterholes in this part of the creek when in its natural state. These have been rendered almost permanent by a dam erected below, called the Eighteen-mile Dam.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 23.]

V.

DESCRIPTION of proposed reserve for access to water, in the Yanko Creek, county of : Commencing on the left bank of the Yanko Creek, at the north-east corner of portion No. 25-66, containing 640 acres; and bounded thence on the west by the east boundary-line of that land and its southerly prolongation, being a line bearing south in all 5 miles; on the south by a line bearing east 40 chains; on the east by a line bearing north to the Yanko Creek; and on the north by that creek, downwards, to the point of commencement. This reserve forms part of Samuel Wilson's Coree Run.

C. F. BOLTON,
Surveyor.

No. 24.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description, marked w, may be reserved for access to water in the Yanko and Billabong Creeks. See No. 1.

Owing to the flooded state of the country I was unable to run a line across from the Billabong to the Yanko Creek, to mark the place where the proposed reserve strikes the latter creek.

The water on the Billabong at this reserve is very permanent, it being retained by a large dam on the portion from which it is described.

I have no tracing to enable me to show the exact position of this reserve, but it can be accurately fixed at head quarters.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 24.]

W.

DESCRIPTION of proposed reserve for access to water, marked w, on the Yanko and Billabong Creeks, county of : Commencing on the Billabong Creek, at the north-west corner of portion No. , containing 320 acres (measured in virtue of improvements which consist of the Coree dam, &c.); and bounded thence on the west by a line bearing north 2 miles; on the north by a line bearing east 60 chains; on the east by a line bearing south to the Billabong Creek; and on the south by that creek, downwards, to the point of commencement. This reserve forms part of Samuel Wilson's Coree Run.

C. F. BOLTON,
Surveyor.

No. 25.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description, marked x, may be reserved for access to water in the Yanko and Billabong Creeks. See No. 1.

There is nothing special to recommend this site, except that it will protect the boundary-fence, which has been erected at a considerable cost, and there is no site in the immediate locality more suitable for the purpose than the one proposed.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 25.]

X.

DESCRIPTION of proposed reserve x for access to water in the Yanko and Billabong Creek, county of : Commencing on the left bank of the Yanko Creek at the north-west corner of Coree Run; and bounded thence by part of the west boundary of that run bearing south 10 miles, crossing the Billabong Creek; on the south by a line bearing east 40 chains; on the east by a line crossing the Billabong Creek bearing north to the Yanko Creek; and on the north by that creek, downwards, to the point of commencement.

This reserve forms part of Samuel Wilson's Coree Run.

C. F. BOLTON,
Surveyor.

No. 26.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

In compliance with instructions contained in your B.C. of 3rd July, I do myself the honor to recommend that the Crown lands described in the accompanying description marked y may be reserved for access to water on the Yanko and Billabong Creeks. This reserve gives access to some good waterholes in the Billabong, and embraces water retained by dams on the Yanko Creek; in addition to this it will be a protection to the boundary-fence of the run. See No. 1.
Not with the
papers.

I have, &c.,

C. F. BOLTON.

No. 27.

No. 27.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

Description not
with the papers.

In compliance with instructions conveyed in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown lands described, description marked z, may be reserved for access to water on the Yanko and Billabong Creeks.

This reserve fronts Mr. Blackwood's large dam on the Yanko Creek, and gives access to the water retained by it, which is permanent. It also extends along a portion of the Billabong, which in its natural state held water longer than the adjoining parts of the creek.

I have, &c.,

C. F. BOLTON.

No. 28.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description, marked AA, may be reserved for access to water.

This reserve does not embrace any permanent water, but will protect the by-washes and ana branches through which the surplus water from Mr. Blackwood's large dam escapes, and will afford passage from the back part of the run for stock watering at the dam which fronts the land, applied for to purchase by the lessee of the run.

I have, &c.,

C. F. BOLTON,

Surveyor.

[Enclosure to No. 28.]

AA.

DESCRIPTION of proposed reserve for access to water in the Yanko Creek, county of : Commencing on the right bank of the Yanko Creek at the south-west corner of portion No. broad-arrow over $\frac{3}{8}$, containing 320 acres (measured in virtue of improvements consisting of Mr. Blackwood's big dam, &c.); and bounded on the east by the west boundary-line of that land and its northerly prolongation, being a line bearing north in all 5 miles; on the north by a line bearing west 40 chains; on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

This reserve forms part of Mr. Blackwood's Currabunganong Run.

C. F. BOLTON,

Surveyor.

No. 29.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

Not with the
papers.

In compliance with instructions contained in your B.C. of the 3rd July, I do myself the honor to recommend that the Crown land described in the enclosed description may be reserved for access to water.

The situation of this reserve is very convenient for the purpose for which it is required, and the water is backed up to it by a dam below.

I have, &c.,

C. F. BOLTON.

No. 30.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

See No. 1.

Not with the
papers.

In compliance with instructions contained in your B.C. of 3rd July, I do myself the honor to recommend that the Crown land described in the accompanying description marked ca may be reserved from conditional purchase for access to water in the Yanko and Billabong Creeks.

There is a large permanent waterhole just at the junction of the Yanko and Billabong, besides others which last well some little distance below. Having proposed reserves similar to this all the way along the Yanko Creek, which I consider sufficient for the requirements of the adjacent runs, I see no reason why that part of the reserve 157, which extends along the Yanko Creek, should not be cancelled and the reserves proposed by me proclaimed in its stead.

I have, &c.,

C. F. BOLTON,

Surveyor.

No. 31.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Conargo, 12 October, 1867.

Appendix A.

See Nos. 8 to 30
inclusive.

I do myself the honor to forward a sketch showing the positions of the various reserves from conditional purchase proposed by me in my letters.

I have, &c.,

C. F. BOLTON.

No. 32.

Minute of The Deputy Surveyor General.

19 November, 1867.

See No. 31.

Appendix A.

THE plan may be returned to Mr. District-Surveyor Wood, who will be good enough to point out which, if any, of these reserves are required for village sites or other public purposes, as for camping places for teams or travelling stock.

The position of the existing reserves for villages, viz., Thurrowa, Cuddell, and an intended V.E. No. 121, notified 24th February, 1863, have been noted, and possibly it may be desirable to add to them before throwing open the whole frontage to conditional purchase. The

The circular of 15th May, 1866, having cancelled the instructions for the selection of reserves for the benefit of the runs, it appears that a great portion of the work done by Mr. Bolton will not be required in this department. There does not appear to be any special recommendation beyond the requirements of the runs, but on this point a further report is required.—P.F.A., B.C., 19/11/67. Appendix B.

[Appendix A to No. 32.]

GAZETTE NOTICE.

Department of Lands, Sydney, 24 February, 1863.

Reserve from Lease.

It is hereby notified, for general information, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to withdraw for public use the portion of land hereinafter described, from the run of which it has hitherto formed part.

2. Any of the described land which may contain improvements and may not be specially reserved, may be purchased by the owner of such improvements within twelve months from the present date, on application to the Surveyor General, in accordance with the 6th section of the Regulations for the Alienation of Crown lands.

JOHN ROBERTSON.

Schedule.

Pastoral District of Murrumbidgee.

No. 121, 640 acres, at the affluence of the Colombo Creek from the Yanko Creek: Commencing at a point distant 40 chains north of a bridge carrying the main road from Narrandera to Deniliquin, over a cutting leading from a dam on an ana branch of the Yanko Creek to the Colombo Creek; and bounded thence on part of the north by a line bearing east 40 chains; on the east by a line bearing south 1 mile; on the south by a line bearing west 1 mile; on the west by a line bearing north 1 mile; and on the remainder of the north by a line bearing east 40 chains. This reserve forms portion of Mr. Peters' run called Bengangary.

[Appendix B to No. 32.]

(Circular.)

Surveyor General's Office, Sydney, 15 May, 1866.

Sir,

Referring to my circulars of the 9th December, 1864, and 9th August last, I have now the honor to forward the copy of a letter which, by the direction of the Honorable the Secretary for Lands, has been addressed to me, and from which you will observe that the selection of reserves for water supply has been entrusted to the Chief Commissioner of Crown Lands. See Enclosures Nos. 1 & 2.

2. This arrangement will not, however, render it unnecessary that you should report on the requirements of the public as regards reservations for water supply to towns, and to lands measured, or likely to be required for farms, for teams, and travelling stock, and in those cases where large areas would be rendered waterless by the alienation of portions containing the only water supply derived from natural sources. But you will be careful in every case not to exceed the area sufficient to attain the object of the reservation, and not to include land of a valuable character, if indifferent land equally suitable for the purpose can be obtained.

I have, &c.,

W. R. DAVIDSON, S.G.

[Enclosure No. 1 to Appendix B of No. 32.]

(Circular.)

Surveyor General's Office, Sydney, 9 December, 1864.

Sir,

As at the end of the ensuing year the leases in the squatting districts will expire, and the land will be open to conditional purchase, it is necessary that measures should be taken to prevent a monopoly of the supply of water, which in the Western Districts is particularly scarce.

2. I have therefore the honor to request that you will be good enough to prepare descriptions of reserves from conditional purchase for water supply and other public purposes, embracing the most valuable watering-places which may be known to you, and that you will mark them upon the ground at the points where they abut upon the water, and continue that marking for a short distance, perhaps $\frac{1}{4}$ a mile, sufficient to indicate the direction of the lines.

3. These reservations should in some instances extend for several miles into the back country, and in every case far enough to avoid the possibility of their being shut up by the selection of portions crossing them, which would defeat the object for which they are designed, viz., that of providing for the supply of water to the back country, not only to lands available for sale but also for lease. On the principal streams in the squatting districts as much as one-fifth of the frontage may be reserved, extending back so far as may be deemed necessary to prevent defeat.

4. The position and width of the reserve will depend upon their local merits, and to a certain extent upon the most judicious arrangements for maintaining cattle or sheep upon the back country; and in these cases much valuable information may be gathered from the lessees.

5. A sketch, illustrative of some of the various form of reservation, is enclosed for your guidance,

I have, &c.,

P. F. ADAMS.

Not necessary.

[Enclosure No. 2 to Appendix B of No. 32.]

(Circular.)

Surveyor General's Office, Sydney, 9 August, 1865.

Sir,

Referring to the 3rd paragraph of my circular of the 9th December last, on the subject of proposed reserves from sale, &c., for water supply for squatting runs, I have the honor to inform you that where the back country may be without permanent or comparatively permanent water, the frontage of the reserves may be increased to one-fourth of the frontage which the runs may have to any rivers, creeks, &c. See Enclosure No. 1 to Appendix B of No. 32.

2. To prevent misapprehension, I think it necessary to state that these reserves, which will be made under the 4th section of the Alienation Act, will not withdraw the lands from lease, or in any way interfere with the rights of the licensed occupants of the run on which they may be made. For public watering-places, either for travelling teams and stock, or for the benefit of settlers not immediately adjoining the water, reserves of a more permanent character will be made, and the lands withdrawn from lease under the 5th section of the Occupation Act. It is therefore necessary that you should state distinctly in your report the purpose for which the reserves you may propose are required, and whether they should be treated under the 4th section of the Alienation Act, or the 5th section of the Occupation Act.

3. For your guidance I enclose a sketch, illustrating the manner of dealing with certain cases frequently occurring in practice. Not necessary.

I have, &c.,

W. R. DAVIDSON.

No. 33.

Memo. of Mr. District-Surveyor Wood.

29 November, 1867.

WILL MR. Surveyor Bolton be so good as to inform me whether there is any good site for village reserve between Thurrawa and reserve No. 121, at junction of Colombo and Yanko? If so, please indicate on plan. The

See Appendix B
to No. 32.

The circular of 15th May, 1866, having cancelled the instructions for the selection of reserves for the benefit of the runs, it appears that some of Mr. Bolton's reserves are not necessary. I have marked off some as in my opinion not being required. Perhaps Mr. Bolton will be so good as to report on the matter.—J. H. WOOD, D.S.

No. 34.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Wagga Wagga, 8 January, 1868.

See No. 2.
Nos. 1 to 40.

In compliance with instructions conveyed in your B.C. of the 3rd July, 1867, I do myself the honor to recommend that the Crown lands described in the accompanying descriptions will be reserved for access to water and other public purposes, under the 4th section of the Crown Lands Alienation Act, but not under the 5th of the Occupation Act at present.

See Enclosure
to No. 31.

I return a sketch, which I sent in with my letter of 12th October, 1867, having since charted the positions of the reserves forming the subject of this letter.

Though from the absence of population these reserves are not at present required by the public, I think it advisable that they should be proclaimed to prevent all the best watering-places from being monopolized when the reserve extending the whole length of the Yanko is cancelled.

I have, &c.,
C. F. BOLTON,
Surveyor.

[Enclosure A.]

No. 1.

DESCRIPTION of proposed reserve for access to water :—640 acres, in the counties of Mitchell and Boyd : Commencing on the Yanko Creek, at a point bearing east 165 links from a gum-tree marked broad-arrow over A over WR, and bounded thence on part of the south by a line bearing west 1 mile ; on the west by a line bearing north 40 chains ; on the north by a line (crossing the Yanko Creek) bearing east 2 miles ; on the east by a line bearing south 40 chains ; and on the remainder of the south by a line bearing west to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure B.]

No. 2.

DESCRIPTION of proposed reserve for access to water, &c. :—65 acres, county of Mitchell : Commencing at a box-tree marked broad-arrow over WR, situate on the north bank of the Cuddell Creek at its intersection with the north-east side of Burt-street, and bounded thence on the south-west by a line bearing north-west 40 chains ; on the north-west by a line bearing north-east 15 chains ; on the north-east by a line bearing south-east to Cuddell Creek ; and on the south-east by that creek south-westerly, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure C.]

No. 3.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, county of Mitchell : Commencing at the north-east corner of William Stowell's 320 acres, and bounded thence on the north by a line bearing east 60 chains ; on the east by a line bearing south 40 chains ; on the south by a line bearing west to the Yanko Creek ; and on the west by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure D.]

No. 4.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, county of Boyd : Commencing at the south-east corner of William Stowell's 320 acres at Yarrabee, and bounded thence on the north by the south boundary of that land and its western prolongation, being a line bearing west in all 100 chains ; on the west by a line bearing south 40 chains ; on the south by a line bearing east to the Yanko Creek ; and on the east by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure E.]

No. 5.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, at Bingeang Waterhole, county of Urana : Commencing on the Yanko Creek, at a point 20 chains north of the confluence of the Colombo ana branch, said confluence being 3 chains above a tree marked broad-arrow over WR over R, and bounded thence on part of the south by a line bearing east 1 mile ; on the east by a line bearing north 40 chains ; on the north by a line bearing west to the Yanko Creek ; and on the west by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure F.]

No. 6.

DESCRIPTION of proposed reserve for access to water, &c. :—640 acres, at Reedy Waterhole, County of Urana : Commencing on the Yanko Creek, at a gum-tree marked broad-arrow over G over WR, situate 297 degrees 35 chains from the Reedy Waterhole, and bounded thence on part of the south-west by a line bearing 117 degrees 1 mile ; and on the south-east by a line bearing 27 degrees 40 chains ; on the north-east by a line (crossing the Yanko Creek) bearing 297 degrees 2 miles ; on the north-west by a line bearing 207 degrees 40 chains ; and on the remainder of the south-west by a line bearing 117 degrees, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure

[Enclosure G.]

No. 7.

DESCRIPTION of proposed reserve for access to water, &c.:—640 acres, county of Urana: Commencing on the Yanko Creek, at a gum-tree marked broad-arrow over J over WR, situate near the outbreak of the Yellow Creek, and bounded thence on part of the south-west by a line bearing 117 degrees 100 chains; on the south-east by a line bearing 27 degrees 40 chains; on the north-east by a line (crossing the Yanko Creek) bearing 297 degrees 2 miles; on the north-west by a line bearing 297 degrees 40 chains; and on the remainder of the south-west by a line bearing 117 degrees, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure H.]

No. 8.

DESCRIPTION of proposed reserve for access to water, &c.:—640 acres, at Bundure, county of Urana: Commencing at the south-east corner of 320 acres at Bundure homestead; and bounded thence on part of the west by the east boundary of that land and its northern prolongation, being a line bearing north in all 80 chains; on the north by a line bearing east 40 chains; on the east by a line (crossing the Yanko Creek) bearing south 160 acres; on the south by a line bearing west 40 chains; and on the remainder of the west by a line bearing north, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure I.]

No. 9.

DESCRIPTION of proposed reserve for access to water, &c., 320 acres: Commencing on the right bank of the Yanko Creek, at a point 40 chains east of a measured portion of 320 acres at Bundure Old Washpen; and bounded thence on the west by a line bearing north 100 chains; on the north by a line bearing east 40 chains; on the east by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure J.]

No. 10.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, at Broomy Waterhole, county of Urana: Commencing on the Yanko Creek at the south-east corner of a measured portion of 640 acres; and bounded thence on the east by the east boundary of that land bearing north 80 chains; on the north by part of the north boundary of the aforesaid 640 acres bearing west 40 chains; on the west by a line bearing south to the Yanko Creek; on the south by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure K.]

No. 11.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, near Broomy Waterhole, county of Urana: Commencing on the left bank of the Yanko Creek at a point bearing south from the south-west corner of 640 acres at Broomy Waterhole; and bounded thence on the east by a line bearing south 60 chains; on the south by a line bearing west 40 chains; on the west by a line bearing north to the Yanko Creek; and on the north by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure L.]

No. 12.

DESCRIPTION of proposed reserve for access to water, &c.:—640 acres, county of Urana: Commencing on the Yanko Creek at the south-east corner of portion No. 3; and bounded thence on part of the west by the east boundary of that land and its northern prolongation, being a line bearing north in all 1 mile; on the north by a line bearing east 40 chains; on the east by a line (crossing the Yanko Creek) bearing south 2 miles; on the south by a line bearing west 40 chains; and on the remainder of the west by a line bearing north to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure M.]

No. 13.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, at Uri, county of Urana: Commencing on the Yanko Creek, at the south-west corner of 640 acres at Uri; and bounded thence on the east by part of the west boundary of that land bearing north 1 mile; on the north by a line bearing west 40 chains; on the west by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure N.]

No. 14.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, near Wilson Brothers, Nine-mile Dam, county of Urana: Commencing on the left bank of the Yanko Creek, 30 chains above Wilson Brothers' Nine-mile Dam; and bounded thence on the south by a line bearing east 1 mile; on the east by a line bearing north 40 chains; on the north by a line bearing west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure O.]

No. 15.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, at the White Waterhole Bend, county of Urana: Commencing on the right bank of the Yanko Creek, at a point north of the north-east corner of S. Wilson's 640 acres at the White Waterhole Bend; and bounded thence on the east by a line bearing north 60 chains; on the north by a line bearing west 40 chains; on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure

[Enclosure P.]

No. 16.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on Yanko Creek, county of Urana: Commencing on the left bank of the Yanko Creek, at a point north of the north-west corner of 320 acres, in which the large Corree Dam is situate; and bounded thence on the west by a line bearing south 70 chains; on the south by a line bearing east 40 chains; on the east by a line bearing north to the Yanko Creek; and on the north by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure Q.]

No. 17.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on Yanko Creek, county of Townsend: Commencing on the right bank of the Yanko Creek, at the south-east corner of Wilson Brothers' 640 acres, situate about 3 miles from the western boundary of Yanko Run; and bounded thence on the west by the east boundary of that land and its northern prolongation, being a line bearing north in all 1 mile; on the north by a line bearing east 40 chains; on the east by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure R.]

No. 18.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on the Yanko Creek, county of Townsend: Commencing on the right bank of Yanko Creek, at the east boundary of North Currabungong Run; and bounded on the east by part of that boundary bearing north $1\frac{1}{2}$ mile; on the north by a line bearing west 40 chains; on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure S.]

No. 19.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, at Mr. Blackwood's large dam, County of Townsend: Commencing on the left bank of the Yanko Creek, at a point south of the south-west corner of 320 acres, measured in virtue of Mr. Blackwood's large dam; and bounded thence on the west by a line bearing south 1 mile; on the south by a line bearing east 40 chains; on the east by a line bearing north to the Yanko Creek; and on the north by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure T.]

No. 20.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, at the junction of the Yanko and Billabong Creeks, county of Townsend: Commencing on the right bank of the Yanko Creek, at a point 20 chains above its junction with the Billabong; and bounded thence on the east by a line bearing north 60 chains; on the north by a line bearing west 40 chains; on the west by a line bearing south to the Billabong Creek; and on the south by that creek, upwards, to the junction of the Yanko Creek, and the Yanko Creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure U.]

No. 21.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, Moranda Waterhole, County of Urana: Commencing at a point on the Colombo Creek, bearing north-east from the northern corner of Widgiawa Run, and 303 degrees 106 links from a gum-tree marked broad-arrow over BB over WR; and bounded thence on the west by a line bearing north 28 degrees east 40 chains; on the north by a line bearing south 71 degrees east 90 chains; on the east by a line bearing south 19 degrees west 40 chains; on the south by a line bearing north 71 degrees west to the Colombo Creek; and by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure V.]

No. 22.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres Waouck, county of Urana: Commencing on the right bank of the Colombo Creek, at a point bearing north-east from the north corner of Widgiawa Run, and 303 degrees 106 links from a gum-tree marked broad-arrow over BB over WR; and bounded thence on the north-west by a line bearing south-west 60 chains; on the south-west by a line bearing south-east 40 chains; on the south-east by a line bearing north-east to the Colombo Creek; and on the north-east by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure W.]

No. 23.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, at old Widgiawa Waterhole, county of Urana: Commencing on the Colombo Creek, at a gum-tree marked broad-arrow over CO over WR, situate at the lower end of old Widgiawa Waterhole; and bounded thence on the south-west by a line bearing south 68 degrees east 50 chains; on the south-east by a line bearing north 22 degrees east 40 chains; on the north-east by a line bearing north 68 degrees west to the Colombo Creek; and on the north-west by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure

[Enclosure X.]

No. 24.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, on the Colombo Creek, about 1 mile above Widgiwa head station, County of Urana: Commencing on the right bank of the Colombo Creek, at a point bearing north-west 40 chains from the north-east corner of Cochrane S. Wilson's 320 acres; and bounded thence on the south-west by a line bearing north 68 degrees west 1 mile; on the north-west by a line bearing north 22 degrees east 40 chains; on the north-east by a line bearing south 68 degrees east to the Colombo Creek; and on the south-east by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure Y.]

No. 25.

DESCRIPTION of proposed reserve for access to water, &c.:—640 acres, on the Colombo Creek, about 2 miles above the south-west boundary of Widgiwa Run, county of Urana: Commencing at the Colombo Creek at a small Uri (a prickly honey-suckle) tree marked broad-arrow over FF over WR, situate about 1½ mile above the south-west boundary of Widgiwa Run; and bounded thence on part of the south-west by a line bearing south 67 degrees east 40 chains; on the south-east by a line bearing north 23 degrees east 40 chains; on the north-east by a line bearing south 23 degrees west 40 chains; and on the remainder of the south-west by a line bearing south 67 degrees east to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure Z.]

No. 26.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, near the Oaks Dam, county of Urana: Commencing on the left bank of the Colombo Creek, at the eastern end of the Oaks Dam, and bounded thence on the south-west by a line bearing south 67 degrees east 80 chains; on the south-east by a line bearing north 23 degrees east 40 chains; on the north-east by a line bearing north 67 degrees west to the Colombo Creek; and on the north-west by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure AA.]

No. 27.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, at the south-west boundary of Coonong Run, county of Urana: Commencing on the right bank of the Colombo Creek, at the south-west boundary of the Coonong Run; and bounded thence on the south-west by part of the aforesaid south-west boundary of Coonong bearing north 38 degrees west 50 chains; on the north-west by a line bearing north 52 degrees east 40 chains; on the north-east by a line bearing south 38 degrees east to the Colombo Creek; and on the south-east by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure BB.]

No. 28.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, about 1½ mile below Colombo Head Station, county of Urana: Commencing on the left bank of the Colombo Creek at a gum-tree marked broad-arrow over WB over WR; and bounded thence on the north by a line bearing east 1 mile; on the east by a line bearing south 40 chains; on the south by a line bearing west to the Colombo Creek; and on the west by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure CC.]

No. 29.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, at the intersection of the telegraph line and the Colombo Creek, county of Urana: Commencing on the right bank of the Colombo Creek, at a point 15 chains south of its intersection with the Electric Telegraph line; and bounded thence on the south by a line bearing west 70 chains; on the west by a line bearing north 40 chains; on the north by a line bearing east to the Colombo Creek; and on the east by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure DD.]

No. 30.

DESCRIPTION of proposed reserve for access to water, &c.:—160 acres, on the Billabong Creek, ¼ a mile above Brennan's and Murchison's large dam, county of Urana: Commencing on the left hand bank of the Billabong Creek 40 chains east of Brennan and Murchison's large dam; and bounded thence on the west by a line bearing south 1 mile; on the south by a line bearing east 20 chains; on the east by a line bearing north to the Billabong Creek; and on the north by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure EE.]

No. 31.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, at the east boundary of North Jerilderie Run, county of Urana: Commencing on the right bank of the Billabong Creek, at a point 20 chains east of a gum-tree marked A over B and broad-arrow over ON over WR; and bounded thence on the east by a line bearing north 70 chains; on the north by a line bearing west 40 chains; on the west by a line bearing south 100 chains; on the south by a line bearing east to the Billabong Creek; and by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure FF.]

No. 32.

DESCRIPTION of proposed reserve for access to water, &c.:—320 acres, on the Billabong Creek, about 8 miles above the village of Jerilderie, county of Urana: Commencing on the left bank of the Billabong Creek, at the north-east corner of Peterson & Sargood's 320 acres; and bounded thence on the west by the east boundary of that land and its southerly prolongation, being a line bearing south in all 80 chains; on the south by a line bearing east 40 chains; on the east by a line bearing north to the Billabong Creek; and on the north by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure GG.]

No. 33.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on the south side of the Billabong Creek, about 2 miles below the village of Jerilderie, county of Urana : Commencing on the left bank of the Billabong Creek, at a point bearing north 61 degrees 12 minutes west 68 chains 48 links from the north-west corner of Peterson & Sargood's 236 acres, and 173" 43 links from a gum-tree marked broad-arrow over NB over WR ; and bounded thence on the east by a line bearing south 60 chains ; on the south by a line bearing west 40 chains ; on the west by a line bearing north to the Billabong Creek ; and on the north by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure HH.]

No. 34.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on the north side of the Billabong Creek, about 3 miles below the village of Jerilderie, county of Urana : Commencing on the right bank of the Billabong Creek, at the south-west corner of portion $\frac{2}{3}$, containing 640 acres ; and bounded thence on the east by the west boundary of that land, bearing north 1 mile ; on the north by a line bearing west 40 chains ; on the west by a line bearing south to the Billabong Creek ; and by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure II.]

No. 35.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, at the Sawyer's Waterhole, Corce Run, county of Urana : Commencing on the right bank of the Billabong Creek, at a point 20 chains east of the Sawyer's Waterhole ; and bounded thence on the east by a line bearing north 60 chains ; on the north by a line bearing west 40 chains ; on the west by a line bearing south 100 chains ; on the south by a line bearing east to the Billabong Creek ; and by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure JJ.]

No. 36.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on the south side of the Billabong Creek, about 2½ miles above the Corce Homestead, county of Urana : Commencing on the left bank of the Billabong Creek, at a point due south from the south-east corner of portion $\frac{2}{3}$, containing 640 acres ; and bounded thence on the west by a line bearing south 70 chains ; on the south by a line bearing east 40 chains ; on the east by a line bearing north to the Billabong Creek ; and on the north by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure KK.]

No. 37.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, at S. Wilson's Corce Dam, county of Urana : Commencing on the right bank of the Billabong Creek at a point due north of the north-west corner of S. Wilson's 320 acres at Corce Dam ; and bounded thence on the west by a line bearing north 80 chains ; on the north by a line bearing east 40 chains ; on the east by a line bearing south to the Billabong Creek ; and on the south by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure LL.]

No. 38.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on the Billabong Creek, at the east boundary of north Curabunganong Run, county of Townsend : Commencing on the right bank of the Billabong Creek, at the east boundary of Curabunganong Run ; and bounded thence on the east by part of the aforesaid boundary bearing north 60 chains ; on the north by a line bearing west 40 chains ; on the west by a line bearing south to the Billabong Creek ; and on the south by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure MM.]

No. 39.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on the Billabong Creek, about 2 miles below Startwood, county of Townsend : Commencing on the left bank of the Billabong Creek, at the north-east corner of R. Blackwood's 89 acres ; and bounded thence on the west by the east boundary of that land bearing south about 1 mile ; on the south by a line bearing east 40 chains ; on the east by a line bearing north to the Billabong Creek ; and on the north by that creek, downwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

[Enclosure NN.]

No. 40.

DESCRIPTION of proposed reserve for access to water, &c. :—320 acres, on the Billabong Creek, at the outbreak of Thulabin or Forest Creek : Commencing on the left bank of the Billabong Creek, at the north-west corner of R. Blackwood's 640 acres ; and bounded thence on the east by part of the west boundary of that land bearing south 60 chains ; on the south by a line bearing west 40 chains ; on the west by a line bearing north to the Billabong Creek ; and on the north by that creek, upwards, to the point of commencement.

C. F. BOLTON,
Surveyor.

Minutes on No. 34.

See P. S. in Mr. Bolton's letter of 27th January, 1868.—P.F.A., 11/1/68. Mr. Ellis,—Are any of these reserves proposed to be withdrawn from lease?—P.F.A. A village reserve is proposed in letter 68-2, which is the only reserve proposed to be withdrawn from lease at present.—C. F. BOLTON.

Not with the papers.

Not with the papers.

No. 35.

Mr. Surveyor Bolton to The Surveyor General.

Sir,

Wagga Wagga, 8 January, 1868.

I do myself the honor to recommend that the Crown land described in the accompanying description may be reserved as a site for a village.

There is no demand at present for allotments at this place, but it is recommended as being about midway between the village of Thurrowa and the village reserve at the outbreak of the Colombo Creek.

A better building site exists about 2 miles nearer to the Colombo, but the road is a long way off the creek at that place; in addition to which the creek soon goes dry opposite it.

I have, &c.,

C. F. BOLTON,
Surveyor.

[Enclosure to No. 35.]

DESCRIPTION of proposed village reserve near Goree, Yanko Creek, county of Urana: Commencing on the left bank of the Yanko Creek, at a gum-tree marked broad-arrow over π over WR, about 2 miles above Goree Station; and bounded thence on the north by a line bearing east 30 chains; on the east by a line bearing south 100 chains; on the south by a line bearing west to the Yanko Creek; and on the west by that creek, upwards, to the point of commencement.

Minutes on No. 35.

Mr. Ellis, 17th January.—P.F.A. In reply to my memo. of 19th November, 1867 (No. 32), as to reservation from lease, this appears to be the only one, and may be forwarded to the Chief Commissioner of Crown Lands for his information, and subsequently for *Gazette* notification.—P.F.A., 11 March. No. 32. This land is at present protected from sale by the Yanko Creek Reserves, and the Proclamation of the village reserve might stand over until the Commissioner reports on the reserve from conditional purchase, recommended by Mr. Surveyor Bolton in lieu of the general reserve submitted herewith.—E.D., 2/5/68. Yes.—19/5/68. On the cancellation of the Billabong Reserve, now recommended, I presume this reserve may also be recommended?—E.D., 12/2/69. Yes.—15.

No. 36.

Memorandum from The Surveyor General to Chief Commissioner of Crown Lands.

2 April, 1868.

THE accompanying plans and descriptions will probably be of service to the Chief Commissioner of Crown Lands in dealing with the reserves on the Yanko, Colombo, and Billabong Creeks. The reserves were proposed under some misapprehension of instructions, as it is not the practice of this Department to deal with reserves other than these which it may be necessary to withdraw from lease for sites for villages, &c. Appendix B. One plan herewith. See descriptions A to NN to No. 34.

On being called on for explanation, and to state which, and if any were required for public purposes, the surveyor forwarded the same, with reductions, both in number and area, but not recommending any withdrawal or permanent deviation; he informed me personally that he considered that the original dimensions should be maintained, but in no case should any of the reduced areas be dispensed with or further reduced, as that would probably lead to the alienation of water actually required for the beneficial occupation of the vacant lands.

P. F. ADAMS.

Chief Commissioner of Crown Lands, B.C., 2 April.—M.F. I suppose these recommendations for water reserves had better be referred to the Commissioner for his report. They appear to have been examined and recommended by the surveyor under a misapprehension of his instructions, but with the accompanying plans will be of great service to the Commissioner, when recommending special reserves with a view to the cancellation of the large general reserves extending along the course, and comprising both sides of these creeks.—E.D., 2/5/68. The plans may be sent, though that of the Billabong is stated by Mr. Bolton to be very inaccurate—little more than a sketch. Should the reports and descriptions also go forward?—A.O.P., 18 May, 1868. Yes.—19. Forwarded to Mr. Commissioner Lockhart for his report, with reference to my circular of 14th February, 1866; and at the same time his attention is drawn to the large reserve on the Yanko and Billabong Creeks, notified 23rd December, 1865, with a view to its cancellation by the substitution of such reserves only as are necessary to protect the public interests.—A.O.M., Crown Lands Office, B.C., 22 May, 1868. Appendix A. Appendix B.

[Appendix A to No. 36.]

[Circular.]

Sir,

Crown Lands Office, Sydney, 15 February, 1866.

I have the honor, under the directions of the Honorable the Secretary for Lands, to inform you that it has been determined upon by Government, that all applications for temporary reserves for the preservation of water supply or other public purposes, should be examined into and reported upon with as little delay as possible, as well those already Gazetted as those at present undisposed of. I therefore forward herewith a file of *Gazettes* (Nos. 268, 270, 273) of the 23rd, 28th, and 30th December, 1865, respectively, showing the reserves already proclaimed in your district, together with the several applications, as per schedule enclosed, for reserves, which have been reserved but not yet dealt with. In making inquiry, and reporting upon the several cases, you will be guided by the following instructions:—

1. The Government will hold you responsible for the necessity and extent of the reservations which you may recommend in every case.

2. Reserves are not to be made for the purpose of securing to the lessees of Crown lands the possession of particular runs or portions of runs, but for the prevention of a monopoly of the water supply necessary for adjacent country, or for some other public purpose to be specified in your report; and in no case is the reserve to be more than what is *bona fide* necessary for the purpose in question.

3. In those localities where the runs are entirely dependent on the river frontage for a permanent supply of water, the reserve must not exceed 1 mile in 5 of frontage, with a depth of 5 miles.

4. In those localities where there is an abundance of permanent water distributed over the country reserves for the preservation of water supply may not be required, but reserves may be necessary for some other public purpose. In cases such as these a good deal must depend upon your judgment and discretion.

5. In many cases it may be of great importance to reserve isolated springs and waterholes.

6. Each reserve reported on must be personally examined and distinctly marked and described in that class of reserves alluded to in paragraph 3; marking the river boundary and indicating the direction of the side lines will suffice. In so far as it applies to the marking and preparation of descriptions, you will be guided by the requirements of the memorandum of directions, previously forwarded to you, and of which I again enclose a copy herewith. It is desirable, moreover, that the marking should be uniform, and with this view the initial letter *x* should be used in as conspicuous a position as possible, with a distinguishing number to correspond with the description.

7. You will devote your immediate attention to this matter, and forward your report to me as each is completed, as soon as possible, engaging in no other business unless specially ordered, until this work is brought to a satisfactory conclusion.

8. To prevent confusion and delay, you will report separately and fully on the reservations recommended upon each run in the completion of your examination of it. It will be convenient to use a form similar to the enclosed for this purpose.

9. In order that the public interest may be protected as far as possible, your attention must be directed in the first place to those reserves which have been applied for but not gazetted, the applications for which are enclosed. At present you will only deal with those already proclaimed, in so far as may be necessary to admit of the final disposal of any of those proposed reservations to which your attention is primarily directed.

I have, &c.,

A. O. MORIARTY.

[Appendix B to No. 36.]

Gazette Notice.

Department of Lands, Sydney, 22 December, 1865.

Reserves from Conditional Purchase.

His Excellency the Governor, with the advice of the Executive Council, directs it to be notified that in pursuance of the provisions of the "Crown Lands Alienation Act of 1861" the land specified in the schedule appended hereto shall be reserved from sale until surveyed for the preservation of water supply or other public purposes.

CHARLES COWPER.

Schedule.

No. 157. Counties Boyd, Mitchell, Urana, and Townsend, on the Yanko and Colombo Creeks, 271 square miles: The Crown lands within 1 mile of the Yanko Creek from the Murrumbidgee River to its junction with the Billabong Creek, and within 1 mile of the Colombo from its outflow from the Yanko Creek from its junction with the Billabong Creek.

(Plan herewith.)

No. 37.

Memo. by Mr. Du Faur.

18 January, 1869.

The reserves submitted within this cover are those against which "Billabong" is marked in general schedule. They are proposed chiefly in accordance with Mr. Surveyor Bolton's plan, as substitutes for the general reserves on both sides of the Billabong.

Mr. Crommelin has in the within reports dealt with every run through which that general reserve runs, but he has not yet recommended the cancellation of that reserve, which I think ought to take place at the same time as the notification of the substitutes. Perhaps he may be requested to state whether it is his intention to recommend, with reference to the Chief Commissioner's B.C. of 22nd May last on that subject, such cancellation; and at the same time he might report on the several queries on the written papers.—E.D. Yes.—19.

See No. 36.

No. 38.

The Chief Commissioner of Crown Lands to The Commissioner of Crown Lands,
Murrumbidgee.

Sir,

Crown Lands Office, Sydney, 22 January, 1869.

With reference to my blank cover communication of the 22nd May last, to your predecessor, drawing his attention to the necessity for the cancellation of the large water reserve on the Billabong, Yanko, and Colombo Creeks, by the substitution of such reserves only as are necessary for the public benefit, I have the honor to direct your attention to the fact that in your several reports in October and November last you have dealt with every run through which the reserve on the Billabong Creek (notified as No. 184, 23rd December, 1865, folio 2,904) passes, but you have not yet recommended its cancellation.

As such cancellation should take place at the same time as the notification of the reserves substituted, I have the honor to request your further report on the matter at your earliest convenience.

I have, &c.,

A. O. MORIARTY,

Chief Commissioner of Crown Lands.

[Appendix to No. 38.]

Department of Lands, Sydney, 22 December, 1865.

Reserves from Conditional Purchase.

His Excellency the Governor, with the advice of the Executive Council, directs it to be notified that in pursuance of the provisions of the "Crown Lands Alienation Act of 1861" the land specified in the schedule appended hereto shall be reserved from sale until surveyed for the preservation of water supply or other public purposes.

CHARLES COWPER.

No. 184. Counties of Urana, Townsend, and Wakool, containing about 280 square miles. The Crown Lands within 1 mile of the Billabong Creek from the confluence of the Colombo downwards to its confluence with the Kyalito or Edward River, but exclusively of the village of Jerilderie and suburban and measured lands within the Jerilderie reserve from lease No. 49 extension, notified 10th March, 1865; the town of Conargo and suburban lands and measured lands within the Conargo reserve from lease, the village of Wangonilla and suburban lands, and the towns of Moulamein north and south and suburban lands.

No. 39.

21

No. 39.

The Commissioner of Crown Lands, Murrumbidgee, to The Chief Commissioner
of Crown Lands.

Sir,

Crown Lands Office, Albury, 3 February, 1869.

No. 38.

Referring to your letter of the 22nd ult., desiring a further report in regard to the large Billabong Reserve, I do myself the honor to recommend the cancellation of the Grand Billabong Reserve, notified as No. 184, 23 December, 1865, from the confluence of the Colombo downwards to its confluence with the Kyalito or Edward River, for the purpose of substituting those set forth in my several reports in October and November last. I was under the impression that my letter of the 17th October last was an all-sufficient recommendation for the cancellation of the Billabong Reserve, though perhaps I ought to have written more explicitly and not mixed up the question of Woorooma Reserves with that of the Billabong Reserve.

See Appendix to
No. 38.Not with the
papers.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

Under this report the large Billabong Reserve may, I presume, be recommended for cancellation and those submitted herewith substituted (see various reserves to be gazetted same date).—E.D., 9/2/69. This reserve cancelled 22 August, 1871.—A.O.P.

No. 40.

Minute of The Chief Commissioner of Crown Lands.

17 February, 1869.

SUBMITTED for the approval of the Honorable the Minister for Lands, with the suggestion that the same be laid before His Excellency the Governor and the Executive Council for confirmation.—A. O. MORIARTY, B.C., Crown Lands Office, Sydney, 17 February, 1869.

Reserve from
conditional
purchase.
(As future site
for a village.)

No. 41.

Minute Paper for The Executive Council.

Department of Lands, Sydney, 24 February, 1869.

It is recommended to His Excellency the Governor and the Executive Council, at the instance of the Chief Commissioner of Crown Lands, that the portion of Crown land particularized in the enclosed Schedule be reserved from sale until surveyed for a site for a future village, under the 4th section of the "Crown Lands Alienation Act of 1861."

For description
see No. 44.

WILLIAM FORSTER.

Clerk of the Executive Council, B.C., 24 February, 1869.—M.F. The Executive Council advise that the portion of land herein described be reserved from sale until surveyed as the site for a future village, in terms of the 4th clause of the "Crown Lands Alienation Act of 1861."—ALFRED C. BUDGE, Clerk of the Council. Min. 69/9, 25 February, 1869. Confirmed, 3 March, 1869. Approved.—B., 11 March, 1869. The Chief Commissioner of Crown Lands, B.C., 16 March, 1869.—M.F.

For description
see No. 44.

No. 42.

Mr. R. P. Raymond to The Surveyor General.

Sir,

No. 15, Bligh-street, Sydney, 7 September, 1869.

I have the honor, by the instructions of Messrs. Holmes, White, and Co., of Melbourne, agents for the lessee, to make applications for sundry portions of land on the American Yards and Bundure Stations, to be measured and put up to auction, viz. :—

320 acres on the right bank of the Umbango Creek, above Woolshed.

250 acres to 300 acres on right bank of the Umbango Creek, above crossing-place, half-way between the Woolshed and Humula Homestead.

300 acres on right bank of Umbango Creek, below the horse paddock at the Homestead.

300 acres on left bank of Umbango Creek, below the horse paddock at the Homestead.

Bundure Station.

Two lots of 320 acres each on the Yanko Creek, opposite the Thurrowa Reserve, on the north side of the creek.

320 acres, Yanko Creek, between the Bundure Homestead and the new sheep wash, on the north side of the creek.

As these lands are unsurveyed it is not possible to give a clearer description of the lots required, but the manager at Bundure, Mr. Sutherland, will point out to the surveyor, on his arrival at the station, the exact locality of each.

I beg also to point out that as far as I can see from a rough sketch that has been sent me, some of these portions will be within and others partly within water reserves, but as the land the lessees are desirous of purchasing will not affect the general water supply of the station, I presume there will be no objection to the withdrawal of such portions from the reserve.

I have, &c.,

R. PEEL RAYMOND,

Agent.

Submitted, 21 Sept. Mr. D.-S. Wood,—For measurement of unobjectionable and probably at a rate below the scale price.—J.S.A. (for Surveyor General), Sept. 21.

No. 43.

No. 43.

Mr. J. Sutherland to The Surveyor General.

Sir,

Bundure Station, Jerilderie, 8 December, 1869.

Having become the proprietor of part, and erected others, of the improvements detailed below, and which I estimate to be worth £1,060, I have the honor to apply that I may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in my possession.

I have, &c.,

JOHN SUTHERLAND,
Manager for Lessees of Bundure.

Nature of Improvements.

Sheepwash and garden, with overseer's hut and men's hut, worth	£400
Cultivation paddock, drafting yards, and dam	240
Men's hut, travellers' hut, and large dam on ana branch of Yanko Creek ...	250
Middle Dam on do.	70
Shearers' hut	100
	<hr/>
	£1,060

Description of Land.

County of Urana, parish unnamed, 320 acres, on the right bank of the Yanko Creek, near the boundary with Goree and about 2 miles east from Bundure Homestead, 240, 250, 70, and 100 acres respectively on the ana branch of the Yanko Creek, near Bundure Homestead and the Woolshed.

The Chief Commissioner of Crown Lands.—G.J.A., B.C., 23 Dec., /69. Bundure Run, district of Murrumbidgee, is held under a promise of lease by the New Zealand and Australian Land Company (limited) of Glasgow.—A.O.M. Crown Lands Office, B.C., 30 Dec., 1869. Mr. Licensed-Surveyor M'Culloch for measurement, if unobjectionable.—P. F. ADAMS, 24 Jan., 1870. Transferred to Mr. Surveyor Betts in accordance with the Surveyor General's letter of instructions, 21 April, 1870.—J. M'C., L.S.

Missing.

No. 44.

Gazette Notice.

Department of Lands, Sydney, 7 March, 1870.

Reserve from Sale.

His Excellency the Governor, with the advice of the Executive Council, directs it to be notified that in pursuance of the provisions of the "Crown Lands Alienation Act of 1868," the land specified in the Schedule hereto shall be reserved from sale as a site for a future village.

WILLIAM FORSTER.

Description.

County of Urana, near Goree, Yanko Creek: Commencing on the left bank of the Yanko Creek, at a gum-tree marked broad-arrow over π over ω , about 2 miles above Goree Station; and bounded thence on the north by a line bearing east 20 chains; on the east by a line bearing south 100 chains; on the south by a line bearing west to the Yanko Creek; and on the west by that creek, upwards, to the point of commencement.

No. 45.

Mr. H. Gordon to The Surveyor General.

Sir,

Jerilderie, 24 August, 1870.

I have the honor to transmit a plan and report on John Sutherland's 320 acres improvement purchase situated on Bundure Run, parish unnamed, county Urana.

The improvements consist of a sheep-wash and huts, value £380.

I make no charge for the connection to this portion, as I have to complete the survey of an adjoining portion as soon as the water subsides, after which this connection will not be required.

I have, &c.,

HUGH GORDON.

Appendix C.

Mr. Long.—The portion measured comes within the Yanko Creek Reserve, notified *22 December, 1865. Should not that part of the reserve be revoked previously to sending the portion in for appraisement? —T.H.L., 15 July, 1871. Yes.—G.L., 15 July, 1871.

Surveyor General.—The land fronting the Yanko Creek is slowly but gradually being alienated, under the 8th clause. Have you any objections to such alienations taking place as they are all within the reserve notified *22 December, 1865?—T.H.L., 15 July, 1871.

Query 13.

The Yanko Creek Reserve was notified in December, 1865, on account of the creek having been improved by the run-holders. The Surveyor General told me he again intended to bring the matter forward with the view to cancellation, and retaining only the necessary portion for water supply. The Surveyor General had better be referred to.—J.E., 24 July.

As Mr. Surveyor Bolton is now in Sydney the advisability of bringing this matter under the notice of the Minister for Lands is suggested to Mr. Pretious.—P.F.A., 26 July.

No. 46.

Memos.

Charting Branch.

MEMO. of subjects requiring explanation or completion in connection with the survey and plan of 320 acres $\frac{3}{4}$, county of Urana, transmitted to Mr. L.-S. Gordon, letter of 24 August, 1870, and on which Mr. Gordon's report in explanation is requested. Appendix D.
See No. 45.

Subject.

The bearing of No. 44 on traverse line is required. Is the ana-branch excluded from the area?—E. TWYNAM (for the Surveyor General), 21 Sept., 1870.

The area of this portion is 335 acres. Mr. Gordon should explain.—J.S.A. (for the Surveyor General), 3 October, 1870.

Mr. Gordon has not given the length of the amended boundary, nor the distance from north-west corner to the connection.—P. F. ADAMS, 5 May, 1871.

The distance from the north-west corner to the connection is not given by Mr. Gordon on his plan.—P.F.A., 8 June.

Report.

The bearing of No. 44 is 5° 30'. The ana-branch is only a dry hollow in the summer time, and therefore not excluded.—HUGH GORDON, L.S., Survey Camp, Deniliquin, 28/9/70.

I have cut off 15 acres as suggested; my *calculations, which I transmit herewith, shew the original area to have been 321. 4 acres, exclusive of offsets.—H. GORDON, L.S., Deniliquin, 12 April, 1871. See Enclosure.

The length of amended boundary is 85.11 links, and there was no reference tree at either end of it. The distance from north-west corner to connection is the same as before.—H. GORDON, L.S., Survey Camp, 20 May, 1871.

It is 1,810.—H. GORDON, L.S., 17 June, 1871.

[Enclosure A to No. 46.]

TRAVERSE.

Bearing.	Distance.	N.	S.	E.	W.	Line.	
100°	1174		191	1088		1	
47° 20"	236	135	13	73		2	
		24		147			
328° 50"	600	51.3		27		3	
36°	1800	1456		1058	3.11	4	
92°	440		0.14	400		5	
			1	40			
160°	600		5.64	205		6	
187° 4' 5"	1122		1112		1.51	7	
80° 4' 5"	670	107		661		8	
52° 3' 0"	700	426		555		9	
106° 45'	641		185	614		10	
4° 45'	1088	997		83		11	
		88		7			
283° 45'	698	143			583	12	
		23			95		
317° 15'	669	441			407	13	
		51					
15° 2' 3"	351	289		80		14	
		49		13			
60° 3' 0"	529	246		435		15	
		14		25			
98° 4' 6"	700		106	692		16	
73° 30'	500	142		479		17	
858° 1' 5"	450	450			14	18	
40° 3' 0"	1340	989		844		19	
		30					
345° 4' 5"	385	373			95	20	
286° 5' 5"	1060	310			1013	21	
242° 1' 5"	650		302		575	22	
281° 4' 5"	400	82			392	23	
254° 3' 0"	1170		296		1060	24	
			19		67		
5° 3' 0"	500	498		48		25	
310° 1' 5"	850	549			649	26	
		782		175			
14° 2' 6"	782	678		20		27	
53° 1' 5"	760	419		561		28	
		36		48			
106° 37'	1265		361	1212		29	
14° 3' 7"	1840	1741		454		30	
		39		10			
33° 5' 2"	800	249		167		31	
		11666	3164	10242	5459		
		8164		5459			

249 × 167 + 0 = 41583
 464 × 249 + 2030 = 1057456
 1212 × 2030 + 1669 = 4483188
 609 × 1669 + 2124 = 2309937
 195 × 2124 + 2881 = 975975
 549 × 649 + 0 = 356301
 498 × 649 + 601 = 622500
 148 × 601 + 601 = 177896
 1127 × 148 + 463 = 688597
 392 × 463 + 381 = 330848
 575 × 381 + 683 = 611800
 1013 × 683 + 373 = 1069728
 95 × 373 + 0 = 35435
 1019 × 1335 + 465 = 1834200
 450 × 465 + 479 = 424800
 142 × 479 + 0 = 68018
 692 × 1611 + 1505 = 2156272
 460 × 1505 + 1765 = 1504200
 98 × 1765 + 2103 = 359724
 491 × 454 + 0 = 222914
 637 × 2595 + 2595 = 3306090
 166 × 1091 + 1769 = 474760
 90 × 1085 + 908 = 97650
 614 × 1085 + 900 = 1218790
 555 × 900 + 1326 = 1235430
 510 × 1326 + 1413 = 1396890
 1112 × 151 + 0 = 167912
 205 × 3082 + 2518 = 1148000
 381 × 2518 + 2506 = 1914144
 21186 × 6582 + 6582 = 28118304
 1456 × 2077 + 1019 = 4507776
 1019 × 468 + 647 = 1136185
 513 × 311 + 0 = 159543
 174 × 159 + 0 = 27766
 137 × 159 + 134 = 40141

2)64280693
 32140346

No. 47.

The Surveyor General to Mr. Surveyor Gordon.

Sir,

Surveyor General's Office, Sydney, 5 April, 1871.

See No. 46

I have to refer you to my memorandum, dated 3rd of October, 1870, respecting your survey of 320 acres, county of Urana, on Yanko Creek, applied for by John Sutherland, and to request that the matter may receive your early attention.

2. Should there be any cause of delay you will explain it, and at the same time state when it is probable that the information required will be supplied.

I am, &c.,

P. F. ADAMS.

See No. 46.

I transmit the memorandam referred to herewith.—H. GORDON, L.S., Deniliquin, 12/4/71.

No. 48.

Mr. Surveyor Gordon to The Surveyor General.

Sir,

Deniliquin, 12 April, 1871.

Appendix E.

See No. 34.

I have the honor to transmit plan of 320 acres applied for by Messrs. Holmes, White, & Co., for auction sale, situated on Bundure Run, parish of Bundure, county Urana, portion No. 13. Instructions dated 21st September, 1869.

I am, &c.,

HUGH GORDON.

See Appendix B
to No. 36.

D.-S. Office, Albury, 20 May, 1871. Submitted.—This portion comes within the Yanko Creek Reserve, No. 157, notified 22nd December, 1865. Should so much of the reserve as is contained in the portion be revoked, or should the measurement be cancelled? I have great hesitation in recommending the cancellation of any portion of the Yanko Creek Reserve. The land now surveyed will be immediately taken up.—T.H.L., 27 July, 1871. I have called the attention of Crown Lands Commissioner to the state of this reserve with a view to obtaining a decision from the Minister.—P.F.A., 27 July, 1871. Mr. Watt.—Will you be good enough to see Mr. Du Faur respecting the reserve in question? The matter has now been very long in hand.—T.H.L., 21 October, 1872. Mr. Lewis.—Upon inquiry at the C. C. Lands Office I find that no decision has yet been given in this matter. I also understand that there is no present prospect of its being definitely settled.—F.W.W., 2 January, 1873. The Surveyor General.—What action?—T.H.L., 2 January, 1873. Await decision.—J.S.A., 2 January. Mr. Pretious.—Has any decision yet been given?—J.S.A., 10 September, 1873. See papers herewith.—A.O.P.

Previous corres-
pondence.

No. 49.

Mr. J. Mitchell to The Minister for Lands.

Sir,

Deniliquin, 7 June, 1871.

See below.

I have the honor to apply for the rescission of the reservation of the land particularized in the annexed description, in terms of the 12th section of the "Crown Lands Alienation Act of 1861," and I enclose a Post Office order for the sum of £5 as the deposit required by the 20th clause of the regulations under the said Act.

I have, &c.,

JOHN MITCHELL,

By his Attorney, Thomas Robertson.

Description.

320 acres, county of Urana, parish of Thurrowa, on the north side of the Yanko Creek, adjoining Sutherland's conditional purchase of 65 acres, and opposite land purchased by Mr. Wilson.

Post Office order received, £5.—12/2/71. Return the money order, and explain that the additional regulations quoted refer to rescissions of reservations of water frontage under the 12th clause of the Act. State that his application, which appears to be for the revocation of reserve set apart under the 4th clause of the Act, will be duly inquired into.—12/6/71. The advisableness of revoking the reserve referred to is under consideration, and will probably be shortly revoked.—J.E. Mr. Unwin.—Why was this money order detained?—19/7/71. Now placed with letter.—20/7/71. Memo. S. G1.—This is an application to select within the Yanko Creek Reserve, notified for water supply in 1865, which includes the land within 1 mile of the Yanko from the Murrumbidgee to the Colombo Creek. Mr. Bolton reported in 1868 on this reserve, and submitted that certain portions of it only should be retained. Mr. Bolton's report was sent under B.C. to the Crown Lands Department, and nothing has been done in the carrying out Mr. Bolton's recommendations. Will the Surveyor General consider it now advisable to remind the Crown Lands Department on the subject?—J.E., 24 July. Chief Officer in charge of Crown lands accordingly.—P.F.A., 25 July.

Not obtainable

No. 50.

The Under Secretary for Lands to T. Robertson, Esq.

Sir,

Department of Lands, Sydney, 18 July, 1871.

No. 49.

With reference to your letter of the 7th ultimo, applying, on behalf of Mr. James Mitchell, under the 12th clause of the Crown Lands Alienation Act, for the rescission of the reservation of 320 acres of land on the north side of Yanko Creek, parish of Thurrowa, and enclosing a Post Office order for £5, in accordance with the Regulations published on the 12th April last, I am directed to point out to you that

Copy herewith

the

the clause of the Act in question refers to rescission of reservation of water frontage, whereas your application is apparently for the revocation of a reserve for the preservation of water supply under the 4th clause of that Act. I am, however, to inform you that the expediency of revoking the reserve is now under consideration, and should such revocation be found to be desirable the land will in due course be thrown open for sale, either by conditional purchase or auction.

2. I am to return to you herewith a Post Office order for the £5 forwarded by you, less six pence, ^{£4 19s. 6d.} the cost of remission.

I have, &c.,

W. W. STEPHEN.

[Enclosure to No. 50.]

Department of Lands, Sydney, 12 April, 1871.

It is hereby notified, for public information, that His Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following additional regulation for carrying into effect the "Crown Lands Alienation Act of 1861."

J. BOWIE WILSON.

Every application for rescission of reservation of water frontage under the 12th section of the Crown Lands Alienation Act shall be accompanied by a deposit of £5, which, if the application be complied with, will form part of the purchase money, but will be returned if the application be refused. If the application be withdrawn, or the applicant fail to complete the purchase within the six months limited by the 20th clause of the Regulations, the deposit will be forfeited.

No. 51.

Memo. by The Chief Draftsman.

21 July, 1871.

Mr. Ellis,—Do you remember the object of the reserve, and by whom recommended? Should this go to Mr. Wood for report?—J.S.A.

The Yanko Creek Reserve was notified in December, 1865, on account of the creek having been improved by the run holders. The Surveyor General informed me that he intended again bringing the matter forward, with the view to cancelling it and retaining only such portion as may be necessary for water supply. Mr. Bolton reported on the matter in January, 1868, which report was sent to Crown Lands Branch by Surveyor General, and is numbered 68/749 of that Branch. Probably the Surveyor General should be referred to.—J.E., 24 July.

See Appendix B
to No. 36.

Submitted.—J.S.A., 25. Let me have papers referred to in this memorandum, and Proclamation of reserve.—A.O.P., 26 July.

No. 52.

Minute of the Officer in Charge of the Occupation Branch.

Reserves on the Yanko and Colombo Creeks.

22 August, 1871.

The general reserve on the Billabong Creek has been cancelled, and special reserves of portions of the frontage have been substituted.

These papers are now referred to Commissioner Crommelin, with a view to his reporting on the advisability of adopting the same course with reference to the general reserves on the Yanko and Colombo Creeks.

If it be deemed expedient to cancel the general reserves on these creeks, it will be requisite that great care should be taken in recommending suitable and sufficient special reserves on the frontage to admit of the beneficial occupation of the back country, and to prevent, so far as practicable, the depreciation of the Crown leaseholds.

▪ A.O.P.

Remind Commissioner Crommelin.—A.O.P., 15 June, 1872.

No. 53.

Memo. by Mr. T. H. Lewis.

I HAVE a couple of surveys of 320 acres each applied for under the 23rd clause, and are situated within the Yanko Creek Reserve. In your memo. of the 27th July last you stated "I have called the attention of Crown Lands Commissioner to the state of this reserve with a view to obtaining a decision from the Minister." What action shall now be taken?—T. H. LEWIS. Referred again to the officer in charge of the Crown Lands Office.—P.F.A., 11 Oct., 1871. I have thought it desirable to obtain the report of Commissioner Crommelin before dealing with this matter.—A.O.P., 13 Oct., /71. The Surveyor General. Any report?—P.F.A. Not at present. I am in expectation of receiving it shortly.—A.O.P., 27. Mr. Pretious,—Has any action been taken in this matter, or is any required?—G.E.H., 11 Nov., /72. Reserves submitted for approval on their notification. Inform Surveyor General with reference to this memo.—E.D., 3/12/72.

See No. 43.

No. 54.

Mr. A. O. Pretious to The Commissioner of Crown Lands, Murrumbidgee.

Sir,

Occupation of Lands, Sydney, 19 June, 1872.

Referring to my B.C. communication of the 22nd August last on the subject of the Yanko and Colombo Creek Reserves, I have the honor to request that you will advise me as to when you will be in a position to furnish me with a report on the matter.

I have, &c.,

A. O. PRETIOUS,

Chief Officer in Charge.

No. 55.

Mr. S. Wilson to The Surveyor General.

Sir,

Yanko Station, Jerilderie, 20 June, 1872.

Having become the proprietor of the improvements detailed below, and which I estimate to be worth £300, I have the honor to apply that I may be permitted to purchase without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in my possession.

I have, &c.,
SAML. WILSON.

Nature of Improvements.

Three-roomed cottage, detached kitchen, and hut, garden, stockyard, and horse-paddock.

Description of Land.

County of Urana, parish of Wood, 200 acres, on north bank of Yanko Creek, about $\frac{1}{2}$ a mile south by west of section 2, portions N and O, each 320 acres, on north bank Yanko Creek, Yanko Run, district of Murrumbidgee, is held under a promise of lease by Samuel Wilson.—A.O.P., Occupation of Lands, 11 July, 1872. Mr. Licensed-Surveyor Kinley, 2 August, 1872.—J.S.A., 31 July, 1872.

No. 56.

The Commissioner of Crown Lands, Albury, to Mr. A. O. Pretious.

Sir,

Crown Lands Office, Albury, 24 June, 1872.

See No. 54.

In reply to your letter of the 19th instant, requesting to be advised when I shall be in a position to furnish a report on the subject of the Yanko and Colombo Creek Reserves, I have the honor to signify my intention to proceed as promptly as possible with the work in question. The subsidence of the present floods must be awaited; but I had previously to the receipt of your letter of the 19th instant determined on giving this work my next attention.

See No. 54.

It is a matter of some importance, and as you very forcibly observe in your letter of instructions "it will be requisite that great care should be taken in recommending suitable and sufficient special reserves on the frontages to admit of the beneficial occupation of the Crown lands."

As a personal examination of a large extent of country will be necessary I trust every allowance will be made for any delay that may arise in the completion of my report.

See No. 52.

Since the receipt of your B.O., dated 22nd August, 1871, I have been unceasingly employed in other work of a more urgent nature. The whole of the latter part of the year 1871 was taken up in the appraisalment of runs; and the early part of this, with the exception of the short period granted me as leave of absence, has been devoted to work which has been forwarded and can be estimated. I respectfully note these facts to prevent any supposition of *laches* on my part.

I have, &c.,
THOMAS LAKE CROMMELIN,
C.C.L.

No. 57.

Mr. J. Wilson to The Surveyor General.

A.

Application for the purchase of improved Crown lands.

Sir,

Coonong, Urana, *via* Deniliquin, 30 June, 1872.

Having erected the improvements detailed below, and which I estimate to be worth £2,560 sterling, I have the honor to apply that I may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in my possession.

I have, &c.,
JAMES WILSON,
Pro. SAMUEL M'CAUGHEY.

The following are the improvements, viz. :—

At the Home Station—		acres.
Dwelling-house and garden	... ..	320
Two-roomed kitchen, brick store, stable, men's hut, &c.	... ..	320
At the Colombo Creek—		
Wool-shed	... ..	320
Two bridges, stable, and hay-room	... ..	320
Dam at Colombo Creek, and bridge	... ..	320
Hot water wash and appliances	... ..	320
Shearers' dwelling, overseers' dwelling, and washers' dwelling	... ..	320
Dam on Colombo Creek	... ..	320
Total number of acres	... ..	2,560

Mr. Pretious, 22/7/72. "Coonong" Run, District Murrumbidgee, is held under a promise of lease by John Wilson, Charles Wilson, and Samuel Wilson.—A.O.P., Occupation of Lands, 25 July, 1872. Mr. Licensed-Surveyor Orr to measure if unobjectionable.—R. D. FITZGERALD (for Sur. Genl.), 3 Sep., /72. Instructions issued, 13 September, /72.

27

No. 58.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Jerelderie, 20 September, 1872.

Referring to your memo. (date of which I am unable to note) requesting to be informed when I should be able to report on the cancellation of the Yanko and Colombo Creek General Reserves,—

I do myself the honor to inform you that I am now engaged in the completion of this duty, which will receive careful attention.

I shall commence at the junction of the Yanko Creek with the Billabong Creek, proceed up the Yanko to its effluence from the Murrumbidgee, and afterwards down the Colombo Creek to its junction with the Billabong Creek. The time occupied will greatly depend on the weather, but every despatch will be used.

I have, &c.,

THOMAS LAKE CROMMELIN.

No. 59.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 21 September, 1872.

Referring to your B.C. communication of the 22nd August, 1871, and your subsequent memo. of the 19th June last, requesting my report on the advisability of cancelling the great reserve on the Yanko and Colombo Creeks, notified 23rd December, 1865, and substituting such special reserves on the frontages as would sufficiently protect the public interests, I do myself the honor to transmit the following Report:—

See No. 52.
See No. 64.
See Appendix B
to No. 38.

In the first place, I must inform you that several of the leaseholders having runs on these creeks, hearing of the contemplated revocation of the general reserve, addressed, as well as expressed, strong remonstrances on the subject, in the hope that it might remain intact until the expiration of the present leases. These remonstrances, based as they are on equitably plausible grounds, are certainly entitled to consideration, and I note them accordingly.

The leaseholders state that the heavy outlay on what are known as the "Yanko Cuttings," and their maintenance and repair, has proved a constantly recurrent expense. That by these means and the erection of extensive dams the creeks have been made what they are, the Colombo Creek more especially, being in its normal state a dry channel, excepting in times of exceptionally heavy rains and high floods.

The original contract entered into was for the excavation of 40,000 cubic yards of earth at 2s. 4d. per yard, but the contractors failing to fulfil their agreements the "Yanko Association," composed of the leaseholders interested, was formed, and the work completed at an additional cost of £7,876, nearly £12,000 in all, which was defrayed by a ratable mileage frontage assessment. These cuttings, the one at the Yanko effluence from the Murrumbidgee, and the other at that of the Colombo from the Yanko, are kept in repair and efficiency by those interested and the expense similarly defrayed. It is nearly impossible to arrive at a true estimate of the whole outlay, but admitting it to be very great it is fairly presumable that compensatory advantages have been to some extent secured to the leaseholders during the past seven years of the existence of this general reserve. It is furthermore observable that partial cancellations of this reserve have been made in order to satisfy the demands of the leaseholders to purchase such portions of their frontages as contained improvements.

Again, on some of the runs, "Yanko" more particularly, several measured portions have been purchased by the lessee after cancellation and submission to auction sale. "Bundure" has also been permitted to purchase, and as this disposition to purchase is increasing, and to my own knowledge applications made to purchase fully 16,000 acres, I see no reason why a cancellation *in globo* should not be made, provided always that suitable and sufficient special reserves on the several frontages be made for the protection of the public interests and the beneficial occupation of the back country.

This cancellation ought to be modified in two very essential particulars, viz. :—At the effluence of the Yanko from the Murrumbidgee, and also at that of the Colombo from the Yanko, the reserve on each side of the creeks at these two points should remain intact, say for about 3 or 4 miles at the first-named point, and equally so or less at the last-named. But I will, after a personal examination of these parts, report more particularly as to the area necessary for reservation. If conditional purchases were permitted at these portions the injury to the whole frontages of the creeks might be incalculable, since by the erection of a small dam, especially at the Colombo effluence, a thorough stoppage of the creek waters might be effected.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

No. 60.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 21 September, 1872.

I do myself the honor to remark that the accompanying recommendations for water reserves on the Yanko Creek are made on the presumption that the general reserve be cancelled in terms of my report of this date; the notification of these substitutes will doubtless take place at the same time as the cancellation. I purpose dealing in like manner with every run through which the Yanko and Colombo Creeks pass. These may be viewed as the first of a series.

Following separately.
No 59

I have, &c.,
THOMAS LAKE CROMMELIN,
C.C.L.

No. 61.

No. 61.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, 21 September, 1872.

I have the honor to recommend that the water reserve herein described should be granted, and secured from sale for the preservation of the public estate.

I have, &c.,
THOMAS LAKE CROMMELIN,
C.C.L.

Description of Water Reserve.

District of Murrumbidgee.

General locality—Yanko Creek.

Name of run—Thurrowa.

Extent of proposed reserve in square miles—5 square miles. No. about 3,200 acres, county of Urana.

Description of boundaries of reserves:—The Crown lands within the following boundaries: Commencing on the Yanko Creek at the north-west corner of measured portion $\frac{1}{4}$ of 290 acres; and bounded thence on the east by the west boundary of that land and its prolongation, 5 miles south in all; thence on the south by a line bearing west 1 mile; thence on the west by a line bearing north to the Yanko Creek; and on the north by that creek, upwards, to the point of commencement. Forms portion of Thurrowa Run.

No. 62.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 22 September, 1872.

I have the honor to recommend that the several reserves hereto appended and described, respectively numbered 1, 2, 3, 4, 5, 6, and 7, on the Yanko Run should be secured from sale. It is in my opinion necessary that the water therein comprised should be reserved for the beneficial occupation of the Crown lands.

No. 1 comprises the Broomey Waterholes. Permanent water.

No. 5 has been described so as to admit of the purchase by the lessee of 200 acres of land, applied for in virtue of improvements, consisting of a three-roomed cottage, with shingled roof, detached kitchen, hut, garden, and horse-paddock, fenced with six-wire fence; worth more than £250.

No. 6 comprises the White Waterhole, which is permanent water.

I have, &c.,

THOMAS LAKE CROMMELIN.

Description of Water Reserves.

District of Murrumbidgee.

General locality—Yanko Creek.

Name of run—Yanko.

Extent of proposed reserves in square miles— $32\frac{1}{2}$ square miles.

Description of boundaries of proposed reserves:—

No. About 3,200 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek at the point where it is intersected by the dividing-fence between Yanko and "Bundure" Runs; and bounded thence on the east by a line bearing north to the north boundary of the run; thence on the north by that line bearing about south 74 degrees west 84 chains 60 links; thence on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of Yanko Run.

No. About 3,200 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at a point due south of the south-west corner of reserve No. above described; and bounded thence on the east by a line bearing south 5 miles; thence on the south by a line bearing west 1 mile; thence on the west by a line bearing north to the Yanko Creek; and on the north by that creek, upwards, to the point of commencement.

Forms portion of Yanko Run.

No. About 3,200 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek at the south-west corner of measured portion No. $\frac{1}{8}$ of 640 acres; and bounded thence on the east by the west boundary-line of that portion and its prolongation north, in all 5 miles; thence on the north by a line bearing west 1 mile; thence on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of Yanko Run.

No. About 3,200 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at a point bearing south from the south-west corner of measured portion No. $\frac{1}{8}$ of 640 acres; and bounded thence on the east by a line bearing south 5 miles; thence on the south by a line bearing west 1 mile; thence on the west by a line north to the Yanko Creek; and on the north by that creek, upwards, to the point of commencement.

Forms portion of Yanko Run.

No. About 2,560 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek, and bounded on the east by a line bearing north $3\frac{1}{2}$ miles, passing through a point bearing west 34 chains from the western boundary of measured portion No. $\frac{1}{8}$, of 640 acres; thence on the north by a line bearing west 1 mile; thence on the west by a line bearing south $4\frac{1}{2}$ miles; and on the south by a line bearing east to the Yanko Creek, and by that creek, upwards, to the point of commencement.

Forms portion of Yanko Run.

No.

No. . About 3,200 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek at a point bearing north from the north-east corner of measured portion No. $\frac{2}{3}$ (on the Coree Run), of 640 acres; and bounded thence on the east by a line bearing north 5 miles; thence on the north by a line bearing west 1 mile; thence on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of Yanko Run.

No. . About 1,600 acres, county of Townsend. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek at the south-east corner of measured portion No. 1, parish of Wononga, containing 640 acres; and bounded thence by the east boundary of that land and its prolongation north, in all 5 miles; thence on the north by a line bearing east 40 chains; thence on the east by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

Forms portion of Yanko Run.

No. 63.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 24 September, 1872.

I do myself the honor to transmit descriptions of four reserves on the North Carrabunganung Run, which I am of opinion are necessary in substitution of the general reserve recommended for cancellation. For the protection of the public interests they should be excluded from purchase, as containing the best waterholes in the creek.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

Description.

District of Murrumbidgee.

General locality—Yanko Creek.

Name of run—North Carrabunganung.

Name (if any)—Nil.

Extent of proposed Reserves in square miles—8 square miles.

Description of boundaries of proposed reserves.

No. . About 1,440 acres, county of Townsend. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at a point above the east boundary-fence of this run crosses that creek; and bounded thence on the east by a line bearing south 2 miles; thence on the south by a line bearing west 1 mile; thence on the west by a line bearing north to the Yanko Creek; and on the north by that creek, upwards, to the point of commencement.

Forms portion of North Carrabunganung Run.

No. . About 960 acres, county of Townsend. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at a point opposite the south-west corner of measured portion No. $\frac{2}{3}$ of 320 acres (measured in virtue of improvements, consisting of Mr. Blackwood's dam); bounded thence on the west by a line bearing south $1\frac{1}{2}$ mile; thence on the south by a line bearing east 1 mile; thence on the east by a line bearing north to the Yanko Creek; and on the north by that creek, downwards, to the point of commencement.

Forms portion of North Carrabunganung Run.

Fine natural hole in this reserve.

No. . About 960 acres, county of Townsend. The Crown Lands within the following boundaries: Commencing on the right bank of the Yanko Creek at the south-west corner of measured portion broad-arrow over $\frac{2}{3}$ of 320 acres; and bounded thence on the east by the west boundary of that portion and its prolongation being a line bearing north in all 3 miles; thence on the north by a line bearing west 40 chains; thence on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of North Carrabunganung Run.

No. . About 1,760 acres, county of Townsend. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek at a point where the eastern boundary of North Carrabunganung Run crosses that creek; and bounded thence on the east by a line bearing north 3 miles; thence on the north by a line bearing west 1 mile; thence on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of North Carrabunganung Run.

No. 64.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 24 September, 1872.

I have the honor to recommend the adoption of the water reserve herein described as necessary for the protection of the public interests in regard to the Puckawidgee Run when the cancellation of the Yanko Reserve is proclaimed.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

Description.

District of Murrumbidgee.

General locality—Yanko Creek.

Name of run—Puckawidgee.

Name (if any)—Nil.

Extent of proposed reserve in square miles—4 square miles.

Description

Description of boundaries within proposed reserve.

No. . . . About 2,560 acres, county of Townsend. The Crown lands within the following boundaries: Commencing at the right bank of the Yanko Creek at the south-east corner of the Puckawidgee Run; and bounded thence on the east by a line bearing north 4 miles; thence on the north by a line bearing west 1 mile; thence on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of Puckawidgee Run.

No. 65.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 27 September, 1872.

I do myself the honor to recommend that the three water reserves, herein described on the Coree Run, be granted. They have been selected as securing the best water on the frontage, and should be reserved from purchase in the public interest.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

Description.

District of Murrumbidgee.

General locality—Yanko Creek.

Name of run—Coree.

Lease (if any)—Nil.

Extent of proposed reserves in square miles— $6\frac{1}{2}$ square miles.

Description of boundaries of proposed reserves.

No. . . . About 1,920 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at a point bearing south from the south-west corner of the western measured portion No. 1, offered at auction May 30, 1869, as lot X (and containing 32 acres), at the 12-mile Bend, parish of Wood; and bounded thence on the west by a line bearing south 3 miles; thence on the south by a line bearing east 1 mile; thence on the east by a line bearing north to the Yanko Creek; and on the north by that creek, downwards, to the point of commencement.

Forms portion of Coree Run.

No. . . . About 1,280 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at a point 10 chains below the 9-mile Dam on Coree Run; and bounded thence by a line bearing east 2 miles; thence on the east by a line bearing north 1 mile; thence on the north by a line bearing west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

Forms portion of Coree Run.

No. . . . About 960 acres, county of Townsend. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek, immediately south of the south-east corner of portion No. 1, on the right bank of the creek, parish of Wononga, county of Townsend; and bounded thence on the west by a line bearing south $1\frac{1}{2}$ mile; thence on the south by a line bearing east 1 mile; thence on the east by a line bearing north to the Yanko Creek; and on the north by that creek, downwards, to the point of commencement.

Forms portion of Coree Run.

No. 66.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 30 September, 1872.

I have the honor to recommend that the four reserves on the Bundure Run, herein described, be secured from sale for the beneficial occupation of the Crown lands.

Reserve No. 2 embraces a fine waterhole, for the most part permanent. No. 3 contains a portion of the Broomey Waterhole, also permanent. No. 1 is the only available portion remaining unpurchased on the frontage towards the eastern boundary of the run.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

Description.

District of Murrumbidgee.

General locality—Yanko Creek.

Name of run—Bundure.

Name (if any)—Nil.

Extent of proposed reserves in square miles— $10\frac{1}{2}$ square miles.

Description of boundaries of proposed reserves.

No. . . . About 1,920 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek at a post marked broad-arrow over 6 over 70, at the south-west corner of J. Sutherland's I.P. 320 acres; and bounded thence on the east by the west boundary of that portion and its prolongation north, in all 4 miles; thence on the north by a line bearing west 60 chains or thereabouts; thence on the west by a line bearing south, passing along the east boundary of measured portion No. 2-70 of 240 acres to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of Bundure Run.

No. . . . About 2,560 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek, at a point bearing north from the north-east corner of J. C. and S. Wilson's portion No. 11 of 627 acres, on the left bank of the Yanko Creek; and bounded thence on the east by a line bearing north 4 miles; thence on the north by a line bearing west 1 mile; thence on the west by a line bearing south to the Yanko Creek; and on the south by that creek, upwards, to the point of commencement.

Forms portion of Bundure Run.

No.

No. . About 1,600 acres, county of Urana. The Crown lands within the following boundaries: Commencing at the south-west corner of Bundure Run, and bounded thence on the west by a line bearing north 5 miles; thence on the north by a line bearing east 40 chains; thence on the east by a line bearing south to the Yanko Creek; and on the south by that creek, downwards, to the point of commencement.

Forms part of Bundure Run.

No. . About 640 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek, at a point south of the south-east corner of measured portion $\frac{1}{8}$ of 320 acres at Bundure Homestead; and bounded thence on the east by a line bearing south 140 chains; thence on the south by a line bearing west 40 chains; thence on the west by a line bearing north to the Yanko Creek; and on the north by that creek, upwards, to the point of commencement.

Forms portion of Bundure Run.

No. 67.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 4 October, 1872.

I do myself the honor to report, that in my opinion the lands described in the accompanying descriptions should be reserved from sale. The several sites have been selected so as to secure access to the best water available on the frontages of the Goree Run, and for the protection of the public interests.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

Description.

District of Murrumbidgee.

General locality—Yanko Creek.

Name of run—Goree.

Name (if any)—Nil.

Extent of proposed reserves in square miles— $11\frac{1}{2}$ square miles.

Description of boundaries of proposed reserves.

No. . About 1,400 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek, about 2 miles above Goree old station, at a tree marked broad-arrow over w over H , about 2 miles below a division fence and below a big waterhole; and bounded thence on the south by a line bearing south 63 degrees east to the eastern boundary-line of Goree Run; thence on the east by that line bearing north 31 degrees east 70 chains 50 links; thence on the north by a line bearing north 63 degrees west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

Forms portion of Goree Run.

No. . About 2,800 acres, county of Urana. Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek, at a point opposite a gum-tree marked broad-arrow over w over H , the said tree being on the left bank below a big waterhole and about 2 miles above Goree old station, and bounded thence on the south by a line bearing west 27 degrees north 5 miles; thence on the west by a line bearing north 27 degrees east 70 chains; thence on the north by a line bearing east 27 degrees south to the Yanko Creek; and on the east by that creek, downwards, to the point of commencement.

Forms portion of Goree Run.

No. . About 1,280 acres, county of Urana. The Crown lands within the following boundaries: Commencing at a gum-tree marked broad-arrow over w over J , on the left bank of the Yanko Creek, opposite the outbreak of the Yellow Creek, about 20 chains below a subdivision fence; and bounded thence on the south-west by a line bearing south-east 2 miles; thence on the south-east by a line bearing north-east 1 mile; thence on the north-east by a line bearing north-west to the Yanko Creek; and on the north-west by that creek, downwards, to the point of commencement.

Forms portion of Goree Run.

No. . About 1,920 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek, at the effluence of the Yellow Creek from the Yanko Creek, opposite a gum-tree marked broad-arrow over w over J , about $\frac{1}{4}$ of a mile below a subdivision fence; and bounded thence on the south-west by a line bearing north-west 3 miles; thence on the north-west by a line bearing north-east 1 mile; thence on the north-east by a line bearing south-east to the Yanko Creek; and on the south-east by that creek, downwards, to the point of commencement.

Forms portion of Goree Run.

Minute on No. 67.

These reserves are opposite each other, reserving the same 2 mile frontage on each side of the creek. This is against the Regulations issued in 1865 or 6. Perhaps under the circumstances of these proposed reserves they might be allowed; either one can at any future time be revoked, if necessary.—E.D., 28/11/75.

No. 68.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 4 October, 1872.

I do myself the honor to recommend that the five water reserves on the Bingegang Run herewith described be excluded from purchase for the protection of the public interests. Nos. 1 and 2 embrace the well known Bingegang Waterhole; the water is permanent. No. 3 is very good water, and Nos. 4 and 5 embrace the Reedy Waterhole.

They are within the limits laid down by the Department, both as regards the extent of frontage and their depth.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

District

District of Murrumbidgee.
 General locality—Yanko Creek.
 Name of run—Bingegang.
 Name (if any)—Nil.
 Extent of proposed reserves in square miles— $9\frac{1}{4}$ square miles.

Description of boundaries of proposed reserves.

No. . . About 3,200 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek at a point 3 chains below the confluence of the ana branch of the Colombo Creek, and opposite a gum-tree marked broad-arrow over WR over F; and bounded thence on the south by a line bearing west 5 miles; thence on the west by a line bearing north 1 mile; thence on the north by a line bearing east to the Yanko Creek; and on the east by that creek, downwards, to the point of commencement.

Forms portion of Bingegang Run.

No. . . About 320 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the Yanko Creek at a point 20 chains north of the confluence of the Colombo ana branch, the said confluence being 3 chains above a tree marked broad-arrow over WR over F; and bounded thence on part of the south by a line bearing east 1 mile; thence on the east by a line bearing north 40 chains; thence on the north by a line bearing west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

Forms portion of Bingegang Run.

No. . . About 1,440 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at the point where the subdivision fence strikes the creek immediately below the new Gorce Homestead, Bingegang Run; and bounded thence on the north by a line bearing east 3 miles; thence on the east by a line bearing south 40 chains; thence on the south by a line bearing west to the Yanko Creek; and on the west by that creek, upwards, to the point of commencement.

Forms portion of Bingegang Run.

No. . . About 1,920 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek at a gum tree marked broad-arrow over WR over G, bearing west 9 degrees north 35 chains from the south end of Reedy Waterhole; and bounded thence on the south by a line bearing south 63 degrees east to the east boundary of the Bingegang Run; thence on the east by part of that line bearing about north 34 degrees east 1 mile and 60 links; thence on the north by a line bearing north 63 degrees west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

Forms portion of Bingegang Run.

No. . . About 2,560 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek, at a point opposite a gum-tree marked G with broad-arrow and WR under, bearing west 9 degrees north from the south end of Reedy Waterhole; and bounded thence on the south by a line bearing north 63 degrees west to the western boundary of the Bingegang Run; thence on the west by part of that line bearing north 20 degrees west 1 mile 56 links; thence on the north by a line bearing south 63 degrees east to the Yanko Creek; and on the east by that creek, downwards, to the point of commencement.

Forms portion of Bingegang Run.

No. 69.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
 Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 4 October, 1872.

I do myself the honor to recommend that the three reserves herewith described on the Yarrabee Run should be excluded from purchase for the beneficial occupation of the Crown lands.

Nos. 1 and 3 embrace the Yarrabee Waterhole, which contains permanent water.

No. 3 is described so as to exclude very valuable improvements, consisting of large wool-sheds, mens' huts, drafting-yards, valued at upwards of £1,200, and to include the best water—the object to be secured.

I have, &c.,
 THOMAS LAKE CROMMELIN,
 C.C.L.

District of Murrumbidgee.

General locality—Yarrabee Creek.
 Name of run—Yarrabee.
 Name (if any)—Nil.
 Extent of proposed reserves in square miles—About 12 square miles.

Description of boundaries of proposed reserves.

No. . . About 2,880 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek, at a point bearing east from the north-east corner of W. Howell's 320 acres at Yarrabee head station; and bounded thence on the north by a line bearing east to the east boundary of Yarrabee Run; thence on the east by that boundary bearing about south 22 degrees west 1 mile and 6'30 chains; thence on the south by a line bearing west to the Yanko Creek; and on the west by that creek, upwards, to the point of commencement.

Forms part of Yarrabee Run.

No. . . About 2,400 acres, county of Urana. The Crown lands within the following boundaries: Commencing at a gum-tree marked broad-arrow over WR over E, on the Yanko Creek, where the new wash-pen or Back Creek flows into it; and bounded thence on the north by a line bearing west to the west boundary-line of the Yarrabee Run; thence on the west by that line bearing about south 22 degrees west 1 mile and 6'30 chains; thence on the south by a line bearing east to the Yanko Creek; and on the east by that creek, upwards, to the point of commencement.

Forms portion of Yarrabee Run.

No. . . About 2,340 acres, county of Urana. The Crown lands within the following boundaries

Commencing at the south-east corner of W. Howell's 320 acres at Yarrabee homestead; and bounded thence on the north by lines bearing west 2 miles; thence south 20 chains; and thence west to the west boundary of Yarrabee Run; thence on the west by that line bearing about south 22 degrees west 64 chains 73 links; thence on the south by a line bearing east to the Yanko Creek; and on the east by that creek, upwards, to the point of commencement.

Forms portion of Yarrabee Run.

No. 70.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir, Crown Lands Office, Murrumbidgee, 5 October, 1872.

I have the honor to recommend that the Crown lands within the boundaries described as n 1 and n 2 on the Yanko Run should be excluded from purchase in the interests of the public. n 2 embraces Tom Groggan Lagoon, which is good water, irrespective of that in the creek. This run has its name spelt with a "c," to contradistinguish it from Mr. S. Wilson's, spelt with a "k," situated near Jerilderie.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

District of Murrumbidgee.

General locality—Murrumbidgee River and Yanko Creek.

Name of run—Yanko.

Extent of proposed reserve in square miles—5½ square miles.

Description of boundaries of proposed reserves.

No. . . . About 960 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek, at a point bearing south 40 degrees west 11 chains from Tom Groggan Lagoon, and east 165 links, from a gum-tree marked broad-arrow over WR over A; and bounded thence on the south by a line bearing west to the west boundary of Yanko Run; thence on the west by that line bearing north 1 mile; thence on the north by a line bearing east to the Yanko Creek; and on the east by that creek, downwards, to the point of commencement.

Forms portion of Yanko Run.

No. . . . About 2,560 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Yanko Creek, at a gum-tree marked broad-arrow over WR over B bearing about south 50 chains from the Tom Groggan Lagoon; and bounded thence on the south by a line bearing east 4 miles; thence on the east by a line bearing north 1 mile; thence on the north by a line bearing west to the Yanko Creek; and on the west by that creek, downwards, to the point of commencement.

Forms portion of Yanko Run.

Minute on No. 70.

THESE reserves reserve in part the same frontage on opposite sides of the creek, which is against the Regulations of 1865-6. Perhaps under the circumstances of these reserves they may be allowed—either reserve may be revoked, if found to be objectionable.—E.D., 2/12/72.

No. 71.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir, Crown Lands Office, Murrumbidgee, 9 October, 1872.

I do myself the honor to recommend that the two reserves herein described on the Colombo Run should be secured from conditional or other purchase. It is necessary that access to such water as the creek contains should be secured for the beneficial occupation of the Crown lands.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

District of Murrumbidgee.

General locality—Colombo Creek.

Name of run—Colombo.

Extent of proposed reserves in square miles—5¼ square miles.

Description of boundaries of proposed reserves.

No. . . . About 1,920 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Colombo Creek, at a point 1½ mile below the Colombo Head Station, and opposite a gum-tree marked broad-arrow over WB over WR; and bounded thence on the north by a line bearing west 3 miles; thence on the west by a line bearing south 60 chains; thence on the south by a line bearing east to the Colombo Creek; and on the east by that creek, upwards, to the point of commencement.

Forms portion of Colombo Run.

No. . . . About 1,440 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Colombo Creek, at a point 35 chains south of its intersection with the telegraph line; and bounded thence on the south by a line bearing west 3 miles; thence on the west by a line bearing north 60 chains; thence on the north by a line bearing east to the Colombo Creek; and on the east by that creek, downwards, to the point of commencement.

Forms portion of Colombo Run.

No. 72.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 9 October, 1872.

I do myself the honor to recommend that the three water reserves herein described should be secured for the beneficial occupation of the Crown lands. They are on the Cocketgedong Run, the lessees of which have effected very valuable improvements on the frontage of the Colombo Creek by the erection of dams, wool-shed, and sheep-wash, in virtue of which they have applied to purchase the several portions of land containing them. As there are no permanent waterholes on this frontage, I have secured the public interests without prejudice to the lessees' rights under the 8th clause of the "Crown Lands Alienation Act of 1861."

I have, &c.,

THOMAS LAKE CROMMELIN,

C.C.L.

District of Murrumbidgee.

General locality—Colombo Creek.

Name of run—Cocketgedong.

Extent of proposed reserves in square miles—4½ square miles.

Description of boundaries of proposed reserves.

No. . . . About 1,920 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Colombo Creek, at a point where the Give and Take fence crosses it, about 30 chains below the north-east corner of the Colombo Creek Run; and bounded thence on the west by a line bearing south 3 miles; thence on the south by a line bearing east 1 mile; thence on the east by a line bearing north to the Colombo Creek; and on the north by that creek, downwards, to the point of commencement.

Forms portion of Cocketgedong Run.

No. . . . About 430 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Colombo Creek; and bounded thence on the south by a line bearing east 1½ mile, passing 20 chains south of a tree marked broad-arrow over WR over II, the said tree being on the left bank of the creek, where a subdivision fence crosses it, and about 60 chains north-east from the south-west corner of Colombo Creek Run; thence on the east by a line bearing north 40 chains; thence on the north by a line bearing west to the Colombo Creek; and on the west by that creek, downwards, to the point of commencement.

Forms portion of Cocketgedong Run.

No. . . . About 320 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Colombo Creek at a tree marked broad-arrow over WR over III, about 20 chains below the Colombo Creek Bridge; and bounded thence on the west by a line bearing south 1 mile; thence on the south by a line bearing east 40 chains; thence on the east by a line bearing north to the Colombo Creek; and on the north by that creek, upwards, to the point of commencement.

Forms portion of Cocketgedong Run.

No. 73.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 12 October, 1872.

I have the honor to recommend that the four reserves as herewith described in the Coonong Run be excluded from purchase as being necessary for the protection of the public interests. The water throughout the whole of the frontage of the run may be termed artificial; there are no deep waterholes such as are to be found on the Yanko Creek. The lessee had applied for purchases of several portions of this frontage in virtue of very valuable improvements erected thereon, and Mr. Licensed-Surveyor Orr was engaged on their survey. Reserves No. 1 and 2 embrace some of the water from a very fine dam, but my reserves will not interfere with the lessees' rights to purchase.

I have, &c.,

THOMAS LAKE CROMMELIN,

C.C.L.

District of Murrumbidgee.

General locality—Colombo Creek.

Name of run—Coonong.

Extent of proposed reserves in square miles—11½ square miles.

Description of boundaries of proposed reserves.

No. . . . About 960 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Colombo Creek, at the north-east corner of a portion of 320 acres, measured in virtue of improvements, consisting of the Coonong large dam; and bounded thence on the north by a line bearing east 60 chains; thence on the east by a line bearing south to the Colombo Creek; and on the south by that creek, downwards, to the point of commencement.

Forms portion of Coonong Run.

No. . . . About 2,400 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the left bank of the Colombo Creek, at the south-west boundary-fence of the Coonong Run; and bounded thence on the south-west by part of that boundary-fence, bearing about south 48 degrees east 5 miles; thence on the south-east by a line bearing north 42 degrees east 60 chains; thence on the north-east by a line north 48 degrees west to the Colombo Creek; and on the north-west by that creek, downwards, to the point of commencement.

Forms portion of Coonong Run.

No. . . . About 1,440 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Colombo Creek, at the point where the boundary-fence between Widgiewa and Coonong Runs crosses that creek; and bounded thence on the north-east by the said boundary-

boundary-fence bearing west 23 degrees 35 minutes north to the north-west corner of Coonong Run ; thence on the north-west by part of the north-west boundary of Coonong Run ; thence on the south-west by a line 60 chains from and parallel to the north-east boundary to the Colombo Creek ; and on the south-east by that creek, upwards, to the point of commencement.

Forms portion of Coonong Run.

No. . . About 2,400 acres, county of Urana. The Crown lands within the following boundaries : Commencing on the left bank of the Colombo Creek, where a tree stands marked broad-arrow over *WR* over *r*, the said tree bearing south 23 degrees 35 minutes west 58 chains 31 links from the boundary between Widgiewa and Coonong Runs ; and bounded thence on the north-east by a line bearing east 23 degrees 35 seconds south 5 miles ; thence on the south-east by a line bearing west 23 degrees 35 minutes north 60 chains ; thence on the south-west by a line bearing west 23 degrees 35 minutes north to the Colombo Creek ; and on the north-west by that creek, upwards, to the point of commencement.

Forms portion of Coonong Run.

No. 74.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 14 October, 1872.

I do myself the honor to recommend that the six reserves hereinbefore described should be excluded from sale. They are in my opinion necessary for the protection of the public interests, and situate on the Widgiewa Run, *r1* and *r2*, embrace the Widgiewa Waterhole—the only permanent water throughout the frontage.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

District of Murrumbidgee.

General locality—Colombo Creek.

Name of run—Widgiewa.

Extent of proposed reserves in square miles—23½ square miles.

Description of boundaries of proposed reserves.

No. . . About 3,200 acres, county of Urana. The Crown lands within the following boundaries : Commencing on the left bank of the Colombo Creek, at a gum-tree marked broad-arrow over *CC* over *WR*, situate at the lower end of Old Widgiewa Waterhole ; and bounded thence on the south-west by a line bearing east 22 degrees south 5 miles ; thence on the south-east by a line bearing north 22 degrees east 1 mile ; thence on the north-east by a line bearing west 22 degrees north to the Colombo Creek ; and on the north-west by that creek, downwards, to the point of commencement.

Forms portion of Widgiewa Run.

No. . . About 2,240 acres, county of Urana. The Crown lands within the following boundaries : Commencing on the right bank of the Colombo Creek, at a point immediately opposite a gum-tree marked broad-arrow over *CC* over *WR*, at the lower end of the Old Widgiewa Waterhole ; and bounded thence on the south-west by a line bearing west 22 degrees north 3½ miles ; thence on the north-west by a line bearing north 22 degrees east 1 mile ; thence on the north-east by a line bearing east 22 degrees south to the Colombo Creek ; and on the south-east by that creek downwards, to the point of commencement.

Forms portion of Widgiewa Run.

No. . . About 2,400 acres, county of Urana. The Crown lands within the following boundaries : Commencing on the left bank of the Colombo Creek at the north-west corner of James Cochrane's measured portion of 320 acres at Widgiewa Homestead ; and bounded thence on the south by the northern boundary of that portion, being a line bearing east to its north-east corner ; thence by a line bearing east 22 degrees south 4½ miles ; thence on the south-east by a line bearing north 22 degrees east 60 chains ; thence on the north-east by a line bearing west 22 degrees north to the Colombo Creek ; and on the north-west by that creek, downwards, to the point of commencement.

Forms portion of Widgiewa Run.

No. . . About 1,960 acres, county of Urana. The Crown lands within the following boundaries : Commencing on the right bank of the Colombo Creek at a tree marked broad-arrow over *WR* over *4*, about 45 chains above the north-west corner of J. Cochrane's measured portion of 320 acres at Widgiewa Homestead ; and bounded thence on the south-west by a line bearing west 22 degrees north 3 miles ; thence on the north-west by a line bearing north 22 degrees east 70 chains ; thence on the north-east by a line bearing east 22 degrees south to the Colombo Creek ; and on the south-east by that creek, downwards, to the point of commencement.

Forms portion of Widgiewa Run.

No. . . About 2,500 acres, county of Urana. The Crown lands within the following boundaries : Commencing on the right bank of the Colombo Creek at a tree marked broad-arrow over *WR* over *s* about 50 chains north-east of the 6-mile Dam ; and bounded thence on the south-west by a line bearing west 22 degrees north 4 miles ; thence on the north-west by a line bearing north 22 degrees east 1 mile ; thence on the north-east by a line bearing east 22 degrees south to the Colombo Creek ; and on the south-east by that creek, downwards, to the point of commencement.

Forms portion of Widgiewa Run.

No. . . About 2,800 acres, county of Urana. The Crown lands within the following boundaries : Commencing on the left bank of the Colombo Creek at a small uri (a prickly honeysuckle) tree marked broad-arrow over *FF* over *WW*, situate about 1½ mile above the south-west boundary of Widgiewa Run ; and bounded thence on the south-west by a line bearing east 22 degrees south 5 miles ; thence on the south-east by a line bearing north 22 degrees east 70 chains ; thence on the north-east by a line bearing west 22 degrees north to the Colombo Creek ; and on the north-west by that creek, downwards, to the point of commencement.

Forms portion of Widgiewa Run.

Minute

Minute on No. 74.

RESERVES No. 1 and No. 2 reserve the same frontage on opposite sides of the creek, which is against Regulations of 1865-6, and Nos. 3 and 4 in part do the same. Under the circumstances of these reserves perhaps they may be allowed, as either reserve can be revoked at any subsequent time, if found to be objectionable.—E.D., 2/12/72.

No. 75.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 14 October, 1872.

I have the honor to recommend that the reserve herewith described on the Waouck Run should be reserved from sale as necessary for the protection of the public interests.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

District of Murrumbidgee.

General locality—Colombo Creek.

Name of run—Waouck.

Extent of proposed reserves in square miles— $1\frac{1}{2}$ square mile.

Description of boundaries of proposed reserves:—No. . . . About 960 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Colombo Creek at a point opposite a post marked E at the end of a line of 4-east fence, being the south-east corner of Waouck Run; and bounded thence on the south-west by a line bearing west 22 degrees north 2 miles; thence on the north-west by a line bearing north 22 degrees east 60 chains; thence on the north-east by a line bearing east 22 degrees south to the Colombo Creek; and on the south-east by that creek, downwards, to the point of commencement.

Forms portion of Waouck Run.

No. 76.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 14 October, 1872.

I have the honor to recommend the water reserve herein described on the Morandah Run, which in my opinion should be excluded from sale, conditional or otherwise. It embraces a good water-hole, and is required for the public interest.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

District of Murrumbidgee.

General locality—Colombo Creek.

Name of Run—Morandah.

Extent of proposed reserves in square miles—About 2,400 acres.*

No. about 2,400 acres, county of Urana.

Description of boundaries of proposed reserves. The Crown lands within the following boundaries: Commencing at a point on the Colombo Creek, about $\frac{1}{4}$ mile below the north-west corner of Waouck Run, and 303 degrees 106 links from a gum-tree marked broad-arrow over BB over WR; and bounded thence on the west by a line bearing north 23 degrees east 40 chains; thence on the north by a line bearing east 19 degrees south 5 miles; thence on the east by a line bearing south 19 degrees west 60 chains; thence on the south by a line bearing west 19 degrees north to the Colombo Creek; and by that creek, upwards, to the point of commencement.

Forms portion of Morandah Run.

No. 77.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Murrumbidgee, 15 October, 1872.

Referring to my letter of the 21st ultimo, recommending the cancellation of the general reserves on the Yanko and Colombo Creeks, subject to certain modifications therein referred to, I do myself the honor to draw your attention to the description of the two reserves hereto appended, which in my opinion should be excluded from purchase to prevent monopoly of the water therein comprised; and for the prevention of the public estate from injury by depreciation of its value. The reserve recommended at the Yanko effluence is manifestly necessary, as the source of supply to both creeks, and has been limited to 4 miles as the crow flies, though the cuttings, owing to the sinuosities of the creek, was 8 miles in length. I will now draw your attention to the pen and ink tracing which, though roughly made will, I hope, prove all-sufficient in illustrating the salient points at the "effluence of the Yanko ana branch," and the "Colombo effluence" therefrom. At the first-named point the level of the stream-bed had to be deepened and a dam erected at the point shown on the tracing to prevent the reflow of the water into the Yanko along its ana branch. Below this again the stream is very sluggish, there being only a fall (as I am credibly informed) of 4 inches in a mile; the channel too is narrow, rendering the lower end of the reserve essentially necessary. In my opinion, therefore, any interference with these cuttings within the areas recommended by me for reservation from sale, whether on the part of the leaseholder or conditional purchaser, would prove highly injurious to the public interests; on the other hand by guarding against any obstructive interference the value of the frontage lands would be retained, if not considerably enhanced.

It

* This ought to be in square miles.

It must also be borne in mind that these improvements, effected at an enormous expense, must be maintained in repair; even so recently as last year an assessment of £2 per mile frontage was paid by the Colombo Creek leaseholders for repairs of damages, occasioned by floods at the dam, cuttings, and Bridge.

The effect of this cancellation, and the substitution of the special reserves, if adopted, will be to throw open at least 100 square miles of country, embracing 4-5ths of the entire frontage, on each side of the Yanko and Colombo Creeks.

I have, &c.,
THOMAS LAKE CROMMELIN,
C.C.L.

Descriptions.

District of Murrumbidgee.

General locality—Yanko Creek, ana Branch, and Colombo Creek.

Name of reserve—Colombo Cutting Reserve.

Extent of proposed reserve in square miles—7 square miles.

Description of boundaries of proposed reserve. Containing 4,480 acres. All Crown lands within a mile of the Yanko Creek, Yanko ana Branch, and Colombo Creek, within the following points: Commencing on the Yanko Creek where the dray road from Thurrowa to the Yarrabee station crosses that creek, about 3 miles below the Yarrabee station; thence by the Yanko Creek downwards to the effluence of the ana branch leading to the Colombo Creek; thence by that ana branch downwards to the dam erected across it at the effluence of the Colombo Creek therefrom; thence by the Colombo Creek downwards to a gum-tree marked broad-arrow over ox on the right bank of the Colombo Creek at the point below the old Waouck stockyard where the give and take fence between the Waouck and Morandah Runs crosses that creek.

District of Murrumbidgee.

General locality—Yanko Creek.

Name—Yanko Cutting Reserve.

Extent of proposed reserve in square miles—4 square miles.

No. about 2,560 acres, county of Urana.

Description of boundaries of proposed reserves. The Crown lands within the following boundaries. The Crown lands within $\frac{1}{2}$ a mile of each side of the Yanko Creek from the effluence of that creek from the Murrumbidgee River to a point thereon 4 miles as the crow flies, below the said effluence.

Forms portion of Yanko Run.

Under this report and general report on cancellation of Yanko and Colombo Creek Reserves, this reserve may, I presume, be notified.—E.D., 2/12/72.

No. 78.

Messrs. Watt and Thomson to The Surveyor General.

Application for the purchase of improved Crown lands.

Sir,

15 October, 1872.

Having erected the improvements detailed below, and which we estimate to be worth £320, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

WATT & THOMSON,

Claimants of lease of Cocketgedong Run, Urana.

Nature of improvements.

Wool room, stores and offices, shearers' hut for twenty-two men, overseer's and weekly men's huts, sheep drafting yards, post and wire fencing.

Description of land.

County of Urana, parish of Cocketgedong, 320 acres, on the left bank of Colombo Creek, say 2 $\frac{1}{2}$ miles north-easterly from north-east boundary of North Yathong Run.

Cocketgedong Run, district of Murrumbidgee, is held under a promise of lease by Alexander Brock and James Hardie.—A.O.P., Occupation of Lands, 25 October, 1872.

Mr. Licensed-Surveyor Orr to measure, if unobjectionable.—R.D.F., 13/11/72.

No. 79.

Messrs. Watt and Thomson to The Surveyor General.

Application for the purchase of improved Crown lands.

Sir,

15 October, 1872.

Having become the proprietors of the improvements detailed below, and which we estimate to be worth £300, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

WATT & THOMSON,

Claimants of lease, Cocketgedong Run, Urana.

Nature

Nature of improvements.

Timber and earthwork dam, fencing.

Description of land.

County of Urana, parish of Cocketgedong, 300 acres, left bank Colombo Creek, about 1 mile north from the north-east corner of North Yathong Run.

Cocketgedong Run, district of Murrumbidgee, is held under a promise of lease by Alexander Brock and James Hardie.—A.O.P., Occupation of Lands, 25 October, 1872.

Mr. Licensed-Surveyor Orr to measure, if unobjectionable.—R.D.F., 13/11/72.

No. 80.

Messrs. Watt and Thomson to The Surveyor General.

Application for the purchase of improved Crown lands.

Sir,

15 October, 1872.

Having erected the improvements detailed below, which we estimate to be worth £80, we have the honor to apply that we may be permitted to purchase without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

WATT & THOMSON,

Claimants of lease of Cocketgedong Run, Urana.

Nature of improvements.

Earthwork dam and fencing.

Description of land.

County of Urana, parish of Cocketgedong, 80 acres, on the left bank of Colombo Creek, about 1½ mile north-easterly from north-east boundary of North Yathong Run.

Cocketgedong Run, district of Murrumbidgee, is held under a promise of lease by Alexander Brock and James Hardie.—A.O.P., Occupation of Lands, 25 October, 1872.

Mr. Licensed-Surveyor Orr to measure, if unobjectionable.—R.D.F., 13/11/72.

No. 81.

Messrs. Watt and Thomson to The Surveyor General.

Application for the purchase of improved Crown lands.

Sir,

15 October, 1872.

Having erected the improvements detailed below, and which we estimate to be worth £320, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

WATT & THOMSON,

Claimants of lease of Cocketgedong Run,
Urana P. Of.

Nature of improvements.

New earthwork dam and protection works to same; post and wire fencing.

Description of land.

County of Urana, parish of Cocketgedong, 320 acres, on the left bank of Colombo Creek, about 2 miles north-easterly from north-east boundary of North Yathong Run.

Cocketgedong Run, district of Murrumbidgee, is held under a promise of lease by Alexander Brock and James Hardie.—A.O.P., Occupation of Lands, 25 October, 1872.

Mr. Licensed-Surveyor Orr to measure, if unobjectionable.—R.D.F., 13 Nov., 1872.

No. 82.

Messrs. Watt and Thomson to The Surveyor General.

Application for the purchase of improved Crown lands.

Sir,

15 October, 1872.

Having become proprietor of one portion and erected another portion of the improvements detailed below, which we estimate to be worth £200, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

WATT & THOMSON,

Claimants of lease of Cocketgedong Run, Urana.

Nature

Nature of improvements.

Earthwork and timber dam, and post and wire fencing.

Description of land.

County of Urana, parish of Cocketgedong, 200 acres, on the left bank of Colombo Creek, about 3½ miles south-west from the south-east corner of Colombo Run.

Minutes on No. 82.

Cocketgedong Run, district of Murrumbidgee, is held under a promise of lease by Alexander Brock and James Hardie.—A.O.P., Occupation of Lands, 25 Oct., 1872.

Mr. Licensed-Surveyor Orr to measure, if unobjectionable.—R.D.F., 13/11/72.

No. 83.

Messrs. Watt and Thomson to The Surveyor General.

Application for the purchase of improved Crown lands.

Sir,

15 October, 1872.

Having erected the improvements detailed below, and which we estimate to be worth £320, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

WATT & THOMSON,

Claimants of lease of Cocketgedong Run, Urana.

Nature of improvements.

Sheep-shearing shed for sixteen shearers, 65 x 42, 14 feet high, galvanized iron roof, outside yards, branding-yard, post and wire fencing.

Description of land.

320 acres, on the left bank of Colombo Creek, about 3¼ miles from north-east boundary of North Yathong Run, in a north-east direction.

Minutes on No. 83.

Cocketgedong Run, Murrumbidgee District, is held under a promise of lease by Alexander Brock and James Hardie.—A.O.P., Occupation of Lands, 25 October, 1872.

Mr. Licensed-Surveyor Orr to measure, if unobjectionable.—P. F. ADAMS.

No. 84.

Messrs. Watt and Thomson to The Surveyor General.

Sir,

Cocketgedong, 15 October, 1872.

We have occupied and possessed this run for three and a half years; lease will be legally transferred to us in January next, and have signed our applications, as claimants of lease, which we trust will be satisfactory. Of the present lessees (Brock & Hardie) one is dead, and the other not at present in the colony.

We have, &c.,

WATT & THOMSON.

No. 85.

Mr. W. G. Elwin to The Minister for Lands.

Sir,

Ganeo, Wagga Wagga, 26 October, 1872.

Would you have me informed if there is any way (in the event of my taking up a large free selection) of my securing the grass right, or does the law always give the squatter right to stop the grass-right against the free selector?

Also, are we to expect the Yanko Creek to be open for selection after the new year.

I have, &c.,

W. G. ELWIN.

Mr. Ellis,— Can you answer this question? 6th Nov.

Refer applicant to sections 12, 16, and 18 of Crown Lands Occupation Act.—J.E., 12 Nov.

The question of the last paragraph should be referred to Mr. Pretious.—J.E., 12 Nov.

No. 86.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Albury, 4 November, 1872.

Referring to the cancellation of the general reserve on the Yanko and Colombo Creeks, recommended in terms of my report, dated 21st September, 1872, I do myself the honor to transmit for your guidance the accompanying sketch showing the position of the reserves in substitution of the general reserves. This sketch has been very carefully drawn by Crown Lands Bailiff, Mr. Piper, under my direction, and I trust may be received as creditable, having been prepared after attentive reference to the descriptions of the run boundaries and charts extant in the office, and may be regarded as correct as the means at my disposal admit of.

It

No. 69.

Appendix G.

It may be observed that the respective positions of the Yanko and Colombo Creeks and the runs thereon, in the absence of any connecting survey are only approximately correct. Mr. Surveyor Bolton's tracing and a tracing in the Survey Office show considerable discrepancy in the bearings, course, and length of the two creeks.

I have, &c.,
THOMAS LAKE CROMMELIN.

Memo. on No. 86.

RESERVES FROM SALE ON COLOMBO AND YANKO CREEKS.

	No. of Acres.		No. of Acres.
Bingerang	3,200	North Currabunganung	960
Do	320	Do	1,760
Do	1,440	Puckawidgee	2,560
Do	1,920	South Yathong	640
Do	2,560	Thurrowa	3,200
Bundure	1,920	Waouck	960
Do	2,560	Widgiewa	3,200
Do	1,600	Do	2,240
Do	640	Do	2,400
Cocketgedong	1,920	Do	1,960
Do	480	Do	2,560
Do	320	Do	2,800
Colombo	1,920	Yanco	960
Do	1,440	Do	2,560
Coonong	960	Yanko	3,200
Do	2,400	Do	3,200
Do	1,440	Do	3,200
Do	2,400	Do	3,200
Coree	1,920	Do	2,560
Do	1,280	Do	3,200
Do	960	Do	1,600
Goree	1,400	Yarrabec	2,880
Do	2,800	Do	2,400
Do	1,280	Do	2,340
Do	1,920	Morundah, Waouck, and Yarrabec	5,120
Morundah	2,400	Yanco	4,560
North Currabunganung	1,440		
Do	960		
		Total	110,020

No. 87.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer-in-charge,
Occupation Branch.

Sir,

Crown Lands Office, Albury, 4 November, 1872.

I have the honor to recommend that this amended description of the Colombo Cutting Reserve should be substituted for that described in my report of the 15th ult., in order to counteract the prejudicial effect of any selection or purchase which might be made of land on the north-west side of the reserve on the Yanko ana branch, between the dotted lines and Yanko Creek, as observable on the accompanying large sketch. The land, if selected or purchased, would embrace too much frontage, and the area, scarcely 1 square mile, would be too insignificant in view of the mischief its sale might create. It was only on completion of the sketch that this became apparent.

I have, &c.,

THOMAS LAKE CROMMELIN,

C.C.L.

AMENDED description of the "Colombo Cutting Reserve," proposed in substitution of that recommended in Report, 15 October, 1872:—

District of Murrumbidgee.

General locality—Yanko and Colombo Creeks.

Name (if any)—Colombo Cutting Reserve.

Extent of proposed reserve in square miles—8 square miles.

Description of boundaries of proposed reserve:—No. . . . About 5,120 acres, county of Urana. The Crown lands within the following boundaries: Commencing on the right bank of the Yanko Creek, at a point 5 chains above where the dray road from Thurrowa to Yarrabec crosses that creek; and bounded thence on part of the north by a line bearing west 40 chains; thence on the west and south-west by a line bearing south to the Yanko Creek; thence by that creek, downwards, until a point is reached bearing west from the north-west corner of reserve from sale No. 96, notified 25 February, 1863; thence by a line bearing east to the north-east corner of that reserve; thence by a line bearing south to a point $\frac{1}{2}$ mile south of the Colombo Creek; thence by lines bearing south-easterly and southerly, generally parallel with the Colombo Creek, and $\frac{1}{2}$ mile distant therefrom, until a point is reached bearing west from a gum-tree marked broad-arrow over GR, on the right bank of the Colombo Creek, at the point below the old Waouck stock-yard, where the boundary-fence between Waouck and Morundah crosses the creek; thence on the south by a line bearing east 1 mile; thence on the east and north-east by lines bearing northerly and north-westerly, generally parallel with the Colombo, Yanko ana branch, and Yanko Creeks, and $\frac{1}{2}$ mile distant therefrom to the intersection of a line bearing east from the point of commencement; and on the remainder of the north by a line bearing west to the point of commencement.

Forms portion of the Morundah, Waouck, and Yarrabec Runs.

[Appendix to No. 87.]

Department of Lands, Sydney, 24 February, 1863.

RESERVES FROM CONDITIONAL PURCHASE.

His Excellency the Governor, with the advice of the Executive Council directs it to be notified that in pursuance of the provisions of the "Crown Lands Alienation Act of 1861," the lands specified in the Schedule appended hereto shall be reserved from sale until surveyed for the preservation of water supply or other public purposes.

JOHN ROBERTSON.

Schedule.

Pastoral district of Murrumbidgee, No. 96, at the effluence of the Colombo Creek from the Yanko Creek, containing 1 square mile; reserve No. 121 of the Murrumbidgee Reserves, as proclaimed on the 24th February, 1863.

Minute on No. 87.

UNDER this special report and the general report on cancellation of general reserves on Yanko and Colombo Creeks, this reserve may, I presume, be notified.—E.D., 2/12/72. See report of 15 October, 1872, for Yanko Cutting Reserve.—E.D.

No. 88.

The Commissioner of Crown Lands, Murrumbidgee, to The Officer in Charge,
Occupation Branch.

Sir,

Crown Lands Office, Albury, 4 November, 1872.

Referring to my communication of the 4th ultimo, recommending reserves on the Bingegong Run, I have the honor to draw your attention to an error observable in my field-book, which may have been copied into my report.

Describing R1, containing 3,200 acres—

"Commencing on the right bank of the Yanko Creek, at a point 3 miles"—it ought to be 3 "chains" Right in first Report.
—"below the confluence of the Ana branch of the Colombo Creek," &c., &c.

I have, &c.,

THOMAS LAKE CROMMELIN,
C.C.L.

For notification:—Nos. 5 and 6 reserve, same portion of frontage on both sides of creek, and Nos. 1 and 2 partly so, which is against the Regulations laid down in 1865-6. Under the special circumstances of these reserves perhaps this may be allowed. Either reserve may be revoked hereafter if found objectionable.—E.D., 30/11/72.

No. 89.

Messrs. James and Henry Osborne to The Minister for Lands.

Sir,

Elsternwick, Victoria, Melbourne, 5 November, 1872.

As the licensees of the Colombo Creek Run, Murrumbidgee District, we have heard with extreme regret that the Government contemplate cancelling the existing reserve of 1 mile on either side of the Yanko and Colombo Creeks and opening same for selection; and as our most important improvements for working the station and securing a permanent supply of water for stock during the summer months are upon the creek or creek frontage, we have the honor to submit herewith five applications for the purchase of 240 acres to secure improvements at each of four dams and one sheep-yard on said run. We may add that to this date we are the owners in fee simple of only 160 acres pre-emptive purchase on the Colombo Creek Run, and have respectfully to request that you will cause the survey and valuation of the lands comprised in these five applications to be carried out with all convenient despatch.

See Nos. 90 to 94 inclusive.

We have, &c.,

JAMES & HENRY OSBORNE,
Licensees of Colombo Creek.

No. 90.

Messrs. James and Henry Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands.

Sir,

Elsternwick, Melbourne, Victoria, 5 November, 1872.

Having constructed the improvements detailed below, and which we estimate to be worth £300, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

JAMES & HENRY OSBORNE,
Licensees of Colombo Creek Run, Murrumbidgee District.*Nature of improvements.*

Old dam on Colombo Creek, about $\frac{1}{4}$ of a mile from west boundary of Colombo Creek Run, at junction of Yathong Sand-hill, constructed with additions at different times, at a cost of £300.

Description of land.

240 acres at old dam, Colombo Creek, Run, parish of Colombo Creek, Murrumbidgee district. Bounded on the south by the Colombo Creek per 40 chains east, starting from a marked tree near dam; on the east by a line 60 chains north; on the north by a line 40 chains west; and on the west by a line 60 chains south, to marked tree at starting point.

Colombo Creek Run, district of Murrumbidgee, is held under a promise of lease by James Osborne, junr., and Henry Osborne.—A.O.P., Occupation of Lands, 27 November, 1872. Mr. Licensed-Surveyor Finley, 19 December, 1862.—J.S.A. (for Surveyor General).

No. 91.

No. 91.

Messrs. James and Henry Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands.

Sir,

Elsternwick, Melbourne, Victoria, 5 November, 1872.

Having constructed half the improvements detailed below, and which we estimate to be worth £480, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

JAMES & HENRY OSBORNE,

Licensees of Colombo Creek Run,

Murrumbidgee District.

Nature of improvements.

New dam, recently constructed on Colombo Creek, at joint cost of Messrs. Watt and Thomson, licensees of Cocketgedong Run, and James and Henry Osborne, licensees of Colombo Creek Run, the creek being the boundary between the respective runs.

Description of land.

240 acres at New Dam, Colombo Creek Run, parish of Colombo Creek, Murrumbidgee District; bounded on the south by the Colombo Creek for 40 chains east, starting from a marked-tree near dam; on the east by a line 60 chains north; on the north by a line 40 chains west; and on the west by a line 60 chains south to marked-tree at starting point.

Colombo Creek Run, district of Murrumbidgee, is held under a promise of lease by James Osborne junior, and Henry Osborne.—A.O.P., Occupation of Lands, 27 November, 1872. Mr. Licensed-Surveyor Finley to measure, if unobjectionable.—17 Dec./72, J.S.A. (for Sur. Genl.)

No. 92.

Messrs. James and Henry Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands.

Sir,

Elsternwick, Melbourne, Victoria, 5 November, 1872.

Having constructed the improvements detailed below, and which we estimate to be worth £280, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

JAMES & HENRY OSBORNE,

Licensees of Colombo Creek Run,

Murrumbidgee District.

Nature of improvements.

Middle dam, on Colombo Creek, constructed with additions at different times, rendered necessary by the action of floods, at a cost of £280.

Description of land.

240 acres at Middle Dam, Colombo Creek Run, Colombo Creek, Murrumbidgee District; bounded on the south by Colombo Creek for 40 chains east, starting from a marked-tree near dam; on the east by a line 60 chains north; on the north by a line 40 chains west; and on the west by a line 60 chains south to marked-tree at starting point.

Colombo Creek Run, district of Murrumbidgee, is held under a promise of lease by James Osborne junior, and Henry Osborne.—Occupation of Lands, 27 November, 1872. Mr. Licensed-Surveyor Finley to measure, if unobjectionable.—J.S.A. (for Sur. Genl.), 17 Dec./72.

No. 93.

Messrs. James and Henry Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands.

Sir,

Elsternwick, Melbourne, Victoria, 5 November, 1872.

Having constructed the improvements detailed below, and which we estimate to be worth £245, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

JAMES & HENRY OSBORNE,

Licensees of Colombo Creek Run,

Murrumbidgee District.

Nature of improvements.

Harvey's Dam, on creek, about 1 mile east from homestead, constructed, with additions to repair damages by floods, at a cost of £245.

Description

Description of land.

240 acres at Harvey's Dam, Colombo Creek Run, Murrumbidgee District, Colombo Creek; bounded on the south by the Colombo Creek for 40 chains east, starting from a marked tree; on the east by a line 60 chains north; on the north by a line 40 chains west; and on the west by a line 60 chains south to marked tree, at starting point.

Colombo Creek Run, district of Murrumbidgee, is held under a promise of lease by James Osborne, junior, and Henry Osborne.—A.O.P., Occupation of Lands, 27 Nov.,/72. Mr. Licensed-Surveyor Finley to measure, if unobjectionable.—J.S.A. (for Sur. Genl.), 17 Dec.,/72.

No. 94.

Messrs. James and Henry Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands.

Sir,

Elsternwick, Melbourne, Victoria, 5 November, 1872.

Having constructed the improvements detailed below, and which we estimate to be worth £250, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

JAMES & HENRY OSBORNE,

Licensees of Colombo Creek Run,

Murrumbidgee District.

Nature of improvements.

Large sheep-yard at Nicholas's Point, capable of holding and drafting 8,000 sheep, constructed with additions at different times as required, at a cost of £250.

Description of land.

Colombo Creek Run, 240 acres at Sheep Yard, Murrumbidgee District, parish of Colombo Creek. Bounded on the south by the Colombo Creek for 40 chains west, starting from the south-west corner of pre-emptive purchase of 160 acres at homestead; on the west by a line 60 chains north; on the north by a line 40 chains east to west boundary of 160 acres pre-emptive aforesaid; and on the east by that boundary to starting point at south-west corner.

Colombo Creek Run, district of Murrumbidgee, is held under a promise of lease by James Osborne, junr., and Henry Osborne.—A.O.P., Occupation of Lands, 27 November, 1872. Mr. Licensed-Surveyor Finley to measure, if unobjectionable.—J.S.A., for Surveyor General, 17 Dec., 1872. Received, July 15, 1873.—H. H. MORE. Surveyed and plan transmitted with my letter of 16 September, 1873.—H. H. MORE, L.S.

No. 95.

Memo. by Mr. Du Faur.

3 December, 1872.

UNDER these general reports and the special reports herewith submitted, these reserves, fifty-five in number, comprising about 110,000 acres may, I presume, be notified in lieu of the general Yanko and Colombo Creek Reserves recommended to be simultaneously revoked. I have noted some of the proposed reserves as being at variance with the Regulations of 1865, as to the non-reservation of opposite sides of the same frontage, when comprised in the same run, but submit that under the special reports and circumstances of the cases it would not be advisable to depart from the Commissioner's recommendations, which appear to have been the result of very careful investigation; nor to delay the whole matter while seeking further reports. Any reserve hereafter found to be objectionable can be revoked at any time.—E.D., 3/12/72.

See Nos. 61 to
inclusive, also
Nos. 86, 87, & 88.

No. 96.

Memo. from The Surveyor General.

APPLICATION has been made by Messrs. Osborne for the subdivision and sale of some 8,000 acres of their Colombo Creek Run. The frontage of this land is within the reserve 157, notified 22 December, 1865, which, it is understood, is shortly to be revoked and other smaller reserves notified in lieu.

Perhaps Mr. Pretious will furnish me with descriptions of the proposed reserves, for the guidance of Mr. District-Surveyor Wood in preparing a design for the subdivision of the land applied for.

J.S.A. (for Surveyor General),

17 December, 1872.

No. 97.

Mr. S. Wilson to The Surveyor General.

Sir,

Yanko Station, Jerilderie, 31 January, 1873.

Having become the proprietor of the improvements detailed below, and which I estimate to be worth £300, I have the honor to apply that I may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands in which they stand, and which are described hereunder.

The improvements referred to are in my possession.

I have, &c.,

SAMUEL WILSON,

per J. MACLEAN.

Nature

Nature of improvements.

Three-roomed cottage, detached kitchen and hut, garden, stockyard, and horse paddock.

Description of land.

County of Urana, parish of Wood, 300 acres, on north bank of Yanko Creek, about $\frac{1}{2}$ a mile south by west of section No. 2, portions N and O, each 320 acres, on north bank of Yanko Creek.

Herewith.

Previous application for above land, dated 20th June, 1872. Reasons for second application annexed as memo. on other side.

[Enclosure to No. 97.]

Sir,

Yanko Station, Jerilderie, 31 January, 1873.
Mr. William Orr, Licensed Surveyor, now surveying on Yanko Run, finds that a portion of the land which I have applied for is on a "proposed reserve;" consequently I have the honor to apply that he may be instructed to survey the whole, and a reserve marked elsewhere, instead of that now proposed. Without trenching on the proposed reserve he has only been able to survey about 160 acres, on which stands a considerable portion of the horse paddock, but neither cottage, detached kitchen, hut, garden, or stockyard.

I have, &c.,

SAMUEL WILSON,

Per L. MACLEAN.

Yanko Run, district of Murrumbidgee, is held under a promise of lease by Samuel Wilson.—A.O.P., Occupation of Lands, 18 Feb., 1873. Mr. District-Surveyor Orr for report.—R.D.F., 18 March, 1873.

No. 98.

Minute of The Officer-in-charge, Occupation Branch.

SUBMITTED for the commands of the Honorable the Minister as to whether the cancellation of the general reserves on the Yanko and Colombo Creeks should now be allowed to take effect.

It appears to me that Commissioner Crommelin has taken considerable pains to carry out the instructions conveyed to him in this matter, and that suitable and sufficient special reserves have been recommended by that officer, with a view to prevent so far as practicable the depreciation of the Crown leaseholds and the revenue derived therefrom.

I have not pressed this matter earlier to an issue, as it was one requiring to be carefully considered and dealt with, in view of the large interests involved and the large expenditure incurred by the lessees, many of whom have urged on me personally their claims for consideration on this ground, and their hopes that the Government would see fit to allow them to remain in undisturbed possession of the frontage at least until the expiration of the present terms of lease, *i.e.*, to the end of 1875.

This is of course a matter for the decision of the Hon. the Minister. The claim appears to me one in every way worthy of favourable regard.—A.O.P., 13 March, 1873.

In my opinion the reserve should remain intact until at least the expiration of the present leases.—J.S.F., 14/3/73.

No. 99.

Mr. T. Brown to The Under Secretary for Lands.

Sir,

Urana, Murrumbidgee District, 19 May, 1873.

Having heard that the land on the Yanko and Colombo Creeks are now available for selection, and being doubtful as to its truth may I ask you, sir, if such is true?

I have, &c.,

THOS. BROWN.

Memo. of Surveyor General.—The reserves have not yet been cancelled. The Surveyor General obtained a report and recommendation from Mr. Surveyor Bolton about three years ago, and submitted that report should be dealt with at Crown Lands Occupation Branch, and the matter is still in abeyance at that branch. This reserve includes a frontage to the Colombo Creek of 40 miles on each side, and a frontage to the Yanko Creek from the Murrumbidgee River of 100 miles on each side. I have understood that recommendations have been made for cancelling the reserves also by the local Commissioner of Crown Land, and that such recommendations have been in type and type broken-up.—J.W.E., 29 May, 1873.

The attention of the officer in charge Crown Lands Branch may be called to the subject, and if he concurs with me that the matter should remain in abeyance for the present, applicant might perhaps be so informed. As soon as I have the services of some more surveyors I could go into the question of measurement, but at present I would rather not.—P.F.A., 30 May, 1873. B.C., 4 June, 1873.—W.B., for U.S.

The accompanying papers are submitted for the information of the Surveyor General. It will be seen that the Hon. the Minister has approved that these reserves should remain intact, until, at least, the expiration of the present leases.

There would, however, I apprehend be no objection to the cancellation of any portion of the reserve which the lessees might specially apply for to purchase at auction.

A.O.P., 26 June, 1873.—The Surveyor General.

This case should not be dealt with until the Hon. the Minister for Lands has reviewed the question of alienations in the salt bush country, referred to in my memo. of 25th instant.—P.F.A., 30 June. Submitted, 7 July, 1873. This question has now been dealt with.—J.S.F., 28/8/73.

See No. 98.

No. 100.

No. 100.

Mr. S. Holland to The Minister for Lands.

Sir,

Yanko Creek, near Jerilderie, 23 May, 1873.

I beg to request that you will be pleased to inform me whether the Yanko Creek frontage Reserve is thrown open for selection.

One mile on both sides of the creek was exempt from selection for five years on petition by squatters in this neighbourhood.

That period has expired by effluxion of time and still the land is not thrown open to selectors.

There are many who could wish to settle on the Yanko Creek, and, as a matter of course, it is a great injustice to persons wishing to select that it is not thrown open.

I may add that the reserve was originally made for the five years as above stated in consequence of squatters having made a cutting from the Murrumbidgee into the Yanko; now their full benefit has been gained by that project.

I therefore trust and beg that the frontage may be thrown open for the benefit of persons who are desirous of selecting upon this frontage.

I also pray that the Hon. the Minister for Lands will be pleased to grant an early reply.

I have, &c.,

SIMON HOLLAND.

P.S.—I beg to state I make this my application, as myself and others wish to take up some country on the Yanko Creek, and should we have to go a mile back from the creek it would cost a great deal to make water.—S. HOLLAND.

Memo., Department Surveyor General,—Under a letter from Thos. Brown, the matter of the See No. 99. Yanko and Colombo Creeks Reserve from sale was submitted 29 May for consideration. This application to cancel that reserve is now submitted.—J.E., 2 June, 1873.

No. 101.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 24 May, 1873.

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, and Appendix I. numbered 14, situated in the parish of Cocketgedong, county Urana, applied for under the 8th section of the "Crown Lands Alienation Act, 1861," by Messrs. Watt and Thomson as an improvement purchase, and measured by me on the 7th March, 1873, in accordance with your instructions of 13th November, 1872. See No. 78.

The improvements in virtue of which this application is made consists of wool-room, shearers' huts, &c., all of which I estimate to be worth fully (£320) three hundred and twenty pounds sterling, the property of applicants.

I have, &c.,

WILLIAM ORR,

L.S.

According to recent decision, the Yanko and Colombo Creek Reserves should remain intact until See No. 93. the expiration of the leases.—W.D.A., 9 Jan., 1874.

No. 102.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 24 May, 1873.

I have the honor to transmit herewith the plan of a portion land containing 100 acres, Appendix J. numbered 10, situated in the parish of Cocketgedong, county Urana, applied for under the 8th clause of the "Crown Lands Alienation Act of 1861," as an improvement purchase, by Messrs. Watt and Thomson, and measured by me on the 7th of March, 1873, in accordance with your instructions of the 13th November, See No. 79. 1872.

The improvement in virtue of which this application is made consists of a dam shown on plan known as the Telegraph Dam, that part of which lying within this portion I estimated to be worth about (£100) one hundred pounds sterling, the property of Messrs. Watt and Thomson.

Mr. Crown Lands Commissioner Crommelin marked a tree broad-arrow over WR over II, bearing 167° 36' 278 links from the south-west corner of this portion, intending that the reserve should lie 20 chains on each side of it. If this was allowed it would interfere with the improvement mentioned above, which I think should be granted, especially as the site chosen by me would offer greater facility for the purpose, should you deem it advisable to make it a permanent watering place at some future time.

The Reserve I propose would commence at the south-west corner of portion 10, thence east to the road from Urana to Jerilderie; thence by that road on the east; thence by a line west; on the south to Colombo Creek parallel to and distant 40 chains from the northern boundary of reserve; thence on the west by the Colombo Reserve, upwards, to the starting point.

I have, &c.,

WILLIAM ORR,

L.S.

Noted,—Mr. Long, 18/6/73. Charted, 6 Nov., 1873.—W.D.A. According to a recent decision on memo. from Mr. Pretious the Yanko Creek Reserves should remain intact until the See No. 93. expiration of the leases.—W.D.A., 9 Jan., 1874.

No. 103.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Appendix K.

Sir,

Wagga Wagga, 24 May, 1873.

See No. 80.

I have the honor to transmit herewith the plan of two portions of land numbered 11 and 12 situated in the parish of Cocketgedong, county Urana, No. 12; is applied for under the 8th clause of the "Crown Lands Alienation Act of 1861," as an improvement purchase by Messrs. Watt and Thomson, and was measured by me on the 7th March, 1873, in accordance with your instructions of 13th November, 1872.

The improvements in virtue of which the application for No. 12 is made consists of a dam which the applicants have made on a by-wash cut from the big dam in the vicinity, and which I value at (£80) eighty pounds sterling, the property of applicants.

Portion No. 11 was measured by me for sale on the personal application of Mr. Watt, a member of the abovementioned firm.

I have, &c.,

WILLIAM ORR,

L.S.

See No. 98.

According to a recent decision the Yanko and Colombo Creek Reserve should remain intact until the expiration of the leases.—W.D.A., 9 Jan., 1874.

No. 104.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Appendix L.

Sir,

Wagga Wagga, 24 May, 1873.

See No. 81.

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, numbered 13, situated in the parish of Cocketgedong, county of Urana, applied for by Messrs. Watt and Thomson under the 8th clause of the "Crown Lands Alienation Act of 1861," as an improvement purchase and measured by me on the 7th March, 1873, in accordance with your instructions of the 13th November, 1872,

The improvement in virtue of which this application is made consists of that part of a large dam situated within the portion as shown in plan, and which I estimate to be worth at least (£400) four hundred pounds sterling. This dam is known in the neighbourhood as the "Big Dam," and was erected at the joint expense of the lessees of Cocketgedong and Colombo Runs. There is a portion of the dam connected with the right bank of the creek which I have not included in my estimate above-mentioned.

I have, &c.,

WILLIAM ORR,

Licensed Surveyor.

[Memo attached to No. 104.]

Charting Branch.

MEMO. of subjects requiring explanation or completion in connection with the survey and plan of portion No. 13, parish of Cocketgedong, county of Urana, transmitted by Mr. Licensed-Surveyor Orr's letter of 24th May, and on which Mr. Orr's report in explanation is requested.

Subject.

Report.

Traverse line No. 22, plots 115° instead of $154^\circ 25'$.—J.S.A.

The correct bearing is $115^\circ 35'$, instead of $154^\circ 25'$. The plot is correct in this instance.—WILLIAM ORR, L.S., 12 November, 1873.

No. 105.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 24 May, 1873.

Appendix M.

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, numbered 15, situated in the parish of Cocketgedong, county of Urana, applied for by Messrs. Watt and Thomson as an improvement purchase under the 8th clause of the "Crown Lands Alienation Act of 1861," and measured by me on the 7th March, 1873, in accordance with your instructions of 11 November, 1872.

See No. 82.

The improvements in virtue of which the application is made consist of sheep-shearing shed, outside yards, branding yards, sheep-wash paddock, fencing, all of which I estimate to be worth (£320) three hundred and twenty pounds sterling, the property of the applicants.

I regret to say it is not possible to mark any trees along the creek either on this or the adjoining portion, as when any were near any of the corners they were inaccessible owing to the depth of water in the creek. The corner-pegs have in all cases been carefully marked, the wood from which they are made being free from defects of any kind and of the most durable description to be obtained.

I have, &c.,

WILLIAM ORR,

L.S.

See No. 98.

According to a recent decision the Yanko and Colombo Creek Reserves should remain intact until the expiration of the leases.—W.D.A., 9 January, 1874.

No. 106.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 24 May, 1873.

Appendix N.

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, numbered 2, situated in the parish of Colombo, county of Urana, Coorong Run, applied for by Mr. S. M'Caughy as an improvement purchase under the 8th clause of the "Crown Lands Alienation Act of 1861," and measured by me on 5th of October, 1872, in accordance with your instructions of 13th September, 1872.

See No. 57.

The

The improvements in virtue of which this application is made consist of wool-shed, outside yards, &c., all of which I value as being worth fully £1,000 (one thousand pounds), and are the property of the applicant.

It will be observed that a long time has elapsed since the surveys were carried out; the reason is because the whole of the improvements were included in one application. I have not been able to carry out one part of the instructions, viz., the survey of a portion at the boundary between Coonong and Colombo Runs, in virtue of dam on the Colombo Creek. This dam is a very large erection, and at the time when I was surveying there in October the country for about 300 or 400 acres was submerged. I deferred measuring, therefore, until March, and found that even then anything like a correct traverse of the creek cannot be made. I determined therefore to forward plans of portions already surveyed by me, and beg to recommend that Mr. M'Caughey be requested to send in a fresh application, which might be attended to when a dry season permits.

The dam referred to is said to back the water up a distance of 21 miles.

I have, &c.,
WILLIAM ORR,
Licensed Surveyor.

Coonong Run, district of Murrumbidgee, is held under a promise of lease by Samuel M'Caughey.— See No. 98. G.M., Occupation of Lands, 1 July, 1873. According to a recent decision the Yanko and Colombo Creek Reserves should remain intact until the expiration of the leases.—W.D.A., 9 January, 1874.

No. 107.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, numbered 1, situated in the parish of Colombo, county of Urana, Coonong Run, applied for by Samuel M'Caughey as an improvement purchase under the 8th clause of the "Crown Lands Alienation Act of 1861," and measured by me on the 7th October, 1872, in accordance with your instructions returned with my letter of 24th May, 1873, dated 13th September, 1872. Appendix O.

The improvements in virtue of which this application is made are the property of the applicant, and consist of large wool store, stables, and part of the sheep-wash, all of which I value as being worth fully £400 (four hundred pounds) sterling. No. 106. See No. 57.

For cause of delay in transmitting plan I beg to refer you to my letter of this date. See No. 106.

I have, &c.,
WILLIAM ORR,
Licensed Surveyor.

Coonong Run, district of Murrumbidgee, held under promise of lease by Samuel M'Caughey.— See No. 98. G.M., Occupation of Lands, 1 Jan., 1873. According to a recent decision the Yanko and Colombo Creek Reserves should remain intact until the expiration of the leases.—W.D.A., 9 Jan., 1874.

No. 108.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, numbered 1, situated in the parish of Kendall, county of Urana, Coonong Run, applied for by Samuel M'Caughey as an improvement purchase under the 8th clause of the "Crown Lands Alienation Act of 1861," and measured by me on the 2nd October, 1872, in accordance with your instructions of 13th September, 1872, which I have this day forwarded to you with letter. Appendix P.

The improvements by virtue of which this application is made consists of shearers', overseers', labourers', and washers' dwellings, store-house, and tank, which I estimate to be worth £320 (three hundred and twenty pounds) sterling. See No. 57. See No. 106.

They were erected by and at the cost of Mr. M'Caughey.

For my explanation in regard to delay I request you to refer to my letter of this date. See No. 106.

I have, &c.,
WILLIAM ORR,
Licensed Surveyor.

Coonong Run, district of Murrumbidgee, held under promise of lease by Samuel M'Caughey.— G.M., Occupation of Lands, 1 July, 1873.

No. 109.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, No. 1, situated in the parish of Coonong, county of Urana, Coonong Run, applied for by Mr. Samuel M'Caughey as an improvement purchase under the 8th clause of the "Crown Lands Alienation Act of 1861," and measured by me on the 26th September, 1872, in accordance with your instructions of 13 September, 1872, which I have this day returned with my letter. Appendix Q. See No. 57. See No. 106.

The improvements by virtue of which this application was made are in Mr. M'Caughey's possession and consist of those shown on plan, and all of which I estimate to be worth £550 sterling.

For explanation of cause of delay in forwarding the plan I must beg to refer you to my letter accompanying instructions. See No. 106.

I have, &c.,
WILLIAM ORR,
L.S.

Coonong Run, district of Murrumbidgee, is held under promise of lease by Samuel M'Caughey.— G.M., Occupation of Lands, 1 July, 1873.

No. 110.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 24 May, 1873.

Appendix R.

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, No. 2, situated in the parish of Kendall, county of Urana, Coonong Run, applied for as an improvement purchase under the 8th clause of the "Crown Lands Alienation Act of 1861," by Samuel M'Caughy, and measured by me on the 2nd October, 1872, in accordance with your instructions of the 13th September, 1872, forwarded to you with my letter this day.

See No. 57.
See No. 106.

The improvements by virtue of which this application is made consist of a complete sheepwash, substantially constructed, with yards and other necessary improvements, all of which (and not including the steam engines) I estimate to be worth £500, the property of the applicant.

See No. 106.

For my explanation of cause of delay in forwarding this plan I must beg to refer you to my letter accompanying instructions.

I have, &c.,

WILLIAM ORR,

L.S.

Coonong Run, district of Murrumbidgee, is held under promise of lease by Samuel M'Caughy.—G.M., Occupation of Lands, 1 July, 1873.

See No. 98.

According to a recent decision the Yanko and Colombo Creek Reserve should remain intact until the expiration of the leases.—W.D.A., 9 January, 1874.

No. 111.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 24 May, 1873.

Appendix S.

I have the honor to transmit herewith the plan of a portion of land containing 320 acres, No. 2, situated in the parish of Coonong, county of Urana, Coonong Run, applied for by Samuel M'Caughy as an improvement purchase under the 8th clause of the "Crown Lands Alienation Act of 1861," and measured by me on the 27th September, 1872, in accordance with your instructions of the 13th September, 1872, which I have this day forwarded with my letter.

See No. 57.
See No. 106.

The improvements by virtue of which the application is made consist of a dwelling-house and garden in the applicant's possession, which I estimate to be worth £600 sterling.

I am not aware whether a measurement in the form of this portion is allowed. If I had measured in the usual way it would have given an extraordinary amount of water frontage.

See No. 78.

The cause of delay in forwarding this plan I have explained in my letter of this day, to which I beg to refer you.

I have,

WILLIAM ORR,

L.S.

Coonong Run, district of Murrumbidgee, is held under promise of lease by Samuel M'Caughy.—G.M., Occupation of Lands, 1 July, 1873.

No. 112.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 24 May, 1873.

See Nos. 101 to
108 inclusive,
and No. 110.
See Appendix B
to No. 30.

I have the honor to draw your attention to my plans transmitted this day, viz., plans of Nos. 1 and 2, parish of Kendall—1 and 2, parish of Colombo—and 10, 11, 12, 13, 14, and 15, parish of Cockat-gedong, county of Urana. These portions are all situated within water reserve No. 157, notified in *Government Gazette* of 23rd December, 1865.

See No. 102.

I beg to state that before measuring I was informed by Mr. Crown Lands Commissioner Crommelin of your intention to recommend the revocation of certain portions of this reserve. I have taken care not to interfere with any intended permanent reserves, except in one case, the reasons for which are fully explained in my letter I trust.

I have, &c.,

WILLIAM ORR,

L.S.

Submitted. The measurements referred to in this letter are now submitted for approval. A large portion of the water reserves in 1865 were proclaimed on the application and in the interests of the Crown lessees for the protection of their respective runs, and as these measurements appear to have taken place with the approval of the Commission, and contain valuable improvements, they may probably be allowed, and so much of the reserve cancelled as will admit of alienation of the land to the lessees.—G.L., 2 July, 1873.

Refer tracing to Mr. D.-S. Wood, asking him if he see any objection to the alienation of the portions in right of the improvements; the reference is necessary before recommending the withdrawal of the land from the reserve.—P.F.A., 14 July.

See No. 117.

Submitted. On the report of Mr. D.-S. Wood, of the 22nd July, 1873, shall the measurements under the 8th clause go on for appraisalment? Being in Colombo and Yanko Creek Reserves there are several other measurements which await this decision as a precedent.—G.L., 9 Jan., 1874. Dep. Sur. Genl.

See No. 119.

May these improvement cases go on for appraisalment, or does the memo. of the 15th November, 1873, apply to such measurements that have been charted?—G.L., 16 Feb., 1874.

No. 113.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Wagga Wagga, 27 May, 1873.

Appendix T.

I have the honor to transmit herewith the plan of a portion of land, containing 144 acres, numbered 7, situated in the parish of Wood, county Urana, Yanko Run, surveyed by me on the 25th January, 1873.

In

In accordance with instructions herewith from Mr. D.-S. Wood, I proceeded to the ground and found the improvements applied for by Samuel Wilson under the 8th clause of the "Crown Lands Alienation Act of 1861," were situated not only within water reserve No. 157, notified in *Government Gazette* of 23rd December, 1865, but within a reserve proposed by Mr. Crown Lands Commissioner Crommelin, as shown on the above-mentioned plan. I surveyed portion No. 7 because there is a considerable amount of fencing upon it, and also because the land if alienated to anyone but the owner of the "Uri" improvements could make those improvements useless. I have provided the best way of access to "Uri" possible, viz.,—along the banks of the lagoon, the track at present used.

My instructions were too explicit to allow me (without Mr. Wood's permission) to interfere with Mr. Crommelin's proposed reserves. I beg to recommend, however, that 200 acres be allowed within the permanent lagoon and the Yanko Creek, as the lagoon is permanent for some distance.

I have, &c.,
WILLIAM ORR,
D.S.

No. 114.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

I have the honor to return herewith your instructions of 18th March, 1873, to report on Samuel Wilson's application for the purchase of 300 acres of land under the 8th clause of the "Crown Lands Alienation Act of 1861" in virtue of a three-roomed cottage, detached kitchen, &c.

I beg to state the improvements are situated within a reserve proposed as one of the permanent runs in lieu of water reserve No. 157, Gazetted on 23rd December, 1865. I have returned the original application this day with plan and my letter No. 30, to which I beg to refer you as I then gave a better explanation by means of the plan.

I have, &c.,
WILLIAM ORR,
Licensed Surveyor.

As the reserve was recommended by the Crown Lands Commissioner, perhaps it may be advisable to refer the application to that officer as to any objection to the alienation.—J. H. Wood, D.S., B.C., 11 June, 1873. Submitted.—G.L., 14 August, 1873.

Reserve 157, Yanko Creek, was an application by the lessces of the runs on that creek on account of improving its channels, and recommended by the Surveyor General, and has not yet been cancelled. The proposed reserve by Mr. Commissioner Crommelin and referred is a proposal by that officer for adoption on cancellation of 157 above.—J.W.E., 26.

Dep. Surveyor General,—Submitted that the recommendation of Mr. D.-S. Wood be adopted and the case referred to the Commissioner.—29 August, 1873.

Await decision of Minister on Yanko Reserve.—P.F.A.

No. 115.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

I have the honor to return herewith your instructions of the 13th Nov., 1873, to survey 200 acres of land, Cocketgedong Run, county of Urana, applied for by Messrs. Watt and Thomson under the 8th clause of the "Crown Lands Alienation Act of 1861" as an improvement purchase by virtue of dam and fencing of which they have become proprietors.

I beg to state the improvements are situated within portion No. 15, parish Cocketgedong, county of Urana, the plan of which was forwarded to you with my letter of the 24th May, 1873.

I beg also to state I could not value the dam referred to, as the water from a dam lower down the creek covered all of it but a small portion of the top. The fencing mentioned in the application is shown on the plan above alluded to.

I have, &c.,
WILLIAM ORR,
Licensed Surveyor.

No. 116.

Memo. of subjects requiring explanation.

Charting Branch.

MEMORANDUM of subjects requiring explanation or completion in connection with the survey and plan of portion No. 1, parish of Colombo, county of Urana, transmitted by Mr. Licensed-Surveyor Orr's letter of 24th May, 1873, and on which Mr. Orr's report in explanation is requested.

Subject.

Report.

Traverse line No. 21, plots 29° instead of 150° 41'.—J.S.A. (for Surveyor General), July, 1873. The correct bearing is 29° 19' The plotting is therefore right.—W. ORR, Licensed Surveyor, November 23, 1873.

No. 117.

Memorandum of Instructions.

Form F.

Surveyor General's Office, Sydney, 19 July, 1873.

Reply.

Subject.

Mr. District-Surveyor Wood is requested at his early convenience to state if he sees any objection to the alienation of the portions in right of improvements within the reserve on each side of the Colombo Creek, county of Urana, as shown on the accompanying tracing?*

I do not consider there is any objection on public grounds to the alienations of these portions under the 8th clause; but under the late decision of the Honorable the Minister for Lands only one portion can be granted for any single improvement. The improvements on portions 10 and 13 are applied for

*Tracing not with the papers

Subject—*continued.*

In the event of Colombo Creek Reserve being revoked will the measurements referred to above interfere with any recommendation for reserves on that creek?—P.F.A.

Reply—*continued.*

by the lessees of Colombo and Cockatgedong Runs; they cannot both purchase without measuring two portions for the same improvement, which would be contrary to late decision.

The measurement referred to will not interfere with the reserves recommended by the local Commissioner of Crown Lands.—J. H. WOOD, District Surveyor, 22 July, 1873.—The Surveyor General.

The measurements as made in each case is in accordance with recent Ministerial decision, viz., the improvements to the centre of the creek only are embraced in the report showing applicants' improvements to be of sufficient value.—G.L., 7 August, 1873.

No. 118.

M. Fitzpatrick, Esq., to The Under Secretary for Lands.

Sir,

100 Pitt-street, Sydney, 15 August, 1873.

Referring to the interview granted this morning to Mr. Angus Robertson and myself, I beg that you will confirm officially the answer verbally given to his personal inquiry, viz.:—"That the Government, whilst they are prepared to offer for sale parts of the Yanko Reserve where applied for will not during the currency of the present leases cancel those portions of the reserve which may front the runs of lessees who still desire the reserve to be maintained."

I have, &c.,

MICHL. FITZPATRICK.

Submitted. As Mr. Fitzpatrick asks for a written pledge, I take the liberty of urging the necessity for great caution in the wording of any communication, which may be quoted hereafter in bar of the exercise of the powers conferred upon the Governor and Executive Council by law, and of which circumstances may arise to demand the exercise in the interests of the public before the precise period mentioned, viz., some four years hence. In effect, Mr. Fitzpatrick asks for a new condition in these current leases, binding the Government not to cancel without the concurrence of the lessees, a temporary reservation made, not for their benefit, but that of the whole community.—A.O.M., 31 August.

See No. 93.

The leases of the runs referred to expire on the 31st December, 1875—that is, sixteen months from the present time. I decided, whether rightly or wrongly, on the 14th March, that the reserves should remain intact during the currency of the present leases, and I expressed an opinion in accordance with Mr. Pretious's memo. of the 26th June. This matter had better be referred to Mr. Pretious, who is fully acquainted with the whole matter.—J.S.F., 22/8/73.

Advise Mr. Fitzpatrick of the decision arrived at in this matter.—A.O.P., 27 August.

It appears to me questionable whether any alienation either to the Crown tenants or others is desirable, on the frontage of the water artificially conserved on the Yanko and Colombo Creeks—not by the effort of any one lessee but by the common consent and at the joint cost of several. There can be no question that the alienation of any portion of the frontage will materially depreciate the value of the Crown leaseholds. Early in the ensuing year a revaluation of the runs will be necessary owing to the expiration of the present leases on 31st December, 1875. Should it be determined that these reserves should for the present remain intact this would be a matter of some moment and consideration in adjusting the rentals for another term of lease.—A.O.P., 19 Oct., 1874.

I am of opinion that the reserves should be kept intact.—J.S.F., 5/2/75.

No. 119.

Minute by The Surveyor General.

26 August, /73.

I AM not aware of the grounds of the decision referred to by the Chief Officer in charge at the Occupation of Lands, but should it not be an insuperable objection I should recommend that when I can obtain the services of a competent surveyor that a comprehensive design should be made and the land brought forward for sale and selection after measurement.—P.F.A.

Officer in charge, Occupation Branch, for former papers, showing directions within referred to.—W.W.S., B.C., 26 August, 1873.

The papers referred to are re-submitted for the Surveyor General's information.—A.O.P.

See No. 93.

The minute of 14/3/73, direction that the reserve should not be rescinded during the currency of the leases, was not to exist. Some of the lessees are pressing for the sale of portions already measured, and a surveyor has instructions to make a comprehensive design for the subdivision of the reserve (which is only a mile from the creek), also for the adjacent country, for which there is great demand. Some of the lessees are pressing for the sale by auction of the lands measured at their application, and on their applications I have recommended that the practise of measuring within the reserve, even at the application of a lessee, should not be admitted, pending the adoption of a general scheme for the subdivision of this extensive and valuable country. Submitted for further instructions, as the surveyor may be required to stay further proceedings.—P.F.A., 15 Nov., /73.

No. 120.

The Officer-in-charge, Occupation Branch, to M. Fitzpatrick, Esq.

Sir,

Occupation of Lands, Sydney, 27 August, 1873.

No. 118.

In reply to your letter of the 15th instant, I have the honor to advise you that the Honorable the Minister for Lands has been pleased to approve that the Yanko Reserve should remain intact until at least the expiration of the present leases.

I have, &c.,

A. O. PRETIUS,

Officer in Charge.

No. 121.

51

No. 121.

Mr. Licensed-Surveyor More to The Surveyor General.

Sir,

16 September, 1873.

I have the honor to transmit you herewith plan of a portion of land containing 75 acres, numbered 40, parish of Thurrowa, county of Urana, applied for under the 8th section of the "Crown Lands Alienation Act of 1861," by James and Henry Osborne, and which I have surveyed in accordance with your B.C. memo. of instructions of the 17th December, 1872, to Mr. Licensed-Surveyor Finley, subsequently transferred to me. Appendix U.
See No. 91.

I have, &c.,

HUGH H. MORE,

Licensed Surveyor.

Addenda.—The improvements consist of sheep-yards fenced with sapling pine rails and double split posts, and the value of which I estimate at £75.—H.H.M.

Papers forwarded to Mr. Surveyor Smith in connection with instructions already issued respecting measurements in Colombo Creek Reserve. Tracing herewith.—P.F.A. B.C., 29 January, I do not know of any objection to the alienation of the portion referred to in this application.—THOS. H. SMITH, Jun., 30 April, 1875. The Surveyor General. Schedule herewith for appraisement.—G.L., 17 May, 1875. See enclosure.

No. 122.

Mr. Licensed-Surveyor More to The Surveyor General.

Sir,

16 September, 1873.

I have the honor to state herewith that portion No. 13 of 320 acres, on the eastern side of Colombo Creek, has already been measured, on the application of Messrs. Watt and Thomson, for the improvements referred to in this application, and this area I consider amply sufficient for their value.

The dam is situated between portions 13 and 48 (*vide* my plan of Colombo Creek, transmitted with my letter of 16th September, 1873). Not with the papers.

I have, &c.,

HUGH H. MORE,

Licensed Surveyor.

Applicants should be informed that 320 acres have already been measured on account of Messrs. Watt and Thomson, in virtue of the dam herein referred to, the value of which is reported to be fully represented by that area.—J.S.A., 21 January, 1875. Ascertain who are the present lessees of the run. Colombo Creek Run, District of Murrumbidgee, is held under a promise of lease by James Osborne, Junr., and Henry Osborne.—A.O.P., Occupation of Lands, 31 January, 1874. Inform in accordance with memo. of 21 January.

No. 123.

Mr. Licensed-Surveyor More to The Surveyor General.

Sir,

16 September, 1873.

I have the honor to state herewith, that Harvey's Dam, the improvement referred to in the enclosed application, is so much broken away and demolished by the action of the water that it is utterly useless for the purposes intended.

The dam is situated between portions 6 and 23 (*vide* my plan of Colombo Creek), transmitted with my letter of 16 September, 1873. Not with the papers.

I have, &c.,

HUGH H. MORE,

L. S.

Applicant should be informed the surveyor's report describes the improvement (in virtue of which alienation of the land herein referred to herein is sought) as valueless, and that the claim to purchase under the 8th clause cannot therefore be allowed.—J.S.A., 24 October, 73.

No. 124.

Mr. Licensed-Surveyor More to The Surveyor General.

Sir,

16 September, 1873.

I have the honor to state herewith, that Middle Dam, the improvement referred to in the enclosed application, is so completely broken away and impaired by the action of the water that it is utterly useless for the purposes intended. See No. 92.

The dam is situated near the north-east corner of portion No. 45 (*vide* plan of Colombo Creek, transmitted with my letter of 16th September, 73). The dam shown by dotted lines on the other arm of the creek has been constructed by Messrs. Watt and Thomson, and is in pretty good repair; but is of little use on account of the other dam being destroyed. Not with the papers.

I have, &c.,

HUGH H. MORE,

L. S.

Applicant should be informed that the report of the surveyor represents that no improvement at present exists on the land referred to, and consequently alienation as herein sought cannot be allowed.—J.S.A., 24 October, 1873.

No. 125.

Mr. Licensed-Surveyor More to The Surveyor General.

Sir,

16 September, 1873.

I have the honor to state herewith that portion No. 10, 100 acres, on the eastern side of Colombo Creek, has already been measured on the application of Messrs. Watt and Thomson, for the improvements referred to, and this area I consider amply sufficient for their value.

The

Not with the
papers.

The dam is situated between portion 10, parish of Yathong, and 10, parish unnamed (*vide* plan of Colombo Creek, transmitted with my letter of 16 September, 1873.) I have, &c.,

HUGH H. MORE,
L.S.

Applicant should be informed of surveyor's report.—G.L., 21 January, 1874.

No. 126.

Mr. R. P. Raymond to The Minister for Lands.

Sir,

Bell's Chambers, Sydney, 23 September, 1873.

At the instance of Mr. Samuel Wilson a large quantity of land to secure improvements, and for auction was measured within the Yanko Reserve at the time when there was a probability of the reserve being cancelled, and which Mr. Wilson is still desirous of competing for at auction sale, provided it is not in the first instance thrown open to selection.

It is to the advantage of the country that this land should go to auction sale, when 20s. or more per acre, if there is competition, will be realized for it, and the whole block will be sold, whereas if thrown open to selection first the choice portions only will be taken up at 5s. per acre and the residue left, because valueless alike to the lessee and the selector. It is unfair also to the lessee after paying for the survey of land that he should not have the opportunity of competing for it at auction. I have the honor, therefore, to inquire whether you will revoke so much of the reserve as will include the measured land, and, as it is provided that thirty days must elapse after the publication in the *Gazette* before either the land can be sold or a reserve is open to selection, whether both the notification of sale and revocation of the reserve will be made to appear in the same *Gazette* so as to ensure the land going to auction.

I have, &c.,

R. PEEL RAYMOND,
Agent.

Surveyor General, A.O.M. (for U.S.), B.C., 30 Sep., 1875. This appears to be a purely administrative question, but as it has been referred to me I think the course recommended would be an evasion of the law, and as such not to be recommended.—P.F.A., 6 October. The application cannot be complied with.—J.S.F., 9/12/73.

No. 127.

Messrs. J. and H. Osborne to Mr. District-Surveyor Wood.

Sir,

Elsternwick, Melbourne, Victoria, 7 October, 1873.

Having had occasion recently to visit the Billabong Forest Run, better known as Gum Swamp, just as Mr. Surveyor More was about to finish the re-survey of five blocks applied for by us (under clause 8 of the "Crown Lands Alienation Act, 1861") on 6th March, 1873, and having by him been permitted to have a look at a copy-tracing of such re-survey, we discovered that a mistake had occurred somewhere in copying No. 1 application for 320 acres, including the homestead at Gum Swamp.

All five applications were made in the names of James and Henry Osborne, who are the licensees of the run, whereas the survey of No. 1 is marked Henry Houston Osborne, and upon pointing out the error to Mr. More he referred to his book of instructions and found the same error there, which apparently did not originate with him. Of course there is a conditional selection of 320 acres, of same date, made at Deniliquin in the name of Henry Houston Osborne, a miner, but the homestead application for 320 acres should be in the name of the undersigned as licensed occupants of the Billabong Forest Run, and we have respectfully to request that you will cause the matter to be rectified at your earliest convenience.

We have, &c.,

JAMES & HENRY OSBORNE.

The portion referred to is No. 10, parish of Hardie, county of Urana, transmitted by Mr. L.-S. More, with his letter, 16 September last. On the plan the applicant's name is H. H. Osborne. This should be altered to James and Henry Osborne.—J. H. Wood, D.S., B.C., 10 Oct., 1873. The Surveyor General.

No. 128.

The Surveyor General to Mr. Licensed-Surveyor More.

Appendix V.
See No. 121.

Charting Branch.

MEMORANDUM of subjects requiring explanation or completion in connection with the survey and plan of portion 40, parish of Thurrova, county of Urana, letter of 16th September, 1873, and on which Mr. More's report in explanation is requested:—

Subject.

Report.

The distance from the traverse line to the creek is required.—P.F.A., 10 Oct., 1873.

I do not quite comprehend what is required here, but I hope that the sketch from field notes, given below, will supply the necessary information.—H. H. MORE, L.S., 17 Oct., 1874.

No. 129.

The Under Secretary for Lands to Messrs. J. & H. Osborne.

See Nos. 92 & 93.

Gentlemen,

Department of Lands, Sydney, 22 November, 1873.

With reference to your application of the 5th November, 1872, to purchase in virtue of improvement two blocks of land, each containing 240 acres, on Colombo Creek Run, I am directed to inform you, that as the local Surveyor has reported the improvement upon the portion of land referred to as valueless they cannot be alienated to you as desired.

I have, &c.,

W. W. STEPHEN.

No. 130.

No. 130.

Messrs. J. & H. Osborne to The Under Secretary for Lands.

Sir,

Elsternwick, Melbourne, Victoria, 4 December, 1873.

See No. 129.

We have the honor to acknowledge the receipt of your letter of the 22nd ult., advising us that "with reference to your application of 5th November, 1872, to purchase in virtue of improvements, two blocks of land, each containing 240 acres, on Colombo Creek Run, I am directed to inform you, that as the local surveyor has reported the improvements upon the portion of land referred to as valueless, they cannot be alienated to you as desired." In reply, we beg to state that on the date alluded to we applied for *five* lots, four of these on account of dams, and one on account of sheep-yard, and as a portion of seventy-five (75) acres, comprising the latter, appears to be the only *one* of the *five* recommended by the local surveyor, we are not very clear as to which *two* of the remaining *four* are the lots referred to in your letter, but we assume them to be lots 10 (of Mr. More's survey) fronting the lowest dam, and lot 45 fronting the middle dam.

In regard to these two dams we are free to admit that the by-wash of each has deepened into a small creek, but the original pile of earth comprising each dam remains as perfect as when first completed, and it would be comparatively easy for us, whenever we might so require it, to fill up the by-washes deepened by the high floods of the two last winters, rather than go into the construction of new dams. We are desirous to speak with all possible respect of the District Surveyor, Mr. Wood, of Albury, and of Mr. More, the local surveyor, and believe that each understands his own profession thoroughly; but the construction of dams, and the value of dams when so constructed in a dry country like the Colombo, are matters with which they have had no personal experience, and it is no reflection upon their intelligence to say that neither is fit to form a correct opinion upon the subject, particularly as both gentlemen only saw the Colombo Creek fronting our Station during one of the finest seasons the country has been blessed with for a period of twenty-years, the creek being almost bank-high along our entire frontage, owing to the expenditure for dams previously incurred by ourselves and our neighbours of the Cockatgedong Run.

We obtained the Colombo Creek Run by public tender in May, 1850, and for some five subsequent years in succession had to remove our sheep up into the forest country, near Albury, during the months from November to June following, owing to the then entire absence of standing water. Since the construction of our dams, however, there has been no shifting of stock, the station having become permanently watered at our own cost, and by our own exertions.

We respectfully submit, therefore, that we are equitably entitled to be permitted to purchase the frontages to these dams under the improvement clause, after a fair valuation, and hope the Honorable Minister of Lands will not unadvisedly commit such a manifest injustice to us as to permit such frontages to be declared open to conditional selection.

We have,

JAMES & HENRY OSBORNE.

Applicants should be informed that if they are dissatisfied with the report of the surveyor the law provides for the submission to appraisalment in such cases.—G.L., 31 January, 1874. Inform, 9 Feby.

No. 131.

The Under Secretary for Lands to Mr. R. P. Raymond.

Sir,

Department of Lands, 24 December, 1873.

No. 128.

In reference to your letter of the 23rd September last (on behalf of Mr. Samuel Wilson), requesting to have so much of the Yanko Reserve revoked as will include the land applied for by him to be brought to auction, and asking that the notification of the revocation and the Proclamation of sale should appear in the same *Gazette*, so as to ensure the land going to auction,—I am directed to inform you, that as such a course would be an evasion of the law, your request cannot be complied with.

I have, &c.,

W. W. STEPHEN.

No. 132.

Memo. by Mr. Ellis.

I FIND that the Surveyor General's minute, 15th November, 1873, does not appear to have been seen by the Minister, probably some notice should be taken in the matter.—J. W. E., 3 January, 1874.

See No. 119.

Referred to the Under Secretary for Lands as do not like to incur the cost of a survey and design in the present unsatisfactory state of the question. The mile reserved from the creek is too little if the matter is to remain as it is till the expiration of the leases.—P.F.A. The Minister considers that no further action need be taken in this matter for the present.—W. W. S., 7 January, 1874. Approved.—J.S.F., 7/1/74. After the Surveyor General has seen this the papers may be put by for a time.—A.O.M. Surveyor General, B.C., 8/1/74. Seen.—P.F.A., 8 Jan.

No. 133.

Mr. Licensed-Surveyor Orr to The Surveyor General.

Sir,

Urana, 29 January, 1874.

In compliance with instructions from Mr. D.-S. Wood, I have lately altered portions numbered 1 and 2, situated in the parish of Coonong, county of Urana. I have, therefore, the honor to request that no further steps be taken towards the alienation of the lands until I have the opportunity of transmitting an amended plan.

I have, &c.,

WILLIAM ORR,
Licensed Surveyor.

No. 134.

No. 134.

The Under Secretary for Lands to Messrs. J. & H. Osborne.

Gentlemen,

Department of Lands, 14 February, 1874.

See Nos. 90 & 91.

Referring to your letter of the 5th November, 1872, applying to purchase under the 8th clause of the Crown Lands Alienation Act two portions of 240 acres each on the Colombo Creek Run, I am directed to inform you that it appears from a report which has been obtained from the Surveyor General, that two blocks, containing respectively 320 acres and 100 acres, have been already measured for Messrs. Watt and Thomson, in virtue of the improvement described in your application, such areas freely representing the improvement in question. Your request cannot therefore be complied with.

I have, &c.,

W. W. STEPHEN.

No. 135.

Memo. by Mr. G. Lewis.

18 February, 1874.

See No. 119.

In the Surveyor General's minute of the 15th November, 1873, respecting the Yanko and Colombo Creek Reserves, reference is made to measurements effected on account of the lessees as being at present objectionable. There are several cases of measurements *in virtue of the improvements* by the lessees (eleven such being now herewith) that have been charted and await appraisal, but are kept back for direction as to whether the minute above referred to, of the 15th November, 1873, applies to measurements under the 8th clause.

G.L.

Colombo and Yanko Creek Reserves.

With reference to the decision of the Hon. the Minister for Lands that no further steps should be taken at present for the measurement for sale of the land within these reserves, the question is now submitted whether these eleven applications in virtue of improvements are to be entertained?—J.S.A. (for Surveyor General.) Under Secretary for Lands, 19 Feb., 1874.

See No. 119.

The objection to the measurements within these reserves were made by the Surveyor General in his memo. of 15 November, 1873. A further expression of his opinion as to the question above asked seems desirable before the Minister is asked for a decision.—A.O.M., 21/2/74.

As soon as the services of a salaried surveyor are available I shall advise the preparation of a comprehensive design for the measurement of the valuable lands upon the Yanko and Colombo Creeks and the revision of the reserves thereon; and that measurement should follow from time to time as demand might appear. I believe that 200,000 acres would be alienated if now ready. At present, from want of salaried surveyors, I am unable to do the work. I could employ a reliable licensed surveyor at a salary of £3 3s. per diem, but it would not be an economical arrangement, although the necessities of the case might warrant it. Submitted.—P. F. ADAMS, 27 February. Approved.—J.S.F., 28/2/74.

Mr. L.-S. Smith having been appointed to carry out the design, should now be supplied with Mr. Bolton's report and descriptions, also with the description of the reserve proposed by Mr. Commissioner Crommelin, and be allowed to take extracts of any other papers he may require.—P.F.A. Supplied, 19th March, 1874.

No. 136.

Messrs. J. & H. Osborne to The Minister for Lands.

Sir,

Elsternwick, Melbourne, Victoria, 18 February, 1874.

See No. 134.

We have the honor to acknowledge the receipt of your letter of the 14th instant, referring to our application of 5th November, 1872, to purchase under the 8th clause of the Alienation Act two portions of 240 acres each, on the Colombo Creek Run, and that the Surveyor General has reported that two blocks of 320 acres and 100 acres have already been measured for Messrs. Watt and Thomson, in virtue of the improvements described in our application, and that therefore our request cannot be complied with. In reply, we beg to state that we have no desire to interfere with Messrs. Watt and Thomson obtaining the full benefit of improvements made upon their own run of Cocketgedong and at their own expense, but we most respectfully protest against the principle of giving them the entire benefit of improvements constructed jointly by them and us. We paid *half the entire cost* of the new dam fronting lot No. 48 of Mr. More's recent survey on the Colombo Creek Run, and *the whole* of the original expenditure of the middle dam fronting No. 45, and of the old dam fronting No. 10 of said survey; and submit, therefore, that we are equitably entitled to the benefit of our own expenditure quite as much as Messrs. Watt and Thomson are to theirs, and request a re-consideration of the case, so that equal justice may be meted out to both parties.

We have, &c.,

JAMES & HENRY OSBORNE.

I do not think the arguments of the writer can be gainsaid.

If the lots sold to the proprietors of the adjoining run represent the whole value of the dam, it may be that they have been allowed to purchase a larger area than they should have been. But the present claimants are not thereby deprived of the right to purchase land on *their* run improved by *them*.

I would respectfully suggest a further reference to the surveyor for report on the claims of Messrs. Osborne as founded on *their* own expenditure and improvements, irrespective of the claims or purchases of other parties.—A.O.M., 5/3/74. Approved.—J.S.F., 16/3/74.

No. 137.

The Under Secretary for Lands to Messrs. J. & H. Osborne.

Gentlemen,

Department of Lands, Sydney, 19 February, 1874.

Referring to your letter of the 4th December last, further on the subject of your application to purchase under the 8th clause of the Crown Lands Alienation Act, two portions of land, each containing 240 acres on the Colombo Creek Run, I am directed to inform you that should you feel dissatisfied with the surveyor's estimate of the value of the improvements (which he reports to be of insufficient value to enable you to purchase the land in question without competition), you can have the matter submitted to appraisement by paying into the Treasury the usual fee of £1 ls. in each case. See No. 130.

I have, &c.,

W. W. STEPHEN.

No. 138.

The Surveyor General to Mr. Licensed-Surveyor Smith.

Sir,

Surveyor General's Office, Sydney, 14 March, 1874.

I have to request that you will proceed to the Yanko and Colombo and examine the country with a view to its capabilities, and more especially the present reserves, which if not suited should be amended, and should in all cases extend back to the limit of probable selection for some years to come. As a rule one-fifth of the frontage should be reserved, and the position and width of the reserves will depend entirely on circumstances; and you are not to consider yourself fettered by the present reserves, which can be revoked at any time. You will also make a point of seeing the lessees or their representatives, or give them an opportunity of stating their views before you prepare your designs, but you will be influenced by their views when they are not inimical to the interests of the public estate. Your attention is drawn to the measurements which have already been made upon the reserve, and especially to the unsold portions thereof, with a view to any modification that may be necessary; and when you have decided that no objection exists upon your report the land may, if desired by the lessees, be brought to auction sale without further delay.

You will run a traverse of each creek with the greatest accuracy attainable, referring the same to the true meridian every five (5) miles; this traverse should be well marked on the ground, so that it may be picked up on future subdivision. The necessary traverse to show beds of the creek, &c., may be of the most temporary description, and made with circumferentor or any instrument you please.

I will advise you to send sketch designs of some portions as speedily as you can prepare them, in order that you may gain experience.

The remuneration for the service will be at the rate of 63s. per diem, Sundays excepted, commencing from the date on which you leave your present district. Out of this allowance you will pay the wages of four men at 20s. per week each, with an additional 10s. 6d. per week for rations, rendering monthly abstracts, properly signed, stamped, and attested for, the same as sub-vouchers of the amounts in triplicate at 63s. per diem, which will contain two items, one for wages and provisions of party, as per enclosed abstract, and the other for your own salary and allowances for the period, which must not exceed twelve pounds sixteen shillings (£12 16s.) per week, as this amount added to wages of party make up the full allowance of 63s. per day for each week of six working days. (*Vide* enclosed sample accounts for say March, 1874.) Not necessary. Unnecessary.

This arrangement will only last during the continuance of the work specified, and you will consider yourself under the directions of Mr. District-Surveyor Wood, to whom all designs should be forwarded.

I am, &c.,

P. F. ADAMS.

No. 139.

Memo. from The Minister for Lands.

30 March, 1874.

STATEMENT of the action taken on five improvement applications made on the 5th of November, 1872, by James and Henry Osborne, in the county of Urana, Colombo Creek Run.

The application for 240 acres at Old Dam, on the right bank of Colombo Creek: This was reported on by Mr. Licensed-Surveyor More, to the effect that the portion No. 10 of 100 acres, on the opposite side of Colombo Creek, viz., the left bank, had been measured for Messrs. Watt and Thomson for the improvements referred to in Osborne's application, and this area he considered amply sufficient for their value. Mr. Licensed-Surveyor Orr, in measuring portion No. 10, of 100 acres, for Messrs. Watt and Thomson, stated that he estimated that part of the dam lying within the portion to be worth about £100.

Messrs. Osborne were informed of Licensed-Surveyor Mores' report on the 14th February, 1874. See No. 134.

The application for 240 acres at the new dam, valued at £480, on the right bank of Colombo Creek: Mr. Licensed-Surveyor More reported that 320 acres had already been measured for Messrs. Watt and Thomson in virtue of this dam, the value of which he reported to be fully represented by 320 acres. Applicant was so informed. Messrs. Osborne in reply stated that they had paid half the entire cost of the new dam fronting portion 48, parish of Thurrowa, and that they were entitled to the same area as that allowed to Messrs. Watt and Thomson on the other side of the creek. See No. 134.

The Honorable the Minister for Lands has approved of a further reference to the surveyor as to the claim of Messrs. Osborne.

The application for 240 acres at Middle Dam, right bank of Colombo Creek, valued at £280: Mr. Licensed-Surveyor More reports that the dam is so completely broken away and impaired by the action of the water that it is utterly useless for the purposes intended. Applicants were informed that the surveyor reported that no improvements at present exist on the land. See No. 130.

The application for 240 acres at Nicholas Point in right of a large sheep yard valued at £250.

Mr. Licensed-Surveyor More values the improvements at £75, and has measured accordingly 75 acres, the plan of which is now ready for charting.

The

The application for 240 acres at Harvey's Dam, valued at £245, on the right bank of Colombo Creek: Mr. Licensed-Surveyor More reported that this dam was so much broken away and demolished by the action of the water that it is utterly useless for the purposes intended.

See No. 129.

Applicant was informed that the surveyor reported the improvements valueless, and the claim under the 8th clause could not be allowed.—(Not initialled.)

The Colombo Creek is a frontage creek, and forms the boundary between two runs. The lessees of the runs have jointly contributed a moiety of the cost for the construction of certain dams; therefore they are joint owners of them.

The lessees of the respective runs are not joint lessees, nor are they partners; they have not applied to purchase jointly but severally. In my opinion the lessee of one of the runs cannot purchase in right of the value of the whole improvement, but that each lessee of the respective runs might be allowed to purchase in right of a moiety of the value. Therefore, in each of the cases now under consideration, where the parties have joined and contributed a moiety of the cost of construction, they may be allowed to purchase on their respective runs an area equal to the moiety of the value, at the rate of 1 acre for every pound of such moiety of value, provided that such area shall not exceed 160 acres in any case, and that together the area shall not exceed 320 acres for each improvement. Although a dam may be worth £1,000, the improver would only be entitled to purchase 320 acres in right of it.

If A and B jointly construct a dam across their boundary creek dividing their respective runs, of the value of £500, this improvement confers a right to apply to purchase 320 acres. A, whose run is on the eastern side of the creek, applies to purchase the 320 acres, but this area cannot be measured so as to include the dam unless by trespassing upon the run of B, which is situated on the western side of the creek, and *vice versa*. It appears to me that if allowed at all, that A should be allowed to purchase 160 acres and B 160 acres upon their respective runs, and thus leave them to their common law right in respect to that portion of the dam between bank and bank, the ownership of the soil under the water and to the thread of the stream being in the owner of the land on either bank. I merely mean the above to illustrate the principle upon which these cases should be dealt with or considered. If 320 acres have been measured for Messrs. Watt and Thomson, in right of a dam constructed at the joint cost of the Messrs. Osborne and Watt and Thomson, it is certainly wrong, and cannot be allowed. At the most 160 acres could only be permitted, and if the other cases referred to by the Messrs. Osborne are similar to this, the whole of the cases will have to be reconsidered.—J.S.F., 30/3/74.

In reading over this decision I find that it is inconsistent with the previous decision on such cases, which recognizes the practice of accepting dams on frontage creeks as two improvements. My previous decision above-mentioned should in all cases of this kind be acted upon.—J.S.F., 26/6/74.

No. 140.

Memo. by The Surveyor General.

20 April, 1874.

Separated.
See No. 139.

THE applications of Messrs. Osborne, together with Messrs. Watt and Thomson, are enclosed for measurement according to a recent decision of the Hon. the Minister for Lands, a copy of which is attached:

"Where the parties have joined and contributed a moiety of the cost of construction they may be allowed to purchase on their respective runs an area equal to the moiety of the value, at the rate of 1 acre for every pound of such moiety of value, provided that such area shall not exceed 160 acres in any case, and that together the area shall not exceed 320 acres for each improvement. Although a dam may be worth £1,000 the improver would only be entitled to purchase 320 acres in right of it." * * *

"If 320 acres has been measured for Messrs. Watt and Thomson in right of a dam constructed at the joint cost of the Messrs. Osborne and Watt and Thomson, it is certainly wrong, and cannot be allowed; at most 160 acres could only be permitted."

P. F. ADAMS,

20 April, 1874.

Mr. Licensed-Surveyor Smith, for remeasurement. Returned to Surveyor General for transfer to Mr. Surveyor Bolton.—THOMAS H. SMITH, Surveyor, 30 April, 1875. Mr. District-Surveyor Bolton, for remeasurement or report.—G.L. (for Surveyor General), 7 July, /75.

No. 141.

Messrs. Wilson & Rankin to The Minister for Lands.

Sir,

227, George-street, Sydney, 6 May, 1874.

See No. 101 to
107 inclusive.

On the 24th May Mr. Licensed-Surveyor Orr sent in plans of portions Nos. 10 to 15, parish of Cocketgedong, county of Urana, being lot applied for, in virtue of improvements, by Messrs. Watt & Thomson, on Cocketgedong Run. We beg respectfully to request that steps may be taken without further delay to have these purchases completed.

We have, &c.,

WILSON & RANKIN.

Mr. Wilson personally advised of the state of the matter.—29/5/74.

See No. 135.

Surveyor General,—What is now to be done with the enclosed measurements to which the question asked in this letter and in memo. of the 18th Feb., /74, refers?—G.L., 2 June, 1874.

Ask Mr. Smith to state whether any objection is known to the alienation of the lands in the form measured; and if he is not aware of any the land may go as for alienation.—P.F.A., 4 Sept.

No. 142.

M. Fitzpatrick, Esq., to The Minister for Lands.

Sir,

251, George-street, 23 June, 1874.

On the 23rd of March last Mr. Henry Osborne and myself had a long interview with you touching—first, the sale of certain lands on Colombo Creek Run, measured by Mr. Licensed-Surveyor More as far back as September of last year; and, secondly, with regard to the application of Messrs.

James

James and Henry Osborne for improvement purchases in virtue of certain dams and other improvements, Your personal instructions upon that occasion dealt with the second point; but on calling at your office yesterday I found that nothing had been done to mature the matter.

I now earnestly invoke your interposition to have these applications brought to issue, and at the same time I invite your attention to the enclosed extract of a letter from Messrs. Osborne, from which you will see that Mr. More has been under some misapprehension as to one of the dams, mistaking for the middle dam a temporary structure in a mere by-wash.

I have, &c.,

MICHL. FITZPATRICK.

[Enclosure.]

We find also that a very serious misunderstanding exists at the Crown Lands Office regarding certain applications—five in number—made by us on the 5th of November, 1872, to secure improvements on the Colombo frontage. 1, 2, 3, were for dams, 4 for a sheeppond, and 5 for a dam. See Nos. 90, 91, and 92.

Dams 3 and 5 have, we learn, been pronounced worthless by Mr. Surveyor More, and as yet no allowance has been made to us for either 1, 2, or 3. Messrs. Watt & Thomson alone having received any allowance under the improvement clause for these structures. No. 5 was put up solely at the cost of their predecessors, Messrs. Brock and Hardy, and we therefore waive our half claim to it; but we bore the entire cost of constructing the old dam No. 1, and the middle dam No. 3, and paid Messrs. Watt and Thomson half the cost of the new dam No. 2; and all these three dams are still standing perfect. The middle dam, More has shown in the map, having been only a small earthwork to try and stop up an old by-wash, the actual middle dam appearing as if on an *a* (but in reality on the main channel) on the Cocketgedong side, and for which dam Messrs. Watt & Thomson, by some strange process, have got the entire credit, whereas, in reality, their predecessors or themselves never paid a shilling towards its erection. When in Sydney Mr. H. Osborne was not aware of the error into which Mr. More had fallen in marking upon his map a small broken earthwork on a by-wash as the middle dam of our application, or he would have put the matter in its proper light. And we have to ask you now to do so, and urge our claim to at least a similar acreage on our side for each of these dams, Nos. 1, 2, and 3, as Messrs. Watt and Thomson are to be allowed on their side. If the Crown Lands authorities be disposed to question the truth of our statements as herein set forth, we are prepared to furnish affidavits verifying the same. See No. 94.
See No. 93.

JAMES & HENRY OSBORNE.

Surveyor General,—Submitted that the three cases referred to in Mr. Fitzpatrick's letter of the 23rd June, /74, be returned to the surveyor for reconsideration.—G.L., 26 June, 1874. The Honorable the Minister for Lands acquiesced in Mr. Fitzpatrick's request that the above course should be taken, authority in the usual way being now required.—G.L. Yes; but possibly Mr. Surveyor Smith might be able to deal with them. I have not the maps to identify the locality, but Mr. Smith's last letters will show where he is now employed.—P.F.A. Mr. Surveyor Smith for measurement, if unobjectionable, or report as to the reasons for non-measurement. Mr. Smith's attention is particularly directed to the decisions of the Honorable the Minister for Lands, dated 30th March and 26th June, 1874.—J.S.A. (for Sur. Gl.), 30 June, /74. Returned to the Surveyor General for transfer to Mr. Sur. Bolton.—THOS. H. SMITH, 30 April, 1875. Forwarded to Surveyor Bolton. See No. 130.

No. 143.

Messrs. J. & H. Osborne to The Minister for Lands.

Sir,

Elsternwick, Melbourne, Victoria, 29 August, 1874.

We have the honor to request that we may be permitted to withdraw Nos. 1, 2, and 3 of our applications of 5th of November, 1872, for improvement purchases on the Colombo Creek Run, Murrumbidgee District, and to substitute *Nos. 1, 2, and 3 of this date, which we transmit herewith. See Nos. 90, 91, and 92.
See separate numbers following.

In accordance with the recent practice of the Crown Lands Department we are willing that the survey of the subdivisions necessary to give us the area applied for in each allotment shall be made at our cost. We also annex declaration certifying to the correctness of the statements and valuations made in our present applications.

We have, &c.,

JAMES & HENRY OSBORNE.

[Enclosure A to No. 143.]

DECLARATION.

THE undersigned, James and Henry Osborne, declare that in May, 1850, they became by public tender the licensees of the Colombo Creek Run, Murrumbidgee District, and have continued so until present date.

That they constructed at their own sole cost (first) the middle dam (see application No. 3), which still remains intact and perfect, and is not the broken earthwork erroneously marked middle dam on Mr. Licensed-Surveyor Hugh H. More's map of his survey. See No. 92.

Secondly. They erected at their own sole cost the old dam (see application No. 1) which is still perfect,—the cost of excavation when those two dams were erected being 19d. per cubic yard. See No. 90.

Previously to the construction of these dams they had to remove their stock for some four or five months during every summer and autumn for want of water, but since their erection the run has become permanently watered, and stock can be kept upon it through the whole year.

Lastly. They paid half the cost of the new dam (see application No. 2) which is still standing perfect. In each of the three cases they have only applied for an area corresponding at £1 per acre, to half the original expenditure. See No. 91.

And they make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled "An Act for the effectual abolition of oaths and affirmations, taken and made in various departments of the Government of New South Wales, and to substitute declarations in lieu thereof, and for the suppression of voluntary and extra judicial oaths and affirmations."

JAMES OSBORNE.
HENRY OSBORNE.

Made and signed before me at Melbourne, this 2nd day of September, 1874.—THOS. DIBBS, J.P., New South Wales.

[Enclosure B to No. 143.]

Copy of application for improvements on Colombo Creek Run, made 29th August, 1874.

No. 1. Valuation, £300. Old dam on creek, about three quarters of a mile from western boundary at Yathong Sandhill, and constructed solely at our own cost. Description: 150 acres, county of Urana, parish of Yathong, allotment 10; bounded on one side by the Colombo Creek, fronting allotment 10 of Mr. Licensed-Surveyor Hugh More's survey, and on the other three sides by section lines to include the quantity.

No. 2. Valuation, £212. New dam on creek fronting allotment 48, and constructed at joint cost of Messrs. Watt and Thomson, of Cocketgedong, and ourselves. Description:—106 acres, county of Urana, parish of Thurrowa, allotment 48; bounded on one side by the creek fronting allotment 48 of Mr. Hugh More's survey, and on the other three sides by section lines to include the quantity.

No. 3. Valuation, £280. Middle dam, nearly opposite allotment 45 of Mr. Hugh More's survey, *but not the broken earthwork erroneously marked on his map as "middle dam."* The original dam, constructed solely at our cost, is still standing and unbroken. Description:—140 acres, county of Urana, parish of Thurrowa; bounded on one side by the Colombo Creek, at the original middle dam, and partly fronting allotment 45; and on the other three sides by section lines to include the quantity.

JAMES & HENRY OSBORNE,
Licensees of Colombo Creek Run.

Minute thereon.

The previous applications may be withdrawn and the substituted applications may be proceeded with.—J.S.F., 9/9/74.

No. 144.

Messrs. J. & H. Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands. [Alienation Act, 1861.]

Sir,

Elsternwick, Melbourne, Victoria, 29 August, 1874.

Having made the improvements detailed below, and which we estimate to be worth £300, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We have, &c.,

JAMES & HENRY OSBORNE,
Licensees of Colombo Creek Run,
Murrumbidgee District.

Nature of improvements.

No. 1. Old dam on creek, about $\frac{1}{2}$ of a mile from western boundary, at Yathong Sand-hill, and constructed solely at our own cost.

Description of land.

150 acres, county of Urana, parish of Yathong, allotment 10; bounded on one side by the Colombo Creek, fronting allotment 10 of Mr. Licensed-Surveyor Hugh H. More's survey, and on the other three sides by section lines to include the quantity.

See No. 142.

Mr. Johnson.—There are four applications of the 5th November, 1872, by Messrs. James and Henry Osborne for four portions of land, each containing 240 acres, on the Colombo Creek Run. The improvement in each case consists of a dam. The applications were forwarded to Licensed-Surveyor Smith for report and measurement, if unobjectionable, on the 2nd July last.—11 September. (Not initialled.)

*30 June. Sec
No. 142.

The Chief Draftsman for transmission to surveyor.—J.S.A. (for Surveyor General), 15 Sept. Mr. Surveyor Smith. Colombo Creek Run, district of Murrumbidgee, is held under a promise of lease by James Osborne, junr., and Henry Osborne.—G.M., Occupation of Lands, 21 September, 1874. Returned to the Surveyor General for transfer to Mr. Surveyor Bolton.—THOS. H. SMITH, 30 April, 1875. Forwarded to Mr. Surveyor Bolton.

No. 145.

Messrs. J. & H. Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands. [Alienation Act, 1861.]

Sir,

Elsternwick, Melbourne, Victoria, 29 August, 1874.

Having made half the improvements detailed below, and which we estimate to be worth £212, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession, conjointly with Messrs. Watt & Thomson, of Cocketgedong Run.

We have, &c.,

JAMES & HENRY OSBORNE,
Licensees of Colombo Creek Run,
Murrumbidgee District.

Nature of improvements.

No. 2. New dam on creek fronting allotment 48, and constructed at joint cost of Messrs. Watt and Thomson, of Cocketgedong, and ourselves.

Description of land.

106 acres, county of Urana, parish of Thurrowa, allotment 48; bounded on one side by the Colombo Creek, fronting allotment 48 of Mr. Licensed-Surveyor Hugh H. More's survey, and on the other three sides by section lines to include the quantity.

Colombo Creek Run, district of Murrumbidgee, is held under a promise of lease by James Osborne, junr., and Henry Osborne.—G.M., Occupation of Lands, 21 September, 1874. Mr. Surveyor Smith.

No. 146.

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No. 146.

Messrs. J. & H. Osborne to The Minister for Lands.

Application for the purchase of improved Crown lands. [Alienation Act, 1861.]

Sir,

Elsternwick, Melbourne, Victoria, 29 August, 1874.

Having made the improvements detailed below, and which we estimate to be worth £280, we have the honor to apply that we may be permitted to purchase, without competition, under the provisions of the "Crown Lands Alienation Act of 1861," the Crown lands on which they stand, and which are described hereunder.

The improvements referred to are now in our possession.

We, have, &c.,

JAMES & HENRY OSBORNE,
Licensees of Colombo Creek Run,
Murrumbidgee District.

Nature of improvements.

No. 3. Middle dam, nearly opposite allotment 45 of Mr. Licensed-Surveyor More's survey, but not the broken earthwork erroneously marked on his map as middle dam. The original dam, constructed solely at our cost, is still standing perfect and unbroken.

Description of land.

140 acres, county of Urana, parish of Thurrowa, allotment 45; bounded on one side by the Colombo Creek, at the original middle dam, and partly fronting allotment 45; and on the other three sides by section lines to include the quantity.

Colombo Creek Run, District of Murrumbidgee, is held under a promise of lease by James Osborne, junior, and Henry Osborne.—G.M., Occupation of Lands, 21 September, 1874. Mr. Surveyor Smith.

No. 147.

The Surveyor General to Mr. Surveyor Smith.

Sir,

Surveyor General's Office, Sydney, 8 September, 1874.

I beg to enclose you herewith copy of letter, dated 6th May last, from Messrs. Wilson and Rankin, respecting land measured by Mr. Licensed-Surveyor Orr; and to request that you will be so good as to inform me, at your earliest convenience, whether any objection is known to the alienation of the land referred to in the form measured.

I am, &c.,

P. F. ADAMS.

No. 148.

Memo. by The Surveyor General.

5,384 acres

1,000 acres

10½ square miles

12 square miles

6,900 acres

10 square miles

640 acres

9½ square miles

9½ square miles

3½ square miles

1½ square miles

500 acres

4,000 acres

1,740 acres

7½ square miles

7 square miles

2½ square miles.

SUBMITTED for the consideration of the Honorable the Minister for Lands, that the defined areas enumerated in the margin, and situated in the counties of Urana, Boyd, and Mitchell be reserved from sale, under the provisions of the Crown Lands Act, for the preservation of water supply, as recommended by Mr. Surveyor Smith.

ROBT. D. FITZGERALD,
(for Sur. Genl.)

B.C., 8 January, 1875.

8 January, 1875.

No. 149.

Minute for The Executive Council.

Reserves from sale under the 4th section of the "Crown Lands Alienation Act of 1861."

Department of Lands, Sydney, 11 January, 1875.

It is recommended to His Excellency the Governor and the Executive Council, that the portions of Crown lands described in the annexed schedule be reserved from sale under the 4th section of the "Crown Lands Alienation Act of 1861," for the purposes herein mentioned.

J. S. FARNELL.

The Executive Council advise that the several portions of land specified in schedule be reserved from sale for the purpose herein specified, in terms of the 4th clause of the "Crown Lands Alienation Act of 1861."—ALEX. C. BUDGE, Clerk of the Council. Approved.—H.R., 11/1/75. Min. 75/3, 11th Jan., 1875. Confirmed, 18th January, 1875.

[Enclosure

[Enclosure to No. 149.]

SCHEDULE REFERRED TO.

Registration No.	Area.	Situation.	Purpose of Reservation.
75,142	5,384 acres	County of Mitchell, parish of Uroby, Tom Groggan's Lagoon	Water supply.
	1,000 "	Counties of Boyd and Mitchell	
	10½ square miles ...	County of Boyd, parish of Howell, Yarrabee Waterhole	
	12 "	County of Mitchell, Yarrabee Waterhole	
	6,900 acres	County of Urana, Morunda Waterhole	
	10 square miles ...	" Bingeang Waterhole	
	640 acres	" parish of Bingeang	
	9½ square miles ...	" Reedy Waterhole	
	9½ "	" parish of Crommelin	
	3½ "	" Douglas	
	1½ "	" Widgiewa	
	500 acres	" Morundah South	
	4,000 "	" "	
	1,740 "	" Bingeang	
	7½ square miles ...	" Morundah	
	7 "	County of Townsend, parish of Widgiewa	
	2½ "	County of Urana, parish of Betts	

No. 150.

Mr. Surveyor Smith to The Surveyor General.

Sir,

Queanbeyan, 20 January, 1875.

In accordance with part of your instructions, dated 14th March, I have the honor to transmit herewith my design of a proposed subdivision for sale of a portion of the Colombo Creek Reserves within Widgiewa Run.

The land to be subdivided consists of magnificent open plains, with belts or clumps of pine, oak, and gum timber.

Suitable water reserves are provided for the beneficial occupation of the back lands to the probable limit of selection.

The subdivision can be effected expeditiously, and the special conditions of survey are enclosed. I would recommend that the work be let by contract, at a reduction of not less than 15 per cent. upon the existing scale of fees paid to licensed surveyors.

Accompanying the design are tracings showing a traverse of the creek to a scale of 20 chains to an inch, mounted for the use and guidance of the licensed surveyors employed on the work.

I have, &c.,

THOMAS H. SMITH,

Government Surveyor.

This letter should have been forwarded with Mr. Surveyor Smith's plans on 24th February last.—
J. H. Wood, D.S., B.C., 1 April, /75.

[Enclosure B to No. 150.]

CONDITIONS of survey and subdivision of part of the Colombo Creek Reserves within Widgiewa Run.

1. This survey and subdivision shall be effected in accordance with the Surveyor General's published regulations for the guidance of licensed surveyors, subject to the following special conditions:—
2. The meridian used shall be the same as adopted in the main traverse of the creek survey, by Surveyor Smith; traverse shown in red on tracings accompanying the design.
3. The stations of the above-mentioned creek traverse are defined by stakes and circular trenches. In the subdivision of the land these stations are to be connected with at least once in every 80 chains, i.e., when the traverse runs through be portions.
4. Special care is to be taken to secure the highest available ground in laying out the main roads.
5. Posts not less than 6 inches square to be inserted at each corner; intermediate stakes at every 10 chains to 3 inches square; posts and stakes to be 2 feet 6 inches long and inserted 1 foot 9 inches in the ground.
6. All lockpits whether at corner or intermediate stakes shall be not less than 6 feet long and 1 foot deep.
7. When there are no corner trees the number or numbers of adjacent portions are to be cut conspicuously in the post in Arabic numerals.
8. The plan of this subdivision shall be drawn upon mounted drawing-paper to the scale of 20 chains to an inch.
9. This survey and subdivision shall be in all respects carried out subject to the approval of whomsoever the Surveyor General may appoint for that purpose.

No. 151.

Gazette Notice.

Department of Lands, Sydney, 16 February, 1875.

RESERVES FROM SALE FOR WATER SUPPLY.

His Excellency the Governor, with the advice of the Executive Council, directs it to be notified, that in pursuance of the provisions of the 4th section of the "Crown Lands Alienation Act of 1861," the land specified in the Schedule appended hereto shall be reserved from sale for the preservation of water supply.

THOMAS GARRETT.

MURRUMBIDGEE DISTRICT.

No. 1,314. County of Mitchell, parish of Uroby, Tom Groggan's Lagoon, 5,384 acres. The Crown lands within the following boundaries: Commencing on Yanko Creek, at a gum-tree marked broad-arrow over W.R. over A., and bounded on part of the south by a line bearing west 7 miles; on the west by a line bearing north 1 mile; on the north by a line bearing east 8 miles 33 chains to the west boundary of portion 22; on the east by a line forming part of the west boundary of portions 22, 23, and 5, bearing south 80 chains; on the remainder of the south by a line bearing west 1 mile 33 chains to the point of commencement.

No.

See No. 133.
Appendix W.
Design here-
with. See No.
160.

Special condi-
tions of survey
herewith.
See Enclosure B.
* Three tracings
herewith.
* Only one trac-
ing herewith.
The other two
are not with
papers.

No. 1,315. Counties of Boyd and Mitchell, about 1,000 acres. The Crown lands within the following boundaries: Commencing at a point bearing north 57 degrees east 12 chains from a gum-tree marked broad-arrow over *a* over 74, and bounded on the north-west by a line bearing north 32 degrees west 45 chains; on the north-west by a line bearing north 57 degrees east to the Murrumbidgee River; thence by that river upwards to the northern corner of portion 9; thence by the north-west boundary of that portion south-westerly to its north-west corner; thence by a line bearing south 57 degrees west 25 chains 50 links; thence by a line bearing north 32 degrees west about 58 chains to the point of commencement.

No. 1,316. County of Boyd, parish of Howell, Yarrabee Waterhole, about 10½ square miles. The Crown lands within the following boundaries: Commencing on Yanko Creek, at the south-east corner of William Howell's pre-emptive purchase of 320 acres; and bounded on the north by a line bearing west 70 chains; thence by a line bearing north 65 degrees west 9 miles and 8 chains; on the north-west by a line bearing south 25 degrees west 1 mile; on the south-west by a line bearing south 65 degrees east to Yanko Creek; and by that creek, downwards, to the point of commencement.

No. 1,317. County of Mitchell, Yarrabee Waterhole, about 12 square miles. The Crown lands within the following boundaries: Commencing at the north-east corner of William Howell's pre-emptive purchase of 320 acres; and bounded on the north-east by a line bearing south 65 degrees east 12 miles; on the south-east by a line bearing south 25 degrees east 1 mile; on the south-east by a line bearing north 65 degrees west to Yanko Creek, by that creek, downwards, to the point of commencement.

No. 1,318. County of Urana, Morunda Waterhole, about 6,900 acres. The Crown lands within the following boundaries: Commencing at the north-east corner of reserve 121, notified 24th of February, 1863, and bounded thence on the north-east by a line bearing south 63 degrees east 10 miles; on the south-east by a line bearing south 27 degrees west 90 chains; on the south-west by a line bearing north 63 degrees west to the southern boundary of reserve 121 aforesaid; on part of the north and the west by part of the south and the east boundaries of that reserve, bearing east and north to the point of commencement.

No. 1,319. County of Urana, parish of Howell, Bingegang Waterhole, about 10 square miles. The Crown lands within the following boundaries: Commencing on Yanko Creek, at a point bearing north 65 degrees, east 10 chains, south 65 degrees east 8 chains; and bounded on the south-west by a line bearing north 65 degrees west 10 miles; on the north-west by a line bearing north 25 degrees east 1 mile; on the north-east by a line bearing south 65 degrees east to Yanko Creek, by that creek, upwards, to the point of commencement.

No. 1,320. County of Urana, parish of Bingegang, 640 acres. The Crown lands within the following boundaries: Commencing on Colombo Creek, at the north-west corner of F. Jenkins' portion 1, containing 209 acres; and bounded on the south-west by a line bearing west 27 degrees, north to Yanko Creek; on the west by that creek downwards; on the north-east by a line parallel with the south-west boundary, and distant 20 chains therefrom to Colombo Creek, by that creek, upwards, to the point of commencement.

No. 1,321. County of Urana, parish of Howell, Reedy Waterhole, 9½ square miles. The Crown lands within the following boundaries: Commencing on Yanko Creek, at a point 20 chains above a gum-tree marked broad-arrow over *W* over *G*; and bounded on the south-west by a line bearing west 25 degrees north 10 miles; on the north-west by a line bearing north 25 degrees east 60 chains; on the north-east by a line bearing east 25 degrees south, crossing Yanko Creek, to the boundary-fence dividing Widgiwa and Bingegang Runs; on the south-east by that fence south-westerly to a point east 25 degrees south from the point of commencement; thence by a line to that point.

No. 1,322. County of Urana, parish of Crommelin, about 9½ square miles: The Crown lands within the following boundaries: Commencing on the Yanko Creek, at a point bearing north 27 degrees east 15 chains below a gum-tree marked broad-arrow over *H* over *W*; and bounded on the south-west by a line bearing west 27 degrees north 10 miles; on the north-west by a line bearing north 27 degrees east 60 chains; on the north-east by a line bearing east 27 degrees south to the boundary-fence between Widgiwa and Goree Runs; on the south-east by that fence south-westerly to a point east 27 degrees south from the north-east corner of the village reserve, notified 7th March, 1870; thence by a line to that point; on the south by the north boundary of that reserve bearing west to Yanko Creek; by that creek downwards to the point of commencement.

No. 1,323. County of Urana, parish of Douglas, 3½ square miles. The Crown lands within the following boundaries: Commencing on Yanko Creek, at a gum-tree marked broad-arrow over *W* over *J*; and bounded on part of the south-west by a line bearing north 36 degrees west 5 miles; on the north-west by a line bearing east 36 degrees north 40 chains; on the north-east by a line bearing south 36 degrees east 7½ miles to the boundary-fence of Coonong Run; on the south-east by that fence, south-westerly 40 chains; on the remainder of the south-west by a line bearing north 36 degrees west to Yanko Creek; thence by that creek, downwards, to the point of commencement.

No. 1,324. County of Urana, parish of Widgiwa, 1½ square mile. The Crown lands within the following boundaries: Commencing on Colombo Creek, at a point where the boundary-fence between Widgiwa and Coonong Runs crosses that creek; thence by a line bearing west 24 degrees north to the corner of Coonong and Widgiwa Runs cross that creek; thence by a line bearing west 24 degrees north to the corner of Coonong and Widgiwa Runs; thence by the fence dividing Widgiwa and Goree Runs north-easterly; on the north-east by a line parallel with the south-west boundary and distant 40 chains therefrom to Colombo Creek, by that creek, upwards, to the point of commencement.

No. 1,325. County of Urana, parish of Morundah South, about 500 acres. The Crown lands within the following boundaries: Commencing on the north-west boundary of portion 46 at a point 9 chains 30 links from the western corner of portion 46; and bounded on the north-west by a line bearing west 26 degrees north to Colombo Creek; by that creek, upwards; on the south-west by a line parallel with the north-east boundary and distant 20 chains therefrom, south-easterly, to the north-west boundary of portion 43; thence by part of that boundary and part of the north-west boundary of portion 46, north-easterly, to the point of commencement.

No. 1,326. County of Urana, parish of Morundah South, 4,000 acres. The Crown lands within the following boundaries: Commencing on Colombo Creek, at the north-west corner of portion 1, S. Wilson's 320 acres; and bounded on part of the south by the north boundary of that portion bearing east

east to its north-east corner; thence by a line partly forming the north-east boundary of portion 5, parish of Morundah South bearing east 27 degrees south about 8 miles 76 chains; on the south-east by a line bearing north 27 degrees east 60 chains; on the north-east by a line partly forming the south-west boundary of portion 6 and parallel with the south-western boundary to the south-eastern boundary of portion 34; thence on part of the north-west, north-east, and south-east by south-east, south-west, and part of the north-west boundary of portion 34, Morundah South, bearing south 27 degrees west; west 27 degrees north; north 27 degrees east 20 chains; on the remainder of the north-east by a line forming the south-west boundary of portion 40 to a peg marked broad-arrow over 39 over 40 on Colombo Creek; by that creek, upwards, to the point of commencement.

No. 1,327. County of Urana, parish of Bingagong, 1,740 acres. The Crown lands within the following boundaries: Commencing on Colombo Creek, at a point about 23 chains in a direct line below the western corner-peg of portion 40, marked broad-arrow over 39 over 40; and bounded on the south-west by a line bearing west 27 degrees north to the boundary-fence between Widgiewa and Bingagong Runs; thence by that boundary north-easterly; on the north-east by a line parallel with the south-west boundary, and distant 60 chains therefrom to Colombo Creek; by that creek, upwards, to the point of commencement.

No. 1,328. County of Urana, parish of Morundah South, 7½ square miles: The Crown lands within the following boundaries: Commencing on Colombo Creek, at a post marked broad-arrow over WR; and bounded on the south-west by a line partly forming the north-east boundaries of portions 42, 43, and 44, bearing east 27 degrees south 10 miles; on the south-east by a line bearing north 27 degrees east 60 chains; on the north-east by a line bearing west 27 degrees north to Colombo Creek; by that creek, upwards, to the point of commencement.

No. 1,329. County of Townsend, parish of Widgiewa, about 7 square miles: Commencing on Colombo Creek, above the junction of Boree Creek, at a post marked broad-arrow over WR; and bounded on the north-east by a line partly forming the south-western boundary of portions 40 and 39, bearing east 27 degrees south 1 mile; on the south-east by a line bearing south 27 degrees west 60 chains; on the south-west by a line bearing west 27 degrees north to Colombo Creek; by that creek, downwards, to the point of commencement.

No. 1,330. County of Urana, parish of Betts, below the junction with Boree Creek, 2¼ square miles. The Crown lands within the following boundaries: Commencing on the boundary-fence between Widgiewa and Goree, at a point bearing west 27 degrees north from the south-west corner of 320 acres applied for in virtue of improvements; and bounded on the north-west by that boundary-fence south-westerly 41 chains; on the south-west by a line bearing east 27 degrees south to the Colombo Creek; by that creek easterly and northerly to a point east 27 degrees south from the point of commencement; on the north-east by a line partly forming the south-west boundary of the 320 acres aforesaid, applied for in virtue of improvements, bearing west 27 degrees north, to the point of commencement.

No. 152.

Memo. from The Surveyor General.

17 February, 1875.

I HAVE several surveyors ready for employment in the Yanko subdivision, and some old applications by Wilson, of Mellon, not yet attended to. I wish Mr. Surveyor Smith to forward some portion of his design embracing the early application for measurement, in order that a beginning may be made. Post to-day.

P.F.A.

No. 153.

The Surveyor General to Mr. Surveyor Smith.

Sir,

Surveyor General's Office, Sydney, 17 February, 1875.

I beg to inform you that there are several surveyors now ready for employment in the Yanko subdivision, and that, having some old applications by Wilson, of Mellon, not yet attended to, I wish you to be good enough to forward to me, without delay, some portions of your design, embracing the early applications for measurements, in order that a beginning may be made.

I am, &c.,

P. F. ADAMS.

No. 154.

Mr. Surveyor Smith to The Surveyor General.

Sir,

Queanbeyan, 20 February, 1875.

See No. 153.

See No. 150 for letter.

I have the honor to acknowledge the receipt of your letter, dated 17th February, and would beg to inform you that I forwarded through Mr. District-Surveyor Wood (by my letter dated 20 January) a design for subdivision of about 16 miles of the Colombo Creek Reserve through Morandah, Wauck, and Widgiewa Runs.

I will prepare immediately a design for the subdivision of the rest of Yanko and Colombo Reserves, as far as I measured.

Not with papers.

I would ask that the tracings sought for in my memorandum, dated 20th January, may be supplied to me at once.

I have, &c.,

THOMAS H. SMITH,

Government Surveyor.

No. 155.

Mr. Surveyor Smith to The Surveyor General.

Dear Sir,

Queanbeyan, 20 February, 1875.

Referred to in your letter dated 17 Feb. See No.

I did not reach as far as Mr. Wilson of Mellon with the Yanko Survey. I measured the Yanko as far as Bundure Run boundary, and the Colombo as far as Coonong boundary.

A design of about 16 miles of the Colombo Creek I forwarded through Mr. D.-S. Wood on the 20th January. The whole of the remainder of the designs should have been completed had I not been waiting

waiting for some information from Mr. D.-S. Wood (a tracing of the approved of design of subdivision back lands on Goree and Bingegong Runs) and some tracings from the Sydney office, sought by my memo† dated 20 January. I am afraid Mr. Wood is away in the field, but I sent him a telegram and have written another *memo. to Sydney for the tracings. †Not with papers *See No. 156.

I have none of the applications (referred to in your official letter of Thursday) for the measurement of lands. I suppose they are with Mr. Wood. The creek frontage will all sell, and I will design the whole of it. It is a great loss to the Government selling at £1. per acre; 30 shillings per acre is a reasonable price, and the land would sell as readily as at £1. Would there be any harm in my reporting this officially? If it could be done, would be a gain of more than £50,000.

I hope no harm will come of the delay in Gazetting the Reserves. When I found it out I thought I had better send you a telegram.

Forwarded by this post is the tracing of the Yanko and Colombo Reserves, telegraphed for yesterday evening by the Deputy Surveyor General.

I must apologize for this hasty letter, being rather tired finishing a good day's work.

I am, &c.,

THOMAS H. SMITH.

Mr. Johnson,—The tracing referred to in the last paragraph is required.—G.L., 23 February, 1875.

No. 156.

Mr. Surveyor Smith to The Chief Draftsman.

Sir,

20 February, 1875.

Will you please have returned to me at once tracings (from the County Map of the Yanko and Colombo Creeks) forwarded with my memorandum dated 20th January, asking that any additional information may be shown them. Required for the immediate preparation of designs for subdivision. Missing.

Also tracing of Mr. Licensed-Surveyor Sutherland's subdivision adjacent to the Yanko Mile Reserve on Yarrabee, Bingegang, and Goree Runs.

THOMAS H. SMITH,
Govt. Surveyor.

No. 157.

Mr. Surveyor Smith to The Surveyor General.

Sir,

Queanbeyan, 20 February, 1875.

In compliance with your instructions conveyed by telegram dated 19 February, I have the honor to transmit herewith a tracing showing proposed reserves for access to water on part of the Yanko and Colombo Creeks, Murrumbidgee District. Cannot be obtained. Appendix X.

I would mention that the plan of these reserves was forwarded through Mr. District-Surveyor Wood on the 28th January last.

I have, &c.,

THOMAS H. SMITH,
Govt. Surveyor.

No. 158.

The Surveyor General to Mr. District-Surveyor Wood.

Sir,

Surveyor General's Office, Sydney, 23 February, 1875.

I beg to inform you that I have decided on placing the subdivision of lands on the Yanko under the charge of Mr. Surveyor Bolton, who will remain on the spot to supervise the measurements. And I have to request that you will be so good as to return all instructions for the upper part of those waters; and apprise me what has been done in certain long standing applications of Mr. Samuel Wilson, of Mellon, some of which, however, are in the name of Mr. M'Caughy.

I wish to be in possession of Mr. Surveyor Smith's designs and recommendations, in order that I may explain my views to Mr. Bolton; and any information you can give in this respect may be reported, especially of the limits within which you would propose to confine Mr. Bolton's services.

I am, &c.,

P. F. ADAMS.

No. 159.

M. Fitzpatrick, Esq., to The Minister for Lands.

Sir,

251, George-street, Sydney, 25 February, 1875.

I have been informed on inquiry at the Lands Office that the applications as per margin, made by Messrs. James and H. Osborne, to purchase improved lots on Colombo Creek Run, are still in the hands of Mr. Surveyor Smith, to whom they were referred in September, 1874; I do myself the honor to ask that the surveyor may be instructed to expedite the action expected of him in the matter. See Nos. 144, 14 and 146.

I have, &c.,

MICHAEL FITZPATRICK.

The Surveyor General, B.C., 27 February, 1875.—W.W.S. Mr. Surveyor Smith, for report.—G.L. (for Surveyor General), 1 April, 1875. Returned to the Surveyor General for transfer to Mr. Surveyor Bolton.—THOMAS H. SMITH, 30 April, 1875. Forwarded to Mr. Surveyor Bolton.

No. 160.

Mr. Surveyor Smith to The Surveyor General.

Sir,

Queanbeyan, 8 March, 1875.

See No. 138.

(Five roll plans).
Appendix Y1,
Y2, Y3, Y4, Y5.

In accordance with part of your instructions dated 14 March, 1874, I have the honor to transmit herewith my design of a proposed subdivision for sale of a portion of the Yanko and Colombo Reserves within Yanko, Yarrabee, Bingegang, Morandah, and Waouck Runs. The land to be subdivided consists of fine open plains, and pine, oak, and gum timbered country.

Suitable water reserves are provided for the beneficial occupation of the back lands to the probable limit of selection.

Cannot be
obtained.

The proposed subdivision includes a reserve ≈ 47 , notified 16 March, 1853, which now is, I think, unnecessary, and may be cancelled.

See enclosure.

The subdivision can be effected expeditiously and the special conditions of the survey are enclosed. I would recommend the work to be let in two contracts, the Yanko and Colombo Creeks being the division line at reductions of not less than 15 per cent. upon the existing licensed surveyors' scale of fees.

Accompanying the design are mounted tracings shewing the creek and road traverses to a scale of 20 chains to an inch for the guidance of the licensed surveyors employed on the work.

That part of the Yanko Reserve between the Murrumbidgee and Reserve A on the western side of the Yanko Creek is inferior country, and I would suggest that the subdivision thereof be deferred until the more important lands of the reserve are measured, or until an application is made with the customary survey deposit for its measurement by the lessee of the run. I have shewn in brown the proposed direction of the frontage lines for the subdivision of this part of the reserve in the event of its being measured for sale.

I have, &c.,

THOS. H. SMITH,

Government Surveyor.

[Enclosure A to No. 160.]

Conditions of Survey.

1. The survey and subdivision shall be effected in accordance with the Surveyor General's published regulations for the guidance of licensed surveyors, together with the following special conditions:—

2. The meridian used shall be the same as adopted in the main traverse of the creek survey by Surveyor Smith; traverse shewn in red on tracings accompanying design.

3. The stations of the above-mentioned creek traverse are defined by stakes and circular trenches. In the subdivision of the land these stations are to be connected with at least once in every 80 chains, V.C., where the traverse runs through the portions.

4. Special care is to be taken to secure the highest available ground in laying out the main roads, as no roads have been reserved through Wm. Howell's 320 acres, Yarrabee; the various roads required are designed on the tracing by red dotted lines. This design if necessary is to be deviated from to secure good and practicable roads.

5. Posts not less than 6 inches square to be inserted at each corner. Intermediate stakes at every 10 chains to be 3 inches square. Posts and stakes to be 2 feet 6 inches long, and inserted 1 foot 9 inches in the ground.

6. All lockspits, whether at corner or intermediate stakes, shall be not less than 6 feet long and 1 foot deep.

7. Where there are no corner trees the number or numbers of adjacent portions are to be cut conspicuously in the post.

8. The plans of these subdivisions are to be drawn on mounted drawing paper to the scale of 20 chains to an inch.

9. These surveys are to be in all respects carried out, subject to the approval of the Surveyor General, or whomsoever he may appoint for that purpose.

No. 161.

The Surveyor General to Mr. District-Surveyor Wood.

Sir,

Surveyor General's Office, Sydney, 11 March, 1875.

I have the honor to request that you will be good enough to forward to this office, at your earliest convenience, the design for subdivision of about 16 miles of the Colombo Creek Reserve, through Morandah, Waouck, and Widgiewa, which Mr. Surveyor Smith states he forwarded through you by letter, 20th January.

I have, &c.,

P. F. ADAMS.

No. 162.

Mr. District-Surveyor Wood to The Surveyor General.

Sir,

District Survey Office, Albury, 12 March, 1876.

In accordance with your instructions of the 23rd ultimo, requesting me to return all instructions for measurements on the upper waters of the Yanko Creek, I have the honor to inform you that the papers referred to are now enclosed.

2. With regard to Mr. Samuel Wilson's application, I beg to report that Mr. Licensed-Surveyor M'Carthy is now engaged in carrying out a subdivision of about 20,000 acres on Mr. Wilson's North Jerilderie Run, and that a plan showing about 5,000 acres is now in this office nearly ready to send on.

3. Respecting land applied for on Coonong Run by Mr. M'Caughy's manager (Mr. James Wilson) I beg to inform you that nearly half the area applied for is now measured.

See No. 160.

4. Mr. Surveyor Smith's designs, received this day, are now returned. I have not had time to examine them very closely, but for the most part they appear good. Some modification might however be made in the proposed reserve along the banks of the upper part of the Colombo and Yanko Creeks; the irregular boundary appears to be objectionable.

5. Respecting the limits within which Mr. Bolton might be employed, I would suggest that he supervise all surveys within a distance of about 20 miles on either side of the Yanko Creek, but it would be only rarely that he would have to travel that distance; whilst in the neighbourhood of Jerilderie Mr. Bolton might perhaps examine on the ground some surveys lately made by Licensed-Surveyor Menzies for the Messrs. Osborne, of Mornolong.

I have, &c.,

JAMES H. WOOD,

D.S.

As

As it is not intended to sell the reserve at present, the quantities applied to be measured inside the reserve by Mr. S. Wilson and others may be measured outside the reserve where available.—T.G., 9/4/75.

Forwarded to Mr. District-Surveyor Bolton for his guidance, with reference to instructions of this date for measurements in this locality. The Minister's is not intended for his consideration.—J.S.A., B.C., 27 July, /75.

No. 163.

Messrs. J. & H. Osborne to The Minister for Lands.

Sir,

Sydney, 6 April, 1875.

Having ascertained at the Crown Lands Office that all the papers connected with our applica- See No. 143.
tions of 5th November, 1872, and amended applications of 29 August, 1874, for improvement purchases on the creek frontage of our Colombo Creek Run, Murrumbidgee District, have been referred to Mr. Smith for his report.

We have the honor respectfully to request that upon receipt of such report no final decision may be come to without giving us an opportunity of making further explanations if necessary.

We have, &c.,

JAMES & HENRY OSBORNE,
Licensees of "Colombo Creek."

No. 164.

Mr. Surveyor Smith to Mr. District-Surveyor Wood.

12 April, /75.

An alteration in the proposed route of the Urana and Naranderra stock road I now find necessary, and Appendix Z attached is tracing showing.

I was not aware of the measurements of portions to the southward of the village of Cuddell when making the original design, and the work being urgent I did not delay for the return of my county map which had already been detained for some eight or ten weeks in Sydney, having this and other additional information charted thereon.

THOMAS H. SMITH,
Government Surveyor.

Forwarded to the Surveyor General to be placed with papers relating to Mr. Surveyor Smith's design for the subdivision of lands along the Colombo Creek.—J. H. Wood, D.S., B.C., 30/4/75.

No. 165.

Mr. Surveyor Smith to The Surveyor General.

Sir,

Queanbeyan, 22 April, 1875.

In accordance with part of your instructions, dated 14 March, I have the honor to transmit here- See No. 133.
with my design of a proposed subdivision for sale of a portion of the Yanko Creek Reserve, within Goree Roll plan.
and Bingebang Run, county of Urana, Murrumbidgee District. See Enclosure A.
Appendix A1.

The land to be subdivided consists of fine open plains, and oak, pine, and gum timbered country.

All the necessary water reserves are provided for the beneficial occupation of the back lands.

The subdivision can be effected expeditiously, and the special conditions of the survey are See Enclosure B.
enclosed. I would recommend the work to be let in two contracts, the Yanko Creek being the division line, at reductions of not less than 15 per cent. upon the existing licensed surveyors' scale of fees.

Accompanying the design are mounted tracings showing the creek and road traverses, to a scale Missing.
of 20 chains to an inch, for the guidance of the licensed surveyors employed on the work.

I have, &c.,

THOMAS H. SMITH,
Government Surveyor.

[Enclosure B to No. 165.]

Conditions of Survey.

1. The survey and subdivision shall be effected in accordance with the Surveyor General's published regulations for the guidance of licensed surveyors, together with the following special conditions:—

The meridian used to be at a variation of 80° 20' east of the true north.

Special care is to be taken to secure the highest available ground in laying out the main roads.

Posts not less than 6 inches square to be inserted at each corner. Intermediate stakes at every 10 chains to be 3 inches square. Posts and stakes to be 2 feet 6 inches long, and inserted 1 foot 9 inches in the ground.

All lockspits, whether at corner or intermediate stakes, shall not be less than 6 feet long and 1 foot deep.

Where there are no corner trees the numbers of adjacent portions are to be cut conspicuously in the post.

The plans of these subdivisions are to be drawn on mounted drawing paper to the scale of 20 chains to an inch.

These surveys are to be carried out in all respects to the approval of the Surveyor General, or whomsoever he may appoint.

No. 166.

Memo. by Mr. District-Surveyor Wood.

Albury, 29 April, 1875.

TRACINGS showing Mr. Surveyor Smith's design for the subdivision of land on the Colombo Creek now Not with the
returned to the Surveyor General; it had escaped my notice that it was addressed to him. I was under papers.
the impression that it was sent to this office for my information, and as Mr. Licensed Surveyor Orr was measuring land in the locality it was sent to him in order that he shall not in his survey interfere with the design.

JAMES H. WOOD,
D.S.

Mr. Wickham.—P.F.A., 4 May.

No. 167.

Schedule of Land applied for by Messrs. J. & H. Osborne.

17 May, 1875.

SCHEDULE of land applied for under the "Crown Lands Alienation Act of 1861," in virtue of improvements, parish of Thurrowa, county of Urana.

Portion.	Applicant.	Area.	Remarks.
40	James and Henry Osborne	a. r. p. 74 2 0	

No. 168.

Mr. A. A. M'Kersie to The Minister for Lands.

Sir,

Jerilderie, 31 May, 1875.

I, with many others left Victoria, and came to New South Wales, intending to take up land on the Yanko Creek when it would be open for selection, which was generally understood would be on the first of the present year. I have made inquiries at the Deniliquin Land Office as to when it will be available for selection, but can get no information, nor can they tell me if the reserve has been renewed. Now, sir, this mile reserve along each side of said creek, includes some of the best land for selection in Riverina—land which if thrown open for selection would induce hundreds of families to settle permanently on the soil; and I am confident this would ultimately form one of the most flourishing districts in the whole Colony, either for small graziers or agriculturists, either of which would be of infinitely more benefit to the country than the present absentee pastoral tenants. They made the cutting from the Murrumbidgee into the Yanko certainly, but they have been amply repaid for their outlay. The time has now arrived when the public should have a chance of securing a home. Men with a family and a small capital should have an opportunity as well as the large capitalists, who, as I said before, are mostly absentees—many of them living in Melbourne, reaping a rich harvest off their run here and spending the money elsewhere. I contend sir, that a labouring population would be preferable to the present holders, who by iron houses and useless tanks baulk true settlement.

But I am trespassing too far on your valuable time. So to the point: When is this reserve likely to be available for selection? An answer to the above query at your earliest convenience will greatly oblige,

Yours, &c.,

ALEX. A. M'KERSIE.

The reserve referred to includes the land within 1 mile of the Yanko Creek from the Murrumbidgee River downwards, to the Billabong Creek. The reserve has not yet been cancelled.—J.E., 16 June. Suggested that the writer might be asked what areas he would prefer the land measured in, as it has been determined on measurement before selection in this reserve.—P.F.A., 17 June. Approved.—T.G., 30/6/75.

No. 169.

Memo. by The Surveyor General.

7 June, 1875.

THE accompanying design for the proposed subdivision of country adjoining Yanko and Colombo Creeks into portions for sale is submitted for the consideration of the Honorable the Minister for Lands.

It is recommended that the measurement be proceeded with as requirements appear necessary; there are good reasons for the supposition that a large portion of the land will sell readily, and a great demand will arise for the same as soon as it is known that measurements are in progress, as it is particularly suitable for the class of persons now leaving Victoria in great numbers, and selecting in the other districts of this Colony.

In the proposed survey but few portions will be measured of a less area than 320 acres, which appears to meet the views of applicants; and in order to test the feeling, I would suggest that intending selectors, applicants other than lessees, who have asked when the reserve will be opened for sale—and there are many of them—be requested to state what areas they are desirous of selecting; also that the Land Agents at Urana (if appointed) and at Deniliquin be asked as to the areas that the public would desire. I will ascertain the views of District Surveyors Wood and Bolton and Mr. Surveyor Finley on this point, all of whom have had experience in the demand.

Surveyor General's Office.

P. F. ADAMS.

Approved.—T.G., 8/6/75.

No. 170.

The Under Secretary for Lands to Mr. W. Orr.

Sir,

Department of Lands, Sydney, 20 July, 1875.

Referring to former instructions sent to you for your guidance in the appraisal of lands, I now forward the documents necessary to enable you to appraise the value of the lands particularized in the annexed Schedule, and which have been applied for under the 8th clause of the "Crown Lands Alienation Act of 1861."

I have, &c.,

LINDSAY G. THOMPSON,

For the Under Secretary.

Note.—The 28th section, clause 6, of the "Crown Lands Alienation Act of 1861," provides that a single appraiser or arbitrator must make his award *within sixty days* after his appointment, or within such extended time, if any, not exceeding thirty days, as shall have been duly appointed by him. Failure on part of any appraiser or arbitrator to comply with the terms of this section will, in the absence of sufficient explanation, involve the forfeiture of half the amount of appraisement fee, *i.e.* ten shillings in each case.

Registration No.	Name of Applicant.	Acres.	Allotment.	Section.	Portion.	Situation of Land.
.....	James and Henry Osborne.....	a. r. p. 74 2 0	.....	.....	40	Parish of Thurrowa, county of Urana, Colombo Creek Run.

[Enclosure to No. 170.]

Appointment of Appraiser by Government.

WHEREAS we, James and Henry Osborne, of Melbourne, in the Colony of Victoria, have applied to purchase in virtue of improvements, certain Crown lands in the parish of Thurrowa, a description whereof is set out in the Schedule hereinafter written: Now I, the Under Secretary for Lands, having been duly authorized by the Minister for Lands, in pursuance of the powers vested in him under and by virtue of the "Crown Lands Alienation Act of 1861," do hereby appoint William Orr, of Urana, in the Colony of New South Wales, to be Appraiser on behalf of the Crown, to appraise the value of the said land, and the price to be paid by the said James and Henry Osborne, for the purchase thereof.

In witness whereof I have hereto set my hand this twentieth day of July, 1875,—

W. W. STEPHEN.

Schedule referred to.

Portion 40, containing 74 acres 2 roods, in the parish of Thurrowa, county of Urana, on Colombo Creek Run.

I, THE within-named William Orr, do solemnly and sincerely declare, that I am not directly or indirectly interested in the matter referred to me, and that I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me, under the "Crown Lands Alienation Act of 1861."

WILLIAM ORR.

Subscribed and declared this thirty-first day of July, A.D. 1875, before me,—

H. HARVEY ARMSTRONG, J.P.

No. 171.

The Under Secretary for Lands to Messrs. J. & H. Osborne.

Gentlemen,

Department of Lands, Sydney, 20 July, 1875.

I beg to inform you, in reference to your application of the 5th November, 1872, that portion 40, containing 74 acres 2 roods in the parish of Thurrowa, on Colombo Creek Run, has been measured, and the Honorable the Secretary for Lands having authorized me in that respect, I have appointed Mr. William Orr, of Urana, appraiser on behalf of the Government. If you are satisfied that the land in question shall be valued by him alone, you will please sign the form sent herewith marked "A"; if, however, you wish to appoint an appraiser to act on your behalf, you will sign the form "B," annexed. In this case you will be required to pay the costs of such appraiser, and of the umpire who will then have to be appointed, and upon forwarding the same to William Orr he will proceed herein, to act on behalf of the Government. You will of course understand that unless an appointment in either form A or B be forwarded to him within sixty days from this date he will proceed with the appraisement in accordance with 3rd clause of the 28th section of the Alienation Act.

See No. 94.

Form A. See No. 175. Form B herewith.

2. In appointing an appraiser you will be so good as to sign your name in full.

I have, &c.,

LINDSAY G. THOMPSON,
For the Under Secretary.

[Enclosure to No. 171.]

B.

Applicant appointing Appraiser on his own behalf.

WHEREAS I, of in the Colony of New South Wales, have applied to purchase certain improved Crown land, situate at a description whereof is set out in the Schedule hereinafter written: And whereas the Minister for Lands has duly appointed to be the person to appraise the value of the said land on behalf of the Government, and to fix the value or price thereof to be paid by me. And whereas I am desirous of appointing an appraiser on my behalf in the matter aforesaid: Now I, the said do hereby, in pursuance of the provisions of the "Crown Lands Alienation Act of 1861," appoint of in the Colony of New South Wales, to appraise on my behalf the value of the said land, and the price to be paid by me for the purchase thereof: And further I do hereby undertake and promise to Minister for Lands, that I will pay to the person above appointed as appraiser on my behalf, and to any umpire who may be appointed in the matters aforesaid, all costs, charges, and expenses which shall or may become payable to the said appraiser, and to any umpire who may be appointed herein, and that I will hold the Government of the said Colony indemnified from being called upon to pay the said costs, charges, and expenses, or any part thereof.

In witness whereof I have hereunto set my hand, this day of 187 .

Schedule referred to:—

I, THE within-named do solemnly and sincerely declare, that I am not directly or indirectly interested in the matter referred to me, and that I will faithfully, honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the "Crown Lands Alienation Act of 1861."

Subscribed and declared this day of A.D. 187 , before me,—
J.P.

No. 172.

No. 172.

Memo. for The Surveyor General.

21 July, 1875.

Not with this paper. See previous tracings.

See Nos. 150, 160, and 165, and their enclosures.

HEREWITH are tracings of Surveyor Smith's plans (12 in number.)

1. In forwarding them to District-Surveyor Bolton shall a letter be prepared explaining the action taken as to proposed modification of areas?

2. As Mr. Smith in letters transmitting, suggests action, &c., and encloses "conditions of survey," shall they also be forwarded with tracings for Mr. Boulton's information?

H. WICKHAM.

See Nos. 150, 160, and 165.

Approved.—P.F.A. The question of areas should be settled before action is taken.—P.F.A., 22 July. Telegram to Bolton sent on first paragraph.—H.W., 27 July/75. Three letters dated 8 March, 1875, 20 January, 1875, 22 April, 1875, and enclosures, sent to District-Surveyor Bolton, with twelve tracings of Smith's plans.—J.S.A. (for Surveyor General), B.C., 27 July, 1875.

No. 173.

Telegram from Mr. District-Surveyor Bolton to The Surveyor General.

Wagga Wagga, 26 July, 1875.

WHEN may I expect designs and traverses of Yanko Creek work; adjacent surveys required to conform to design delayed for them?

No. 174.

Telegram from The Surveyor General to Mr. District-Surveyor Bolton.

Wagga Wagga, 27 July, 1875.

TRACINGS of Yanko designs by post to-day. Minister has not yet decided as to minimum areas; will endeavour to obtain speedy decision.

No. 175.

Concurring in appointment of Appraiser.

See No. 94.

WHEREAS we, James and Henry Osborne, of Colombo Creek, in the Colony of New South Wales, have made application to purchase certain unoccupied Crown lands situate at Colombo Creek Run, county of Urana, and parish of Thurrowa, a description whereof is set out in our letter to the Minister for Lands bearing date 5th November, 1872; and the Minister for Lands has intimated that he is willing to appoint William Orr, Esq., of Urana, in the Colony of New South Wales, to appraise the value of the said land on behalf of the Government: And whereas we are desirous of concurring in the appointment of the said William Orr, Esq., as such appraiser as aforesaid: Now therefore we, the said James and Henry Osborne, do hereby nominate and appoint the said William Orr, Esq., to be appraiser on our behalf, to the intent that upon his being appointed by the Minister for Lands as appraiser on behalf of the Government, he may, as sole appraiser, determine the matters aforesaid.

In witness whereof we have hereunto set our hands this 28th day of July, A.D. 1875.

JAMES & HENRY OSBORNE,
Licensees of Colombo Creek Run.

Schedule referred to.

Portion 40, containing 74 acres 2 roods, in the parish of Thurrowa, county of Urana, on Colombo Creek Run.

No. 176.

The Under Secretary for Lands to Mr. A. M'Kersie.

Sir,

Department of Lands, 31 July, 1875.

No. 168.

Referring to your letter of 31st May last, inquiring when the Yanko Creek Reserve will be available for selection, I am directed to inform you that it has been determined to measure the land within this reserve before it is thrown open to conditional purchase, and to enquire in what areas it would be preferred that such measurements should be made.

I have, &c.,
W. W. STEPHEN.

No. 177.

M. Fitzpatrick, Esq., to The Minister for Lands.

Sir,

251, George-street, 16 August, 1875.

It may be convenient to have before you something in writing to remind you of the promise which you kindly made to Mr. Osborne and myself on Saturday morning, namely, that you would at an early date submit to your colleagues the question of the retention of the Yanko and Colombo Creek Reserves, or the sale of the land included therein.

I have, &c.,
MICHL. FITZPATRICK.

To the Surveyor General,—From time to time the question of this reserve has been submitted.—J.W.E.

Reserves have been Gazetted as proposed in design for subdivision of the Colombo and Yanko Creeks.—J.W.E., 19 August.

No. 178.

No. 178.

Appraisement by single Appraiser.

To all whom these presents shall come—I, William Orr, of Urana, in the Colony of New South Wales, send, greeting:—

WHEREAS on the 20th day of July, in the year of our Lord one thousand eight hundred and seventy-five, I was duly appointed by the Minister for Lands, on the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and seventy-five, by James and Henry Osborne, of Melbourne, in the Colony of Victoria, as the sole appraiser to fix and determine the price or value to be paid by the said James and Henry Osborne for certain unoccupied Crown lands situate at Colombo Creek Run, county of Urana, a description whereof is set out in the Schedule in the paper writing hereto annexed: And whereas I have entered upon the consideration of the value of the said land, and have heard and considered the evidence produced before me, by or on behalf of the Minister for Lands and the said James and Henry Osborne: Now I, the said William Orr, do hereby declare the sum of seventy-four pounds ten shillings sterling to be the value of the said land, and do appraise and fix that sum as the amount to be paid by the said James and Henry Osborne for the purchase thereof from the Crown—and I assess and fix the costs of this appraisement payable to me at the sum of two pounds ten shillings, which said sum I direct shall be paid by the Minister for Lands.

See Enclosure to No. 170.

In witness whereof I have hereunto set my hand this eighteenth day of August, A.D. 1875.

WILLIAM ORR,
Appraiser.

No. 179.

Mr. District-Surveyor Bolton to The Surveyor General.

Sir,

District Surveyor's Office, Wagga Wagga, 25 September, 1875.

I beg to acknowledge the receipt of your B.C. of the 27th July, 1875, directing me to delay the subdivision of the frontages of the Yanko and Colombo Creeks until a decision is come to as to the size of the portions the land is to be measured in; also your B.C., of the same date, forwarding papers having reference to the reserves on those creeks, with a minute written thereon by the Hon. the Minister for Lands to the effect that it is not intended to sell the land embraced in such reserves at present; and in reply I do myself the honor to draw your attention to the fact that a great deal of the frontage of the Yanko Creek has already been alienated to the Messrs. Wilson and others in virtue of improvements, and as pre-emptive purchases, and the reserves in question have been flanked by measurements for auction, so as to cut them off from the back country, except where reservations for access to water have been provided in accordance with the system adopted on much more important frontages such as the Murray and Murrumbidgee; hence that no benefit to the adjacent country can accrue by locking up the frontages to the Yanko and Colombo Creeks any longer; and I may state that the lessees of the runs through which these creeks flow and the general public are anxious to be allowed an opportunity of acquiring land along them, and I consider it would be only just to the lessees of runs who have purchased large tracts of the back land, under the impression that the frontage would be soon alienated, to afford them an opportunity to purchase the land between their large tracts and the creek.

And with reference to the survey of the creek frontages and adjacent land a great saving of labour would result from the subdivision being carried on concurrently.

And as regards the size of the portions, owing to the fact of the country being suited only for pastoral purposes or agriculture in connection with grazing, no demand exists for small portions, so that the areas should be generally large. However, a few portions in favoured spots might be measured small, say from 80 to 160 acres, and so grouped that they could be amalgamated if required by anyone desirous of obtaining a large holding.

For these reasons, and in deference to the wishes of the lessees of the runs and general public, I would recommend that the subdivision of the Yanko and Colombo frontages with the adjacent country be proceeded with forthwith.

I have, &c.,
C. F. BOLTON,
D.S.

I see no reason for delaying the measurement of the reserve whenever either the public or the lessee desire it. The surveyors are ready, and will commence if a favourable decision is given.—P.F., 27 Sept. Submitted to Minister and returned.—27 Dec.

No. 180.

The Under Secretary for Finance and Trade to The Under Secretary for Lands.

Improved land.

M 54

Gazette Notice dated 17
December, 1875.

Land £74 10 0

Fine 0 0 0

£74 10 0

a. r. p.

74 2 0

Allotment No.
Section No.
Portion No. 40

The Treasury, New South Wales,
29 December, 1875.

Sir,

I am directed to inform you that James and Henry Osborne paid into this office on the 28th inst. the sum of £74 10s., being the amount of purchase-money for land at Colombo Creek, county Urana, containing 74 acres 2 roods.

2. The fee on the deed (£1) has also been paid.

I have, &c.,
W. NEWCOMBE,
Pro Under Secretary.

Colombo Creek Run, District of Murrumbidgee, was at the date of the payment of the purchase-money held under a promise of lease by James Osborne, junior, and Henry Osborne.—A.O.P., Occupation of Lands, 8 February, 1876.

No. 181.

No. 181.

Mr. District-Surveyor Bolton to The Surveyor General.

Sir, Wagga Wagga, 20 January, 1876.
I do myself the honor to inform you that I hold a large number of applications for land in virtue of improvements, situated within the Yanko and Colombo Creek Reserves, most of which have been returned to this office by various surveyors unacted on because the land applied for is embraced in the above reserves, and I now request that I may be informed if the measurement of the land in question should be stopped on that account, while the land in the Yanko Reserve, on Sir S. Wilson's run, having frontage to the Yanko Creek, has been measured in large quantities, and so much of reserve as relates to those portions has been revoked and alienated. In fact the greater part of the Yanko frontage, from its junction with the Billabong up to Bundure, has been thus disposed of. If that course was unobjectionable in that part of the creek I do not see why the same course should not be pursued above Bundure on the Yanko and on the Colombo Creek.

I have, &c.,
C. F. BOLTON,
D.S.

Minute on No. 181.

Submitted for the consideration of the Honorable the Minister for Lands, that Mr. Bolton be instructed to cause the measurement of the Yanko and Colombo Reserves as speedily as circumstances will admit; and that where the lands are found to embrace improvements, the portions on which they fall will be exempt from auction sale and conditional purchase, and when the portions of the reserve is revoked within which they are situated, the owner of the improvements can purchase the land in virtue of them. It is understood that only the measurements for auction sale in these reserves are to be submitted specially to the Minister.—P.F.A., 6 Mar.,/76. The Under Secretary for Lands.

No. 182.

Mr. A. Armstrong to The Minister for Lands.

Sir, Central Land League Office, 18, Bridge-street, 8 March, 1876.

I have the honor to state that I have been requested by the Free Selectors' Association at Deniliquin, in the interest of a large number of intending conditional purchasers, to make application for the cancellation of reserve No. 157, in the counties of Townsend and Boyd, Mitchell, and Urana, last Gazetted in *Government Gazette* of date December 22nd, 1865.

2. With reference thereto, I have the honor to submit that the object of the reserve has been far more than fulfilled, and the Crown lessees through whose runs the reserve passes have been amply rewarded for the comparatively slight outlay at which such runs have been permanently watered,—to recoup whom the reserve was made.

3. The reserve in question is of sufficient area to make provision for some hundreds of families and without doubt will be at once conditionally purchased. And the revocation of the reserve would in effect materially add to the importance of the Riverine District generally. And as it is now, comparatively speaking, unproductive, it is a manifest injustice to have it longer locked up from the public—an injustice not only to the persons prepared at once to conditionally purchase, but also to Crown lessees holding blocks of country at back of those forfeited, who have at enormous cost watered their runs, and who have not had the benefit of immunity from selection over so valuable a tract of land.

I have, &c.,
A. ARMSTRONG.

No. 183.

Sir Samuel Wilson to The Minister for Lands.

Sir, Ereildoune, Burrumbeet, 15 March, 1876.

I have the honor to request that you will have the goodness to allow the two surveyors now at work on the Yanko Run both to remain until the survey of the Crown lands on that run is completed.

I would suggest that the surveyor should include all temporary reserves, but especially the reserve along the Yanko Creek, No. 157, as it is much easier done at the same time with the general survey. If you agree to this please to issue instructions accordingly. The survey asked for on the Yanko have been so long in being commenced that I consider that I am entitled to have this request granted.

I have, &c.,
SAML. WILSON.

The writer's request as to the two surveyors being allowed to remain on the Yanko Creek Reserve until the whole of the Crown lands thereon is completed, may be complied with. The survey of the Yanko Reserve contemporaneously with the land outside has already been approved of. Inform applicant.—T.G.

No. 184.

The Under Secretary for Lands to Sir Samuel Wilson.

Sir, Department of Lands, Sydney, 8 April, 1876.

Referring to your letter of the 25th ultimo, requesting that the two surveyors now at work on the Yanko Run may be allowed to remain until the survey of the Crown lands on that run is completed, I am directed to inform you that the Minister for Lands has been pleased to approve of your request, and that the surveyors will be at once instructed accordingly through the district surveyors.

2. I may add that the survey of the Yanko Reserve has already been approved of contemporaneously with the lands outside.

I have, &c.,
A. O. MORIARTY, (for U.S.)

No. 185.

Description of portion of land, parish of Thurrowa.

James Osborne, Jun., and H. Osborne.

I.P.

Description.

74 acres, 2 roods, county of Urana, parish of Thurrowa, portion 40: Commencing on the right bank of Colombo Creek, at a point where the northern side of a road 1 chain wide, dividing it from part of portion 35 of 261 acres, meets it; and bounded thence on the south by that road bearing west 10 chains and 68 links; on the west by the eastern boundary of portion 34 of 320 acres bearing north 45 chains and 71 links; on the north by the southern boundary of portion 32 of 91 acres 1 rood, bearing east 20 chains; and on the east by a line bearing south 28 chains 48 links to Colombo Creek; and thence by that creek, downwards, to the point of commencement, exclusively of a road 3 chains wide passing through this land in a north-easterly direction, the area of which has been deducted from the total area. Examined.—R.U. Diagram prepared, 9/5/76. Deed prepared, 26 May, /76.

No. 186.

Mr. District-Surveyor Bolton to The Surveyor General.

Sir,

District Surveyor's Office, Wagga Wagga, 13 June, 1876.

I do myself the honor to acknowledge the receipt of your B.C. of the * 17th July last, in * 7th July. reference to the Messrs. Osborne's applications to purchase land, in virtue of improvements on the Colombo Creek, and in reply I beg to inform you that I have visited the locality, and examined the dams which form the improvements, and find that the statements contained in the Messrs. Osborne's correspondence to be in accordance with facts, and after a careful investigation and due consideration I would recommend that they be allowed to purchase the portions particularized in this report. See No. 140.

The first being portion 10, parish of Yathong, county of Urana, containing 225 acres 3 roods and 37 perches, which I would suggest be alienated to the Messrs. Osborne in virtue of the dam on the Colombo Creek forming the frontage of that portion, which I estimate to be worth £240, and which was constructed at their sole expense, while Broughton and Walker occupied Cocketgedong Run.

The second parcel of land recommended to be alienated to Messrs. Osborne embraces portions 47 and 48, parish of Thurrowa, county Urana, containing together 483½ acres, in virtue of half the cost of a very large dam on the Colombo Creek, fronting portion No. 48, which I estimate worth £1,000.

The third parcel recommended to be alienated to Messrs. Osborne embraces portions 44 and 45, parish of Thurrowa, together containing 149 acres in virtue of dams and excavation on frontage of portion 45. The dam shown as a broken dam by Mr. More was only the dam to stop up the by-wash which had scoured to the depth of the main creek.

Though the dam at this place is in disrepair, and has not been attended to of late, because the big dam below backs the water past it, nevertheless the work done has added greatly to the holding capacity of the creek, and in event of an accident to big dam below it would retain a valuable supply of water, so that I consider the improvement fully worth £150.

The fourth parcel recommended to be alienated to the Messrs. Osborne in virtue of improvements is portion No. 6, parish of Thurrowa, the improvement being a dam, which, if in good repair, would be worth £500; however, there is a breach in it that would cost a considerable sum to repair, but in its present state I consider the improvement worth £440, and I do not think 218 acres 3 roods would be too much to allow in virtue of half the value of the improvement.

As this matter has been delayed for a very long time, I would recommend that it be dealt with as early as practicable, especially as it would be well to define the Osborne's rights before the Colombo Reserve is thrown open to conditional purchase.

I have, &c.,

C. F. BOLTON,
District Surveyor.

APPENDIX.

Memorial to the Honorable the Minister for Lands with reference to the Yanko Cutting.

To the Honorable the Minister for Lands,—

The memorial of the undersigned Lessees of Runs, situated upon the Yanko and Colombo Creeks, in the Murrumbidgee District,—

Humbly sheweth:—

That the Yanko and Colombo Creeks are supplied entirely by the flood waters of the Murrumbidgee River, out of which the Yanko runs, and out of it the Colombo.

That your memorialists expended £15,000 in engineering works, which they found it necessary to undertake in order to secure an annual supply of water.

That by a cutting, which cost £13,000, and by dams, which cost £2,000, they have to a great extent achieved that object.

That previous to the cuttings so effected by your memorialists the Yanko and Colombo Creeks had not run for eleven years, and the said creeks could never have run but for their operations, except there happened a re-occurrence of such a rare and exceptionally high flood as that by which Gundagai was destroyed.

Your

Your memorialists therefore beg respectfully to represent that it is entirely owing to the expenditure of their capital that there is the supply of water which now exists in the two creeks named; and they submit that a great hardship and an irreparable injury would be inflicted upon them if, by conditional purchases being allowed to be made upon the banks of the said creeks, they are deprived of the use of the water they have secured at so large an expense for their own use, and in order to render the Crown lands leased by them available for depasturing purposes.

Your memorialists received with great satisfaction the assurances which were repeatedly given by the late Minister for Lands, the Hon. John Robertson, Esq., that in such cases the legitimate interests of the Crown lessees would be protected by such reservation of lands from conditional purchase being made as would secure to the Crown tenants the uninterrupted use for their stock of the water so secured.

Inspired, therefore, by the hopes raised by these assurances, and by the knowledge that the promises so made have been faithfully redeemed in the case of the Willanthory, Billabong, in the Lachlan District, your memorialists humbly pray that you will, before the expiration of the present year, cause to be proclaimed as reserved from conditional purchase and for the use of the lessees of the adjacent runs, for the purpose of watering their stock, the land for 1 mile back along both banks of the Yanco and Billabong Creeks.

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

Robert Patterson, Puckarwidgee.	Brock & Hardie, Cocketgedong and Colombo Creek.
R. Blackwood, North Currabungam.	Holmes, White, & Co., Bundure.
<i>Pro</i> Mr. Wilson, G. P. Barber, Coree.	Wilson Bros., Yanco, Thurrowa, and Jerilderie North.
R. H. Hamilton, Colombo Creek.	
Cochran & Wilson, Widgiewa, Colombo Creek.	
Samuel M'Caughy, Coonong, Colombo Creek.	

Memorial to The Minister for Lands with reference to the Yanco cutting.

To the Honorable the Minister for Lands,—

The memorial of the undersigned Lessees of runs on the Lower Billabong Creek, in the Murrumbidgee District,—

HUMBLY SHOWETH:—

That the waters of the Billabong so rarely reached the lower part of the creek that until the undertaking known as the Yanco cutting had been completed, the creek during the last hundred miles of its course was so generally without water that the adjacent runs were, during the greater portion of the year, quite unavailable for stock.

That by the cutting above alluded to the flood waters of the Murrumbidgee have been enabled to flow into the Yanco and Colombo Creeks, and from thence into the channel of the Lower Billabong, thus affording to your memorialists the opportunity of securing a supply of water, which they have availed themselves of, by the erection of numerous and expensive dams.

That the Yanco cutting was made at a cost of £13,000, and the money was contributed by settlers on the Yanco, Colombo, and Billabong Lower.

That in addition to the share of expense of the said cutting which your memorialists bore, their dams alluded to have not cost less than £10,000.

Your memorialists therefore venture to say that unless they are protected in the enjoyment of water so secured by them, not only will a great hardship and irreparable injury be inflicted upon them, but the value of the runs leased by them from the Crown will be most materially depreciated.

Your memorialists therefore humbly pray that you will, before the expiration of the present year, cause to be reserved from conditional purchase 1 mile on each side of the Billabong Creek, from the junction of the Colomba and Billabong at Yathong, to the junction of the Billabong and Edward River at Moulamcin.

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

Peppin & Sons, South Wanganella.	Henry Darlot, Carroonboon.
Myles Patterson, Conargo.	Alfred Crack, Supt., Tara.
John Hunter Patterson, Boonoke.	Thos. & Gideon Lang, North Wanganella.
R. Blackwood, North Carrabangan.	Henry Ricketson, Karrabuai.
Bear & Morgan, Quanmong.	Robert Patterson, Kickaiwidgel.
Allen Landale, Mooloomoon.	<i>Pro</i> Samuel Wilson, G. P. Barber, Coree.
Thomas F. Patterson, Conargo.	<i>Pro</i> Peterson & Sargrere, W. P. Harris, Jerilderie.
William Northwannel, Supt. for F. A. Gwynne,	Rawlins & Murchison, Yathong.
Maryah Station.	Patrick Brennan, North Yathong
R. Blackwood, South Currabungam.	Brock & Hardie, James Hardie, Cocketgedong.
Lachlan M'Bean, Woowoma and Wandoran,	<i>Pro</i> Wilson Brothers, J. M'Gaw, North Jerilderie.

The Deputy Surveyor General reports thus:—

The supply of permanent water in the Billabong Creek, from the mouth of the Colombo Creek downwards to the River Edward, is dependent upon dams erected by private enterprise at great cost; and the reservation from sale until surveyed, of 1 mile on each side, is recommended; but, in so doing, petitioners should clearly understand that the reservation is only a temporary one, and liable to revocation whenever a desire to purchase land is manifested.

APPENDIX II.

[Urgent.]

A.

Memo. by Mr. A. O. Moriarty.

THERE being reason to believe that on the opening of the Yanko Reserve to sale (now in immediate contemplation), the competition for the land on the part of the present lessees of it, for pastoral purposes on the one hand, and conditional purchasers on the other, will be of an extreme character, and that every means will be resorted to by applicants of obtaining or securing possession of the land, it is thought desirable that due precautions should be taken in the public interest to confine the competition to legitimate channels.

It is apprehended that some of this land may be applied for under mineral lease; not that any of it is required or likely to be used for mining, but as a means of obtaining possession of areas in excess, or in anticipation of that obtainable by regular means, and with the intention of subsequently converting the tenure into conditional or other ordinary purchases. The whole area is represented to be alluvial: there has never been mining within it, and it is stated to be certain that there never will be. It is therefore fairly to be assumed that any mineral leases which may at the opening rush be applied for will be designed—not for the purposes of mining but for such objects as are above indicated.

It is therefore recommended that on the reserve being revoked the assistance of the Honorable the Minister for Mines be invoked, with a view to the land being for a time—say six months—reserved from mining, pursuant to the 26th clause of the “Mining Act of 1874.”

A.O.M., 8/9/76.

Submitted for approval.—W.W.S., 8 September, 1876. For Minister for Mines for Proclamation.—T.G., 11/9/76. The Under Secretary for Mines, B.C., 12 September, 1876.—W.W.S. To be returned. Prepare a minute, recommending that the land comprised in the Yanko Reserve be reserved from mining, in terms of section 26 of the “Mining Act of 1874.”—J.L., 14/9/76.

B.

Memo. by Mr. A. O. Moriarty.

YANKO RESERVE—RECEIPT OF SELECTIONS.

It is anticipated that on the first Land Office day after the Yanko Reserve becomes open to sale the competition will be very close for the greater part of the land, and that intending selectors will be in attendance on the opening of the Land Office in unprecedented numbers. In these circumstances it is necessary to provide for securing, on the one hand, the benefit of their fair priority to the first applicants, and on the other hand, the opportunity of competing to others who may be present at the same time with those who first obtain access to the Land Agent, but unable from the number to present their applications simultaneously.

It is the duty of the Land Agent to ascertain who is the first tenderer, and it has been determined that the priority of a few minutes is sufficient to confer the prior right.

Ordinarily, little difficulty is experienced in the performance of this duty, but it is obvious that when selections are being tendered by a crowd of applicants, time must be allowed to those whose accidental position in the crowd may be in the rear, or who may be anticipated by others, only by greater strength or rudeness.

It is therefore recommended that it should be left open to the Land Agent (under instructions) in such an emergency, to treat as made simultaneously all selections tendered to him between the hours of 10 and 12, 12 and 2, and 2 and 4, and that to remove any doubts which may exist as to the legality of such a course under the regulations now subsisting, a regulation be proposed for the approval of His Excellency the Governor and the Executive Council, to the effect of the draft herewith submitted.

A.O.M., 16/9/76.

See Enclosure to F.

C.

Minute for Executive Council.

Recommending that the parcels of land described in the Schedule annexed be reserved from occupation for Mining Purposes under the provisions of the “Mining Act, 1874.”

Department of Mines, Sydney, 21 September, 1876.

It is recommended to His Excellency the Governor and the Executive Council that the parcels of land described in the Schedule annexed be reserved from occupation for mining purposes, under the provisions of the “Mining Act, 1874.”

JOHN LUCAS.

Approved.—H.R., 25/9/76.

[Enclosure to C.]

Department of Mines, Sydney, 25 September, 1876.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to approve of the parcels of land hereunder described being reserved from occupation for mining purposes under the provisions of the “Mining Act, 1874.”

JOHN LUCAS.

SCHEDULE.

MURRUMBIDGEE DISTRICT.

Counties of Boyd, Mitchell, Urana, and Townsend, on Yanko and Colombo Creeks. 271 square miles. The Crown lands within 1 mile of the Yanko Creek, from the Murrumbidgee River to its junction with the Billabung Creek, and within 1 mile of the Columbo, from its outflow from the Yanko Creek to its junction with the Billabung Creek.

County of Cadell, parish of Moama. About 8 square miles. That part of reserve No. 998, on account of travelling stock, included within the following boundaries: Extending from the town of Moama northerly to the north boundary of reserve No. 318 from sale, notified 27th December, 1865.

County of Cadell, at Moama. 47½ square miles. The Crown lands within the following boundaries: Commencing on the Murray River at a point bearing about north 35½ degrees east, and distant about 4 miles and 8 chains from the confluence of the Goulburn and Murray Rivers; and bounded thence on the east by a line north about 3 miles to the south boundary of the extension to reserve No. 90, from sale until surveyed, notified 22nd December, 1865; on the north by that boundary being a line passing ¼ a mile south of the south boundary of 1,361 acres reserved from sale until surveyed, &c., 8th December, 1865, parish of Bama, bearing west about 7 miles; thence by a line crossing the north-westerly extension of reserve No. 91, from sale until surveyed, notified 22nd December, 1865, southerly; thence by the south boundary of the westerly extension of that reserve bearing west 4½ miles to its junction with the northerly extension of reserve No. 95, from sale until surveyed, notified 22nd December, 1861; thence on the west by the east boundary of that reserve bearing south about 3½ miles to the north-west corner of J. Rousch's conditional purchase of 320 acres, being portion No. 46, parish of Tartaila; thence on the south by the north boundary of that 320 acres bearing east by the east boundary of that 320 acres bearing south; and by the north boundaries of R. Berryman's 185 acres conditional purchase, portion 26, parish of Tartaila, J. Halscher's 185 acres conditional purchase, portion 25 and portion 24, of 185 acres, parish of Tartaila, bearing east to the north-east corner of portion 24 aforesaid; thence by the north-eastern boundaries of portions 23, 21, parish of Tartaila, south-easterly to the north boundary of the reserve on account of the population of the town of Moama; thence by the north and the east boundaries of that population reserve, being lines bearing east and south to Backwater Creek; thence by that creek, downwards, to the Murray River; thence by that river upwards, to the point of commencement. [Ms. 76-6,288]

County of Cadell, parish of Moama. About 12 square miles. That part of the Murray River Forest Reserve included within the following boundaries: Commencing at the intersection of the western boundary of the forest reserve with the southern boundary of reserve No. 90, notified 23rd December, 1865; and bounded thence on the west by the west boundary aforesaid, bearing south-westerly to Backwater Creek; thence by Backwater Creek southerly to its junction with the Murray River; and thence by that river north-easterly to the south-east corner of reserve No. 318, notified 27th December, 1865, being a point on the Murray River bearing about north 35 degrees 30 minutes east, and distant about 4 miles and 40 chains from the confluence of the Goulburn and Murray Rivers; and thence on the east by the east boundary of reserve No. 318 aforesaid northerly to the south boundary of reserve 90 aforesaid; and thence on the north by that boundary westerly to the point of commencement. [Ms. 76-6,288]

County of Cadell, parish of Moama, about 1,500 acres. That part of reserves Nos. 90 and 91, extended 23rd December, 1865, within the following boundaries: Commencing at the north-west corner of reserve No. 318, notified 27th December, 1865; and bounded thence on the south by the northern boundary of that reserve easterly about 4 miles and 25 chains to its intersection with a line from the north-western prolongation of the south-western boundary of reserve No. 91; on the south-west by that prolongation south-easterly to the back boundary of the Murray River reserve from lease; on the south-east by part of that boundary, north-easterly, 1 mile; on the north-east by a line forming the north-westerly prolongation of the north-east boundary of reserve 91 aforesaid, north-westerly to a point ½ mile south from the north boundary of the reserve; thence on the north by a line west to the western boundary of the extension of reserves Nos. 90 and 91 aforesaid; thence on the west by a line south to the point of commencement.

About 100 acres. That portion of reserve No. 91, included within the following boundaries: County of Cadell, parish of Moama: Commencing at northern extremity of the south-west boundary of reserve No. 91 aforesaid; and bounded thence by part of that boundary south-easterly to the western boundary of reserve No. 1,622; thence by that boundary northerly to the north-western boundary of reserve No. 91; and thence by that boundary south-westerly, to the point of commencement.

County of Cadell, parishes of Bama Caloola, about 1,620 acres. That part of extension to reserve No. 91, notified 23rd December, 1865, included within the following boundaries: Commencing on the western boundary of the railway from Moama to Deniliquin at the south-east corner of portion No. 161, H. B. Joachim's 320 acres; and bounded on the north by the south boundaries of that portion and portions 162, 160, parish of Bama, and Nos. 3, 6, 7, and 50, parish of Caloola, to the eastern boundary of reserve No. 95; on the west by part of that boundary bearing south 40 chains; on the south by a line bearing east to the railway aforesaid; and on the east by that line north-easterly, to the point of commencement.

County of Cadell, parish of Moira. That part of reserve No. 89, notified 22nd December, 1865, included within the following boundaries: Commencing at the north-west corner of Louis Throsby's 439 acres; and bounded on the north by the south boundaries of portions Nos. 13, 124, 31, 151, 22, 20, 41, 48, 49, 94, 93, 108, 109, to the west boundary of reserve No. 95 extended, notified 2nd December, 1873; on the west by part of that boundary bearing south 80 chains; on the south by a line bearing east to the west boundary of stock reserve No. 998; on the east by part of that boundary northerly, to the point of commencement.

Tartaila and Moira Runs. County of Cadell, 11½ square miles. The Crown lands within the following boundaries: Commencing at the north-east corner of reserve 95 aforesaid, as notified in *Government Gazette* of the 23rd December, 1865, at a point about 7 miles north from the Murray River; and bounded thence on the east by a line north about 11½ miles to the north boundary of Moira Run; on the north by part of that boundary westerly 1 mile; and on the west by the north prolongation of the west boundary of reserve 95 aforesaid bearing south about 11 miles; and on the south by the north boundary of reserve 95 aforesaid, as proclaimed at the aforesaid date, easterly, to the point of commencement. [Ms. 73-5,374]

County of Cadell, parish of Moama, about 95 acres. The Crown lands within the following boundaries: Commencing at the north-west corner of reserve 64; and bounded on the north by a line bearing west about 65 chains to the road from Moama to Deniliquin; thence on the west by that road southerly 30 chains; on the south by a line bearing east to the south-west corner of reserve 64 aforesaid; on the east by the west boundary of the reserve bearing north, to the point of commencement.

Chief Clerk,—

Before this paper is put away should it not be referred to Mr. Campbell to certify that the reserves mentioned have been noted?—H.W.P., 15/12/76. Yes.—T.C.B.

D.

Memo. by The Under Secretary for Lands.

[Urgent.]

This draft circular will do, I think; but if the number of applicants is not sufficient to necessitate a departure from the ordinary mode of procedure I conclude that the Land Agent can at his discretion conduct the business as usual.

The instructions are only issued in anticipation of extraordinary competition. If that anticipation is not realised, and there is no real occasion to apply the new regulations, it would seem to be useless to do so, and the delay would lead to dissatisfaction. In the case of the Moama Reserves, it is doubtful whether the necessity will arise for acting on the instructions.

W.W.S., 29 September.

[Enclosure

[Enclosure D.]

[Circular, urgent.]

Department of Lands, Sydney, September, 1876.

Sir,

I am directed to enclose herewith, for your information and guidance, six copies of the Supplement to the *Government Gazette*, dated 27th instant, containing certain additional Regulations under the "Crown Lands Alienation Act of 1861."

2. With regard to clause 2 of those Regulations, headed conditional purchases, I am to apprise you that the provisions of that clause are to be carried out with regard to the applications which may be made on Thursday, the 12th October next, on which day the Moama Reserves (Gazetted as revoked on the 10th instant) will become open to conditional purchase. Any applications, therefore, coming within the category specified in that clause, and which you are unable to dispose of on the Thursday, are to be dealt with by you between the hours of 10 a.m. and 4 p.m. on Friday the 13th instant.

3. You should take care to give due notice of the above arrangement, and to have copies of the Regulations posted on the doors of the Land Office and inserted in the local papers as soon as practicable after the receipt of this communication.

E.

Memo. by The Under Secretary for Lands.

[Urgent.]

MR. B.,

Have letter (in accordance with the Minister's memo.) drafted at once, as Mr. Garrett wants ^{See B.} the Urana and Moama Land Agents to be apprised to-day.

The Chief Clerk's memo. enclosed, will be of assistance, no doubt, in framing the letter.—W.W.S., 29 September, 1876.

[Enclosure to E.]

Minute by The Minister for Lands.

THE circular should contain instructions to the effect that when the doors are opened at 10 o'clock so many persons desiring to make applications as the office will conveniently hold should be admitted; the doors then closed, and the applications received. All those applications tendered by the parties then present should be dealt with as simultaneous applications, if found upon examination to conflict. When the applications of all those then present have been received and dealt with, and the parties have left the office, at 11 o'clock the doors should again be opened, and another series of applicants allowed to enter, and their applications similarly dealt with, and so on from hour to hour. Such applicant, upon tendering his application and money, receiving a ticket with the number of his application thereon inserted. Upon Friday all those applicants who may have applied for land for which there was no other applicant at the same hour, will have formal receipts given them, and all conflicting applications, *i.e.*, those applications that may have been made within the same hour for the same portion or parcel of land, be disposed of by ballot in the usual way. T.G.

F.

The Under Secretary for Lands to The Land Agent, Urana.

(Circular.)

Sir,

Department of Lands, Sydney, 29 September, 1876.

I am directed to enclose herewith for your guidance, six slips of the Supplement to the *Government Gazette*, dated 27th instant, containing certain additional Regulations under the "Crown Lands Alienation Act of 1861." ^{See copy enclosed.}

2. With regard to clause 2 of the Regulations headed "Conditional Purchases," I am to apprise you that the provisions of that clause are to be carried out in the manner hereinafter specified with respect to the applications which may be made on Thursday, the 19th day of October next, on which day the Yanko Creek Reserves (Gazetted as revoked on the 16th instant) will become open to conditional purchase.

3. When the doors are open at 10 o'clock, as many persons desirous of making application as the office will hold should be admitted. The doors should then be closed, and their applications received and dealt with as simultaneously made if found upon examination to conflict with one another.

4. At 11 o'clock the doors should be again opened, and after the first batch of applicants have left the office another should be allowed to enter; the doors then closed, and their applications similarly dealt with, and so on from hour to hour.

5. Each applicant upon tendering his application should receive a ticket with the number of his application thereon inscribed, as also the hours between which it was made.

6. Upon Friday all those applicants who may have applied for land for which there was no other applicant at the same hour, and which you may be unable to dispose of on the Thursday, will have formal receipts given them between the hours of 10 a.m. and 4 p.m.

7. Conflicting applications, *i.e.*, all those that have been made within the same hour for the same portion or parcel of land or any portion thereof, will be disposed of by ballot in the way provided by the new Regulations.

8. You should take care to give due notice of the above arrangements, and have copies of the Regulations posted on the doors of the Land Office, and inserted in the local papers as soon as practicable after receipt of this communication.

I have, &c.,

W. W. STEPHEN.

Similar circular despatched to the Land Agent at Moama.

[Enclosure to F.]

Department of Lands, Sydney, 27 September, 1876.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following additional Regulations under the "Crown Lands Alienation Act of 1861," and the same are now published for general information.

THOMAS GARRETT.

CONDITIONAL

CONDITIONAL PURCHASES.

Priority of selections made on the same day.

1. Whenever the same land shall be applied for on the same day by two or more applicants, that applicant who shall first have tendered to the Land Agent an application in due form, accompanied by the prescribed deposit for the land, shall be declared the purchaser, but in the event of the applications being tendered simultaneously, or so nearly together that the Land Agent shall be in doubt as to which may have been first tendered, the right to the land shall be determined by lot in accordance with the Regulations heretofore subsisting, as soon as the same can conveniently be done.

2. Should there be reason to anticipate extraordinary competition for land on any land office day, it shall be within the discretion of the Minister for Lands to instruct the Land Agent to deal with all applications that may be found upon examination to be conflicting, and upon the clear priority of which he has doubt, tendered on that day between such hours or periods as he may prescribe, as applications having been made simultaneously: Provided that such instructions shall be limited to the day or days therein specifically mentioned.

3. In the event of its being found, at any time subsequently to the receipt of applications for conditional purchase, that the same land has been applied for, wholly or in part, by two or more persons, a day may be fixed, of which due notice shall be given by the Land Agent to the several applicants, and the right to the land shall then be determined by lot as already provided.

G.

Opening of Reserved Lands, Yanko and Colombo Creeks.

CONFORMABLY to the desire expressed to me by the Honorable the Minister for Lands, that a brief report of the proceedings in connection with the actual opening to selection of the land on the Yanko and Colombo Creeks should be made, to accompany the papers on the general subject that are about to be laid before Parliament, I do myself the honor to submit the following outline sketch, and trust that it may not be thought out of place if I venture to congratulate the Honorable the Minister that so little of the difficulty that might have been anticipated, considering the position, value, and extent of the reserved areas, and the extent to which popular attention in this and the neighbouring Colony had been interested in their opening to settlement, was found to operate when that measure was being carried into effect.

It is known that while the revocation of these reserves had been determined upon by the Government some time previously, and the necessary surveys and examination of the country had been for some time in progress, having for their object the preservation of the interests of the general public and a regard to the peculiar features and circumstances of the land itself,—the ultimate revocation of the reservation was hurried forward as much as possible consistently with such considerations, in pursuance of the resolutions passed by the Legislative Assembly; but the experience of other cases had shown but too clearly that,—if this measure were taken without proper precautions and arrangement,—confusion, litigation, and difficulty of every kind would have been entailed upon the selectors, as well as irreparable damage and loss upon the possessors of the valuable pastoral properties of which the reserved lands were composed, and to whose enterprise and expenditure much of the present value of the lands is owing. Accordingly much of the land had been measured into portions of such a size as the public interest and the convenience of applicants of all classes had seemed to dictate. The areas containing the improvements of the pastoral tenants were indicated and prescribed, and special reserves made of water frontage and of particular areas needed for purposes of ultimate settlement. Plans showing all this information in detail were prepared under the direction of the Surveyor General, lithographed, and widely circulated, and maps of the various parishes were specially prepared on a very large scale and exhibited at the various district offices for the use of all persons applying for information, some time previous to the actual opening of the land to selection.

It became necessary for the Minister to consider when the Proclamation of revocation was ready to be issued, what effect the actual date of it and the consequent date of the revocation itself (thirty days subsequently) would have upon the receipt of applications from the various classes of applicants. It was represented that if the thirty days should commence from Monday (by reason of the Proclamation issuing on that day) the period would obviously expire on Wednesday and the land become open to selection first on Thursday, the ordinary land office day for conditional selections; and that consequently the pastoral occupants, whose interests represented property of great value in a most critical position, would be deprived of the opportunity of purchasing any portions of their holdings until after they had been picked over by applicants, to whom the deterioration or destruction of such properties would be matter of small concern. If issued on any other day of the week, several days must have been left for the operations of the lessees before a Land Office day. In deciding to issue the Proclamation on a Saturday, therefore, the Minister limited the period before a Land Office day, to the least, consistent with affording any opportunity of purchase of portions of their holdings to the class of purchasers who alone possessed a vested interest demanding recognition if only in consideration of its worth to the whole community.

It was also necessary to provide against the probable occurrence of confusion and crowding at the first tender of applications, and for discriminating the priority of selection between them. On similar occasions in another colony difficulties and evils of an aggravated character had arisen from these causes, and some inconvenience had been known within the experience of this department. To obviate these, regulations were framed under which the Minister was empowered to direct the Land Agent on such occasions (when he would obviously be unable to ascertain the first applicants in a crowd assembled to rush the Land Office at the appointed moment of its being opened) to treat as simultaneous all applications deposited with him between prescribed hours—sufficient to admit of all applications then ready to be tendered—being duly received and noted. It was further decided that a sufficient official staff should be in readiness for the emergency.

The reserved areas comprised portions of the districts of Wagga Wagga, Urana, Deuiliquin, and Hay, but the bulk of the land being within the Urana district it was at that place that special arrangements were principally called for. The Land Office at Urana was a small building, constructed of pine, of about 20 feet in length by 12 in breadth, forming two small rooms, the whole of such a size as to be useful only as an accessory to the accommodation requisite for any considerable number of people. The erection of two temporary sheds, with necessary fittings and enclosed yards adjacent, the whole of the simplest construction and composed of rough pine boards was accordingly recommended and authorized, and they were completed in time for use at a comparatively trifling expense (about £167). From the vicinity

vicinity of the country to the neighbouring Colony of Victoria, from which large numbers of people have been for some time past settling in adjacent parts of this Colony, and from the prominence given to the subject in Victorian as well as our own newspapers, it was impossible to estimate with any certainty the probable numbers of applicants at the opening of the reserve, but the most reliable information obtainable warranted the anticipation that several hundreds of people would be waiting for admission at the opening of the Land Office on the first Land Office day. In the inevitable uncertainty it was thought better to risk error on the side of greater than of less convenience. Accordingly the sheds were made of sufficient capacity, and so arranged that from 800 to 1,000 selections might have been dealt with without very much difficulty. I append a small diagram illustrating the arrangement of the sheds and yards. It may be sufficient here to state that the former were erected in front and on either side of the Land Office, with a large yard between them, and two other yards, one at the opposite and outer side of each shed. Each yard was entered from the street, and closed by a gate. The sheds or offices were entered by four separate doors, each opening, through a barrier, from the yard adjacent, and provided with separate doors of egress; and opposite each entrance door, and extending to the door of egress, was a counter forming a passage, through which the applicants entered, deposited in succession their applications with the officer behind the counter, and passed out into the street. In the spaces behind and between the counters were tables for the plans, &c. Appendix A 2

The official staff consisted of Mr. Houston, a qualified officer of the Surveyor General's Department, who with an assistant draughtsman (Mr. Tritton) had been despatched in charge of the plans; and Messrs. Oliver and Robertson, experienced clerks in this office, who were sent to assist Mr. Badham, the Land Agent. Mr. Bolton, the District Surveyor, was also present, and rendered most valuable aid, and being myself at that time in a neighbouring district on leave of absence (consequent upon an attack of illness) the Minister expressed a wish that I should be present to supervise the arrangements, and was pleased to authorize me to deal with any matters requiring prompt decision and falling within the range of executive or official action. I arrived at Urana in time to have every arrangement completed before the opening day.

On the first two days after the revocation took effect, fourteen selections were made under the 31st clause of the "Lands Acts Amendment Act 1875," comprising an area of 3,890 acres, and 122 Volunteer Land Orders were deposited for the selection of 6,100 acres. These applications being severally conformable to the law and regulations were, after examination, passed and noted accordingly.

Several applications were also tendered under the clause above quoted which, not being in conformity with the law, I felt it to be my duty to instruct Mr. Badham to decline accepting them. I should naturally have preferred referring the question of their acceptance or rejection to higher authority, but, having regard to the responsibility imposed upon me, and deeming the applications to be plainly illegal (being within areas *not* representing 5 miles square of leasehold, or portions of which had been broken in upon by previous alienation), I considered it the better and wiser course to refuse acceptance of the applications at once, rather than by taking any other course to leave myself under the necessity of refusing or questioning any selection of the same land that might be subsequently made in conformity with the law by other parties. It was of course inevitable that some disappointment and dissatisfaction should be felt by the applicants, who I do not doubt applied in every instance without any idea of exceeding their presumed legal right. In some cases indeed I was assured that competent legal advice had been obtained, and that the applications were based thereon. While refusing to receive the applications I thought it only proper to note the documents for identification, with the facts of their tender with the proper deposits, and the grounds of refusal in each case, so as to enable the applicants to have ready proof of such tender and refusal, in the event of its being ultimately determined by appeal to the Government or the legal tribunals that I was acting on erroneous views. It is satisfactory to me to have since found that about the same time the Government in Sydney, under the advice of the Crown law officers, was acting in other cases on the same view of the clause in question as that on which I proceeded. It seems unnecessary to pursue the question further here.

The selections under the 31st clause and those under Volunteer Land Orders were charted, as soon as made, upon the large maps prepared for public inspection; so that at the close of the ordinary office hours on the Wednesday intending selectors were enabled to see what lands had been thus taken up, and the offices were on that day kept open to the public to a late hour with this object.

On the morning of the first land office day the public were admitted to the yards, and at the hour for opening the office a constable was placed at each door of ingress to prevent crowding and preserve order. It was arranged that the business of certain parishes should be taken at each counter, and the names of those parishes were placed on a placard over the door leading to it. In one shed Mr. Bolton, the District Surveyor, and in the other Mr. Houston, took charge of the plans relating to the respective parishes. I was myself prepared to render assistance wherever required. Behind each counter was stationed an officer to receive the applications and deposits, to facilitate which each was provided with a certain number of tickets numbered and bearing the initials of the Land Agent, Mr. Badham, one of which was given to each applicant—a corresponding number being at the same time endorsed on the application—with an intimation that the ticket was to be presented on the following day, after the various applications should have been examined and compared in detail, when the lots applied for by more than one person would be balloted for and formal receipts issued to those whose selections were successful or unopposed. By these means four separate streams of applicants were passed through the offices simultaneously, and whenever the current past any counter ceased, the door leading to it was closed so as to separate the first applicants from any who might have come afterwards. About two hours sufficed for the reception of some 215 separate selections, without the slightest approach to disorder, crowding, or inconvenience to the applicants or the officials engaged.

After the applications had all been taken, the duty of comparing them with the plans and with one another commenced and was one of no slight trouble if not difficulty. Through the exertions mainly of Mr. Houston and his assistant, Mr. Tritton, however, the examination was completed by the following morning, when the drawing of lots commenced and occupied a great part of the day. Owing to the way in which the selections were found to interlace and overlap one another,—in many instances one lot being embraced by fifteen or sixteen separate applications, otherwise distinct and conflicting, again, with others it was necessary to have no less than sixty-five separate ballots before the right to the several lots could be determined. Ultimately it was found that 36,218 acres had been selected by 215 persons.

Of this area 4,064 acres were taken up by conditional purchase for alleged mining purposes, and there could be no reasonable doubt that these selections were made purely in the interest of the pastoral lessees, and without any intention of working *minerals*. The land having been legally open to selection in this form, there was of course no ground on which the selections could have been refused or questioned, or dealt with differently from others. The conditions if carried out will involve the payment of a high price for the land by the selectors; if not carried out will entail the forfeiture of the deposit of 10s. per acre, as well of the selections.

It may be satisfactory to the Honorable the Minister if I append to this an address, which was handed to me at the conclusion of the business, and which I was very far from anticipating. I was informed that it emanated at first from the selectors, and was headed by the signatures of the leading pastoral lessees of the district. The feeling therein exhibited towards myself and the other officers engaged was certainly most gratifying to us, and as certainly, so far as it applied to them, merited by their exertions. For myself I do not claim any particular credit for arrangements that I presume will be held to have been successful; though I may be permitted to hope that the determination of myself and colleagues to carry out the law and regulations, and deal with the business entrusted to us to the best of our united ability, and of course with courtesy and perfect impartiality, may have been speedily and fairly recognized by the parties concerned, and have contributed to the success of the carefully considered arrangements made in anticipation by the Government. It is with great pleasure that I take the opportunity of acknowledging the readiness and confidence with which our proceedings were accepted, and the admirable spirit that was general even amongst those applicants who were inevitably disappointed.

A. O. M.

Urana, October 21, 1876.

W. Moriarty, Esq.,—
Sir,

We, the undersigned, beg most respectfully to return you our sincere thanks for the courtesy and impartiality with which you and the members of your staff have conducted the business in connection with the Yanko and Colombo Reserves:—

Angus Robertson	J. W. Frauenfelder	Samuel Martin
Joseph Weir	G. H. Holmes	William Birkin
Watt and Thomson	William Stone	James J. Cahill
Francis Jenkins	William Moreland	Thos. R. Hunter
Wm. H. Mate	F. H. Mayger	David Jenkins
Robert J. Jenkins	William Edgar	J. J. H. M'Cole
J. M'D. Wilson	G. Ashmore	Saml. Allardyce
C. F. Frauenfelder	Daniel M'Alary	John Carroll
John Low	John Walker, senr.	Peter Robertson
Mathe and Treum	Sarah Jane Walker	Joseph Bentley
William Attree	John Mawhinny	Patrick Kelly
Keith Petrie	Patrick Cahill	Daniel Asher
Joseph Harrington	James Williamson	Matthew Nolan
Maurice O'Connell	J. M. Arnott	Marks Duffy
John Edmondson	Thos. Brunt	Thomas Smith
W. Horsfall	William Turnbull	W. Morrow
Charles Faulkner	J. Campbell	Henry M. Taylor
Robert M'Keown	J. J. Wakley	Gilbert Walton
Henry Jones	W. F. Gibbons	
William Barry	P. Kean	

RETURN

RETURN of all lands alienated on the Yanko and Colombo Creek Reserves.

Catalogue No.	Area in Reserve.	How Sold.				Purchaser.	Date of Alienation.	Price per Acre.
		Auction.	Conditional Purchase.	Improved Purchase.	Pre-emptive Purchase.			
T. 302-1,803 roll	a. r. p. 280 0 0	Auction...				Samuel Wilson	16 May, 1876	£ s. d. 1 0 0
" " "	280 0 0	"				"	"	1 0 0
M. 378-1,457	320 0 0	"				"	29 Oct., 1869	1 0 0
" " "	320 0 0	"				"	"	1 0 0
390- "	290 0 0	"				"	"	1 0 0
" " "	222 0 0	"				"	"	1 0 0
377- "	320 0 0	"				"	"	1 0 0
" " "	310 0 0	"				"	"	1 0 0
407- "	320 0 0	"				"	"	1 0 0
" " "	320 0 0	"				"	"	1 0 0
334- "	320 0 0	"				"	26 July, 1869	1 0 0
" " "	320 0 0	"				"	"	1 0 0
338- "	320 0 0	"				"	"	1 0 0
" " "	320 0 0	"				"	"	1 0 0
U. 130-1,881	20 2 17	"				Patrick Brennan	14 July, 1873	1 0 0
9- "	55 1 0		Con. pur.			John Mitchell	7 Nov., 1867	1 0 0
" " "	66 0 0	Auction...				John Sutherland	29 Oct., 1869	1 0 0
44- "	95 0 0		Con. pur.			Mary Ann Mitchell	9 Dec., 1869	1 0 0
" " "	180 0 0		"			John Mitchell	13 June, 1872	1 0 0
46- "	46 3 0		"			"	7 Nov., 1867	1 0 0
45- "	40 0 0		"			Australian Joint Stock Bank	30 Aug., 1866	1 0 0
7- "	40 0 0		"			John Mitchell	27 April, 1865	1 0 0
8- "	80 0 0		"			"	19 Sept., 1867	1 0 0
247- "	140 0 0		"			"	13 June, 1872	1 0 0
294- " roll	100 0 0	Auction...				John Wilson	12 Jan., 1875	1 0 0
" " "	150 0 0	"				"	"	1 0 0
" " "	20 0 0	"				"	"	1 0 0
" " "	40 0 0	"				"	"	1 0 0
" " "	100 0 0	"				"	"	1 0 0
" " "	15 0 0	"				"	"	1 0 0
" " "	10 0 0	"				"	"	1 0 0
" " "	30 0 0	"				"	"	1 0 0
433- " "	80 0 0	"				The New Zealand and Australian Land Coy. (Limited.)	25 Aug., 1875	1 0 0
" " "	70 0 0	"				"	"	1 0 0
" " "	100 0 0	"				"	"	1 0 0
" " "	150 0 0	"				"	"	1 0 0
" " "	120 0 0	"				"	"	1 0 0
" " "	140 0 0	"				"	"	1 0 0
" " "	90 0 0	"				"	"	1 0 0
" " "	90 0 0	"				"	"	1 0 0
" " "	210 0 0	"				"	"	1 0 0
" " "	270 0 0	"				"	"	1 0 0
" " "	180 0 0	"				"	"	1 0 0
" " "	120 0 0	"				"	"	1 0 0
" " "	30 0 0	"				"	"	1 0 0
47- "	137 0 0	"				Samuel Wilson	26 July, 1869	1 0 0
M. 324-1,457	320 0 0	"				John Wilson	"	1 0 0
" " "	320 0 0	"				"	"	1 0 0
U. 626-1,881	30 0 0	"				Angus Robertson, Duncan Robertson, and Daniel Sheriff Robertson.	14 July, 1875	1 0 0
C. 1-1,980	1 1 38	"				William Honey	28 April, 1868	1 0 0
" " "	1 1 17	"				George Whittaker	"	1 0 0
" " "	1 0 16	"				Marcus Higgins	"	1 0 0
" " "	0 2 0	"				Henry Baylis	"	1 0 0
" " "	0 2 0	"				Marcus Higgins	28 April, 1868	1 0 0
" " "	0 2 0	"				"	"	1 0 0
" " "	0 2 0	"				Henry Baylis	"	1 0 0
" " "	0 2 0	"				Honorah Jones	"	1 0 0
" " "	1 1 3	"				William Honey	29 Oct., 1873	1 0 0
" " "	1 0 29	"				"	"	1 0 0
" " "	0 3 33	"				John Lupton	"	1 0 0
" " "	0 3 19	"				William Thos. Boyer Dunn	"	1 0 0
" " "	0 3 8	"				William Honey	"	1 0 0
" " "	0 2 38	"				"	"	1 0 0
" " "	0 2 28	"				"	"	1 0 0
" " "	0 2 0	Auction...				John Alford	"	1 0 0
" " "	0 2 0	"				George Layton	"	1 0 0
" " "	0 2 0	"				"	"	1 0 0
" " "	0 2 0	"				"	"	1 0 0
" " "	0 2 0	"				"	"	1 0 0
" " "	0 2 0	"				John Alford	"	1 0 0
" " "	0 2 0	"				John Matthew Noone	"	1 0 0
M. 206-1,457	640 0 0				Pre. pur...	John Wilson, Charles Wilson, and Samuel Wilson.	"	"
U. 56-1881	320 0 0			Imp. pur...		"	5 Oct., 1869	1 0 0
M. 321-1,457	290 0 0				Pre. pur...	"	30 Oct., 1867	1 0 0
322- "	636 0 0				"	"	"	1 0 0
U. 33-1,881	320 0 0			Imp. pur...		"	18 June, 1868	1 0 0
" " "	99 0 0			"		"	"	1 0 0
34- "	320 0 0			"		"	"	1 0 0
22- "	320 0 0			"		Samuel Wilson	4 Dec., 1867	1 0 0
220- "	320 0 0			"		"	6 May, 1874	1 0 0
M. 261-1,457	160 0 0				Pre. pur...	James Osborne and Henry Osborne.	14 May, 1867	1 0 0
U. 458-1,881	74 2 0			Imp. pur...		"	-- Jan, 1876	1 0 0

Catalogue No.	Area in Reserve.	How Sold.				Purchaser.	Date of Alienation.	Price per Acra
		Auction.	Conditional Purchase.	Improved Purchase.	Pre-emptive Purchase.			
U. 23-1881	a. r. p. 209 0 0	.....	.....	..	.....	Francis Jenkins	4 Dec., 1867	£ s. d. 1 0 0
72- "	250 0 0	.....	.....	..	.....	New Zealand and Australia- lian Land Co. (Limited).	23 Aug., 1872	1 0 0
71- "	320 0 0	.....	.....	..	.....	" " "	" "	1 0 0
69- "	240 0 0	.....	.....	..	.....	" " "	" "	1 0 0
99- "	320 0 0	.....	.....	..	.....	" " "	18 Jan., 1873	1 0 0
70- "	70 0 0	.....	.....	..	.....	" " "	23 Aug., 1872	1 0 0
35- "	320 0 0	.....	.....	..	.....	Francis Wisdom Desailly and George Peter Desailly.	13 May, 1868	1 0 0
36- "	320 0 0	.....	.....	..	.....	" " "	23 May, "	1 0 0
37- "	320 0 0	.....	.....	..	.....	" " "	" "	1 0 0
M. 419-1,457	640 0 0	.....	.....	.....	Pre. pur...	John Brougham	14 April, 1869	1 0 0
292 "	632 0 0	.....	.....	.....	.....	" " "	4 Dec., 1867	1 0 0
329 "	636 0 0	.....	.....	.....	.....	" " "	13 May, 1868	1 0 0
311 "	384 0 0	.....	.....	.....	.....	Robert Patterson	7 Feb. "	1 0 0
67- "	320 0 0	.....	.....	.....	.....	William Howell	13 May, 1858	1 0 0

	a.	r.	p.
Area sold by Auction	7,286	2	6
Area sold by Pre-emption	4,338	0	0
Area sold Improved	4,142	2	0
Area sold Conditionally	677	0	0
Total	16,444	0	6

[32 Plans.]

[10s.]

Sydney: Charles Potter, Acting Government Printer.—1877.

SKETCH

Showing position of the proposed Reserves for access to Water on the

YANKO CREEK.

Scale of Miles.

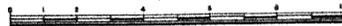
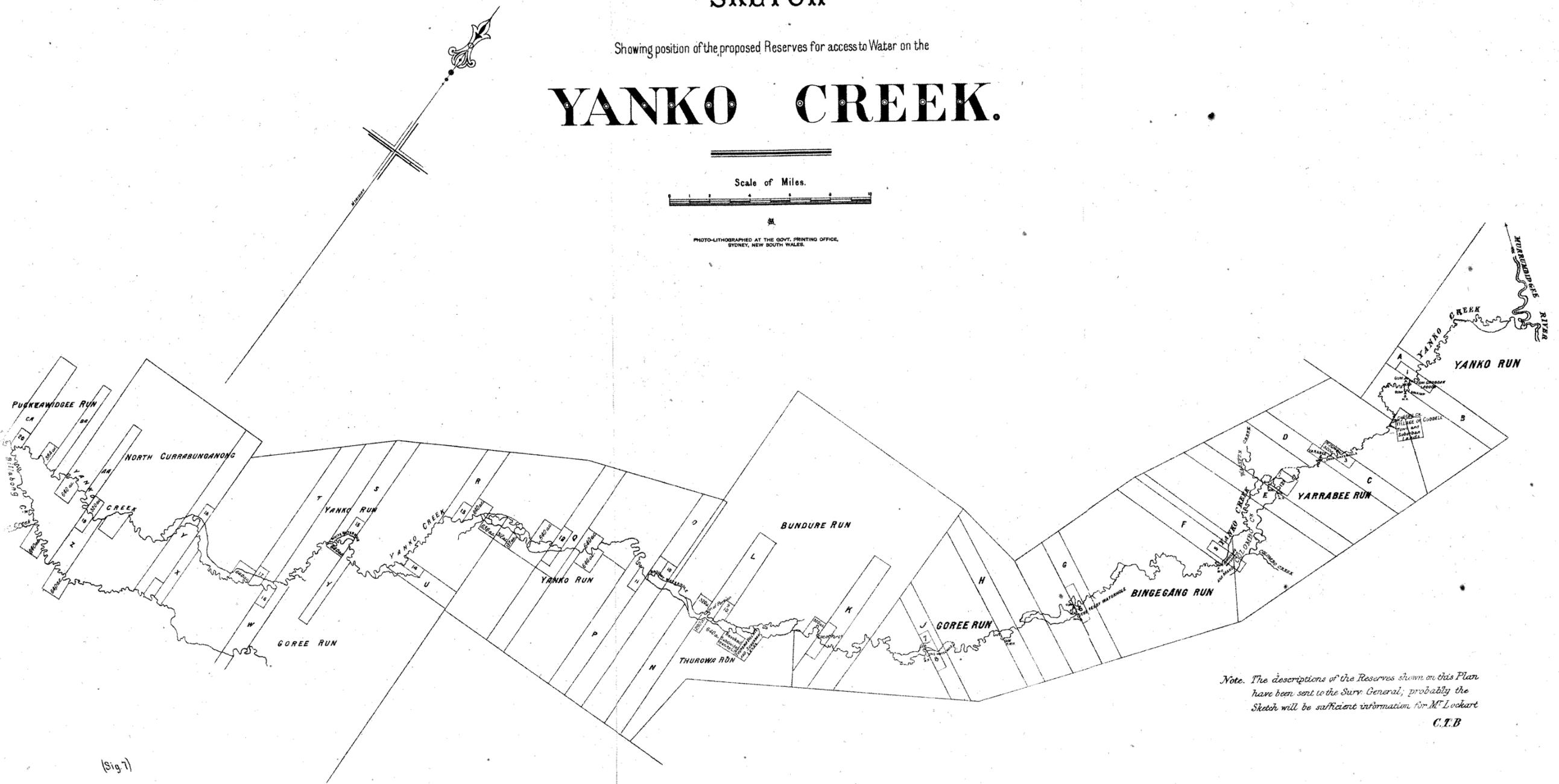
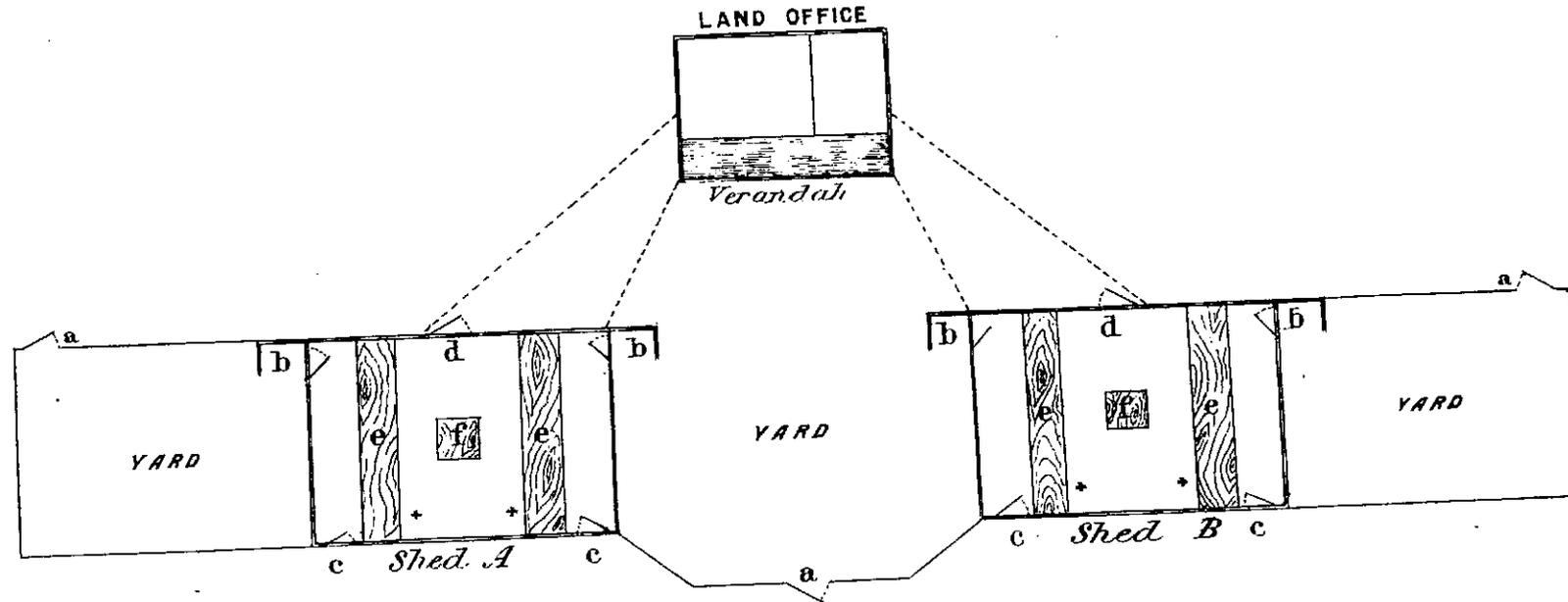


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.



Note. The descriptions of the Reserves shown on this Plan have been sent to the Surv. General, probably the Sketch will be sufficient information for M. Lockhart
C.T.B

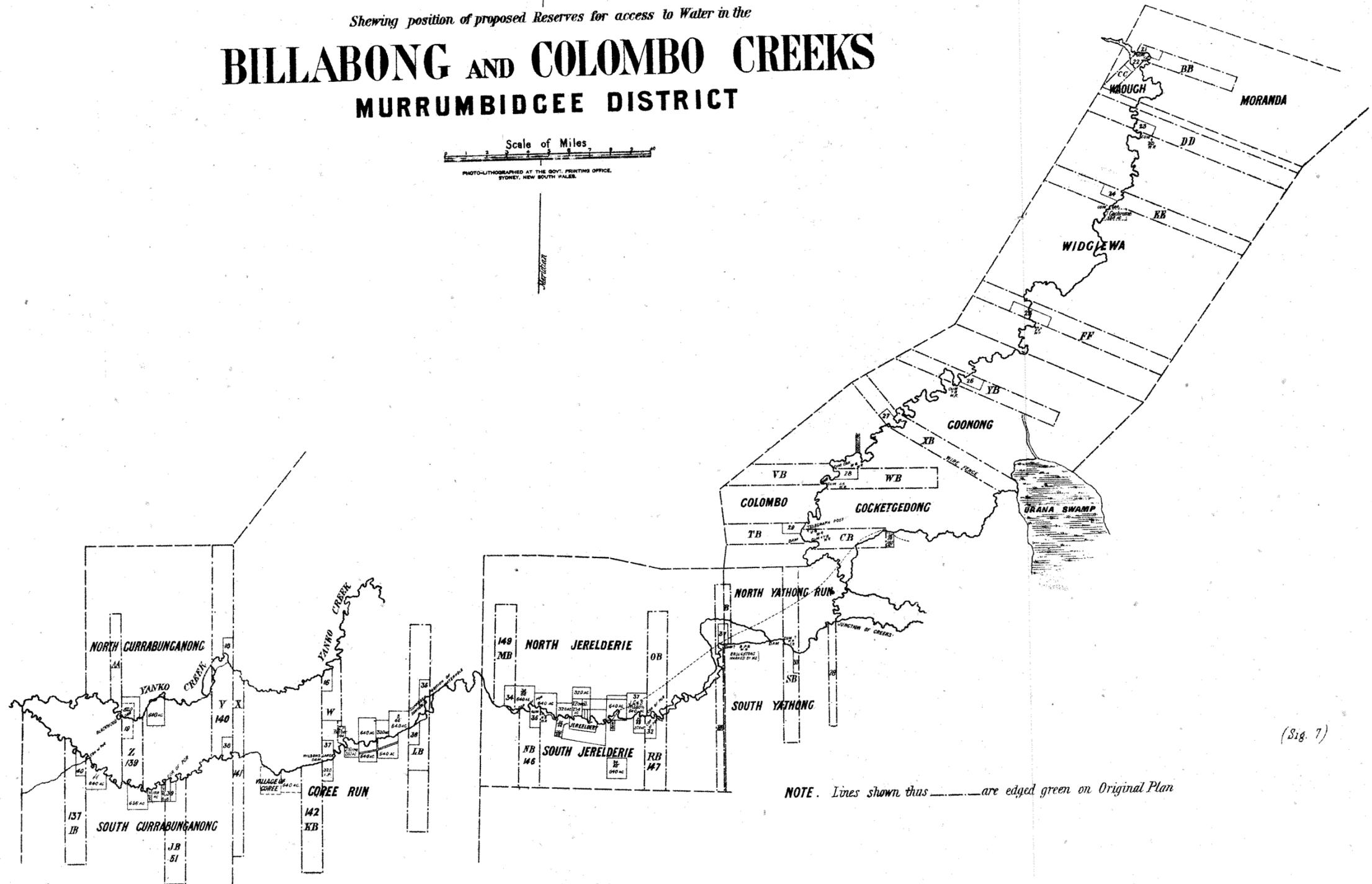
(Sig 7)



Reference.

- a.a.a. *Gates*
- b.b.b.b. *Entrance Doors (public)*
- c.c.c.c. *Exit.* "
- d.d. *Private* "
- e.e.e.e. *Counters.*
- * * * * *Officer's receiving Applications.*
- f.f. *Tables for Plans.*

SKETCH
Showing position of proposed Reserves for access to Water in the
BILLABONG AND COLOMBO CREEKS
MURRUMBIDGEE DISTRICT



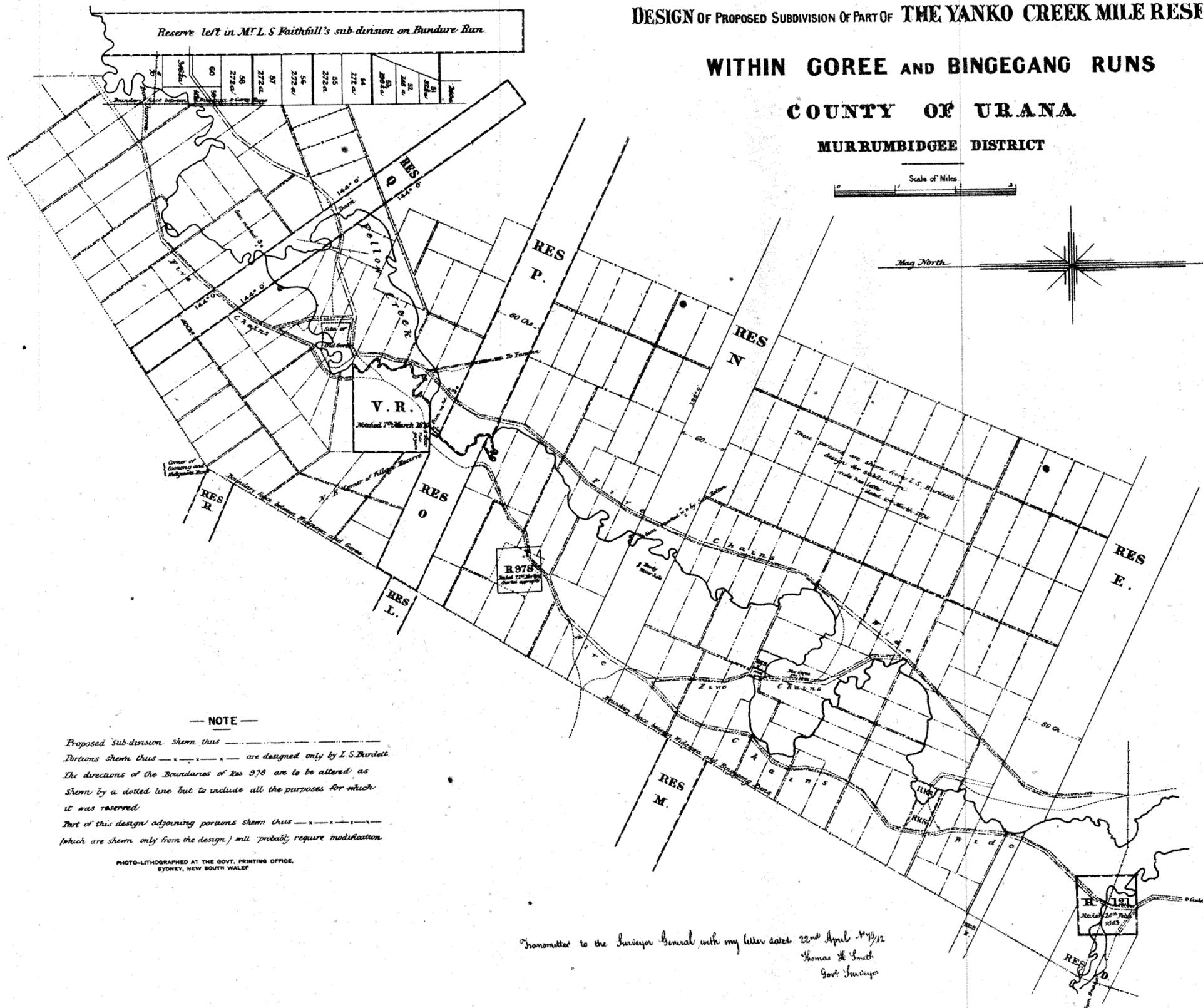
(Sig. 7)

DESIGN OF PROPOSED SUBDIVISION OF PART OF THE YANKO CREEK MILE RESERVE

WITHIN GOREE AND BINGEGANG RUNS

COUNTY OF URANA

MURRUMBIDGEE DISTRICT



NOTE

Proposed sub-division shown thus ————
 Portions shown thus - - - - - are designed only by L.S. Burdett.
 The directions of the boundaries of Res 978 are to be altered as shown by a dotted line but to include all the purposes for which it was reserved.
 Part of this design adjoining portions shown thus - - - - - (which are shown only from the design) will probably require modification.

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES

Transmitted to the Surveyor General with my letter dated 22nd April 1872
 Thomas H. Smith
 Govt. Surveyor

PLAN

of 320 ac. I.P. portion to.

Parish Bundure, County of Urana,

Applied for under the 3rd Clause of the Crown Lands Alienation Act of 1861 by

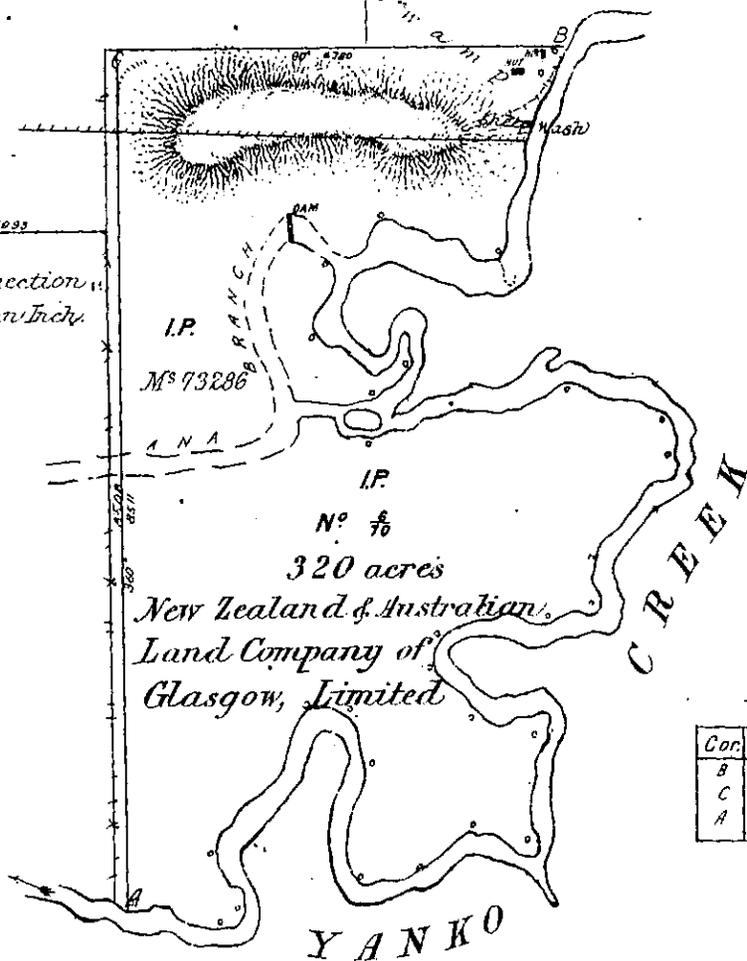
John Sutherland

Within Reserve N^o 157, Notified 22nd Dec^r, 1865.

That part of Res. 157 included within the above portion cancelled by notice
of the 19th April, 1872.

240 ac. I.P.
N^o 70
J. Sutherland
U59.

Scale for connection
40 Chains to an Inch.



Reference to Corners.

Cor.	Bearing	From	Links	N ^o on tree
B	279° 30'	60m	40	8
C	at	corner	post	"
A	do.	do	do	"

Scale, 20 Chains to an Inch
Theodolite used in Survey.
Date of Instructions, 24th Jan^y, 1870/3.
Date of Survey 22nd July, and 3rd Aug 1870
Value of Improvements (Sheep-wash, Huts, Dam) £380.
Situated on Bundure Run

Transmitted to the Surveyor General, with my letter N^o 70/16, Aug. 24

(Sig 7)

Hugh Gordon, L.S.

PLAN

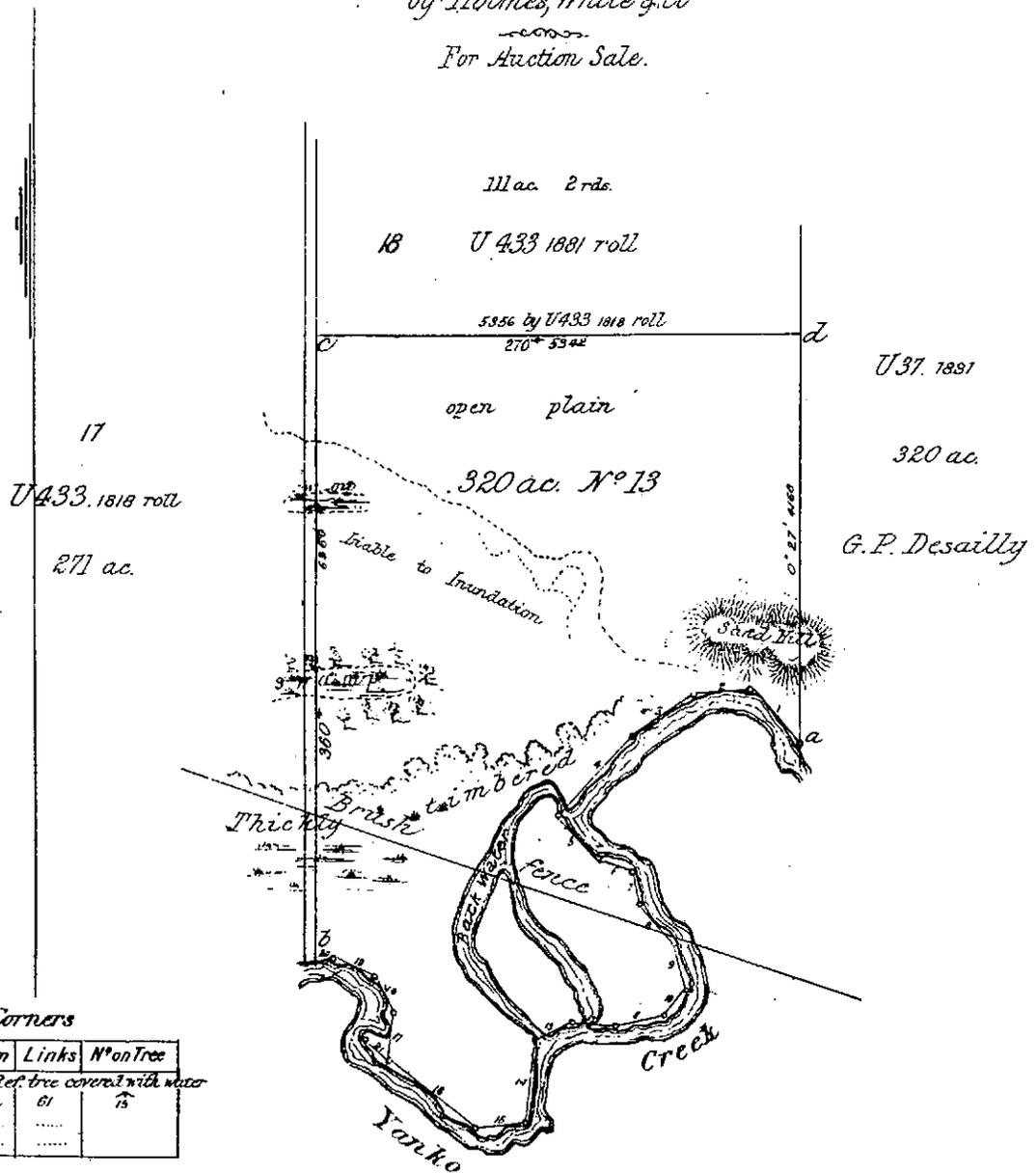
of 320 acres portion N^o 13

Parish of Broome, County of Urana.

Applied for under the 23rd clause of the Crown Lands Alienation Act of 1861,

by Holmes, White & Co

For Auction Sale.



Reference to Corners

Corner	Bearing	From	Links	N ^o on Tree
a	Post at Cor.	Ref. tree covered with water		
b	318°	Cor.	61	15
c	Post			
d	"			

Reference to Traverse

Line	Bearing	Distance
1	317° 30'	719
2	264° 46'	618
3	259° 39'	808
4	295° 15'	1171
5	181° 50'	676
6	105° 2'	323
7	169° 5'	372
8	180° 00'	515
9	163° 6'	531
10	210° 30'	339
11	255° 59'	550
12	278° 0'	515
13	252° 46'	480
14	185° 30'	873
15	210° 40'	605
16	304° 46'	1182
17	379° 30'	340
18	E. 11'	500
19	378° 37'	411
20	209° 39'	517
21	289° 45'	127

Marked in accordance with Regulations.

Theodolite used in Survey.

Date of Survey, 7th March, 1877.

Value of Improvements.

Situated in Bundure Run.

Date of Instructions, 21st Sep^r 69/187.

Scale, 20 Chains to an Inch.

Transmitted to the Surveyor General with my letter of the 12th April N^o 71/80

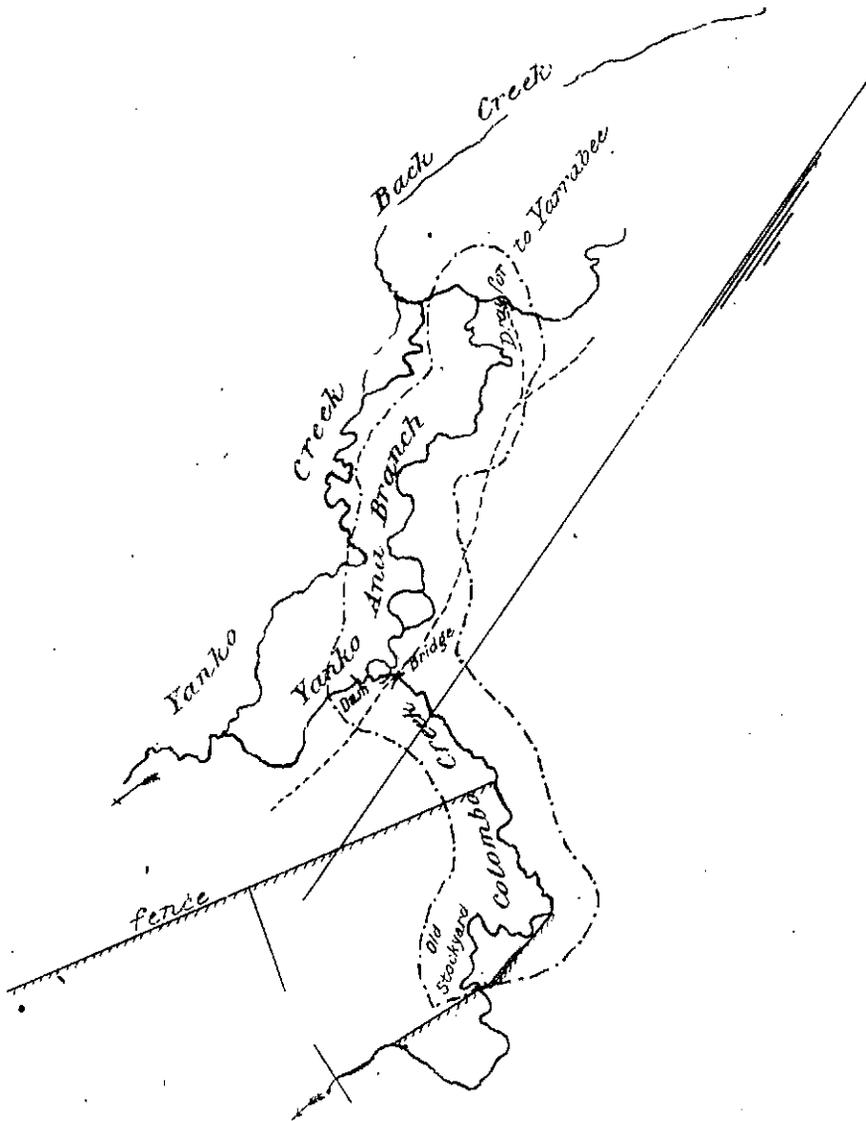
Hugh Gordon, L.S.

Plan accepted. J.H.C.

19th June, 1875.

(Sig 7)

SKETCH showing approximately the proposed General Reserve from Conditional Purchase to protect the Cuttings in the bed of the Yanko Creek, Yanko Ana Branch and Colombo Creek.



Scale, 2 Miles to an Inch

Note The distance from the Bridge to the old Stockyard is only estimated.

T. L. Crommelin, C. C. I.

Enclosure to N^o 87

Appendix H



SKETCH

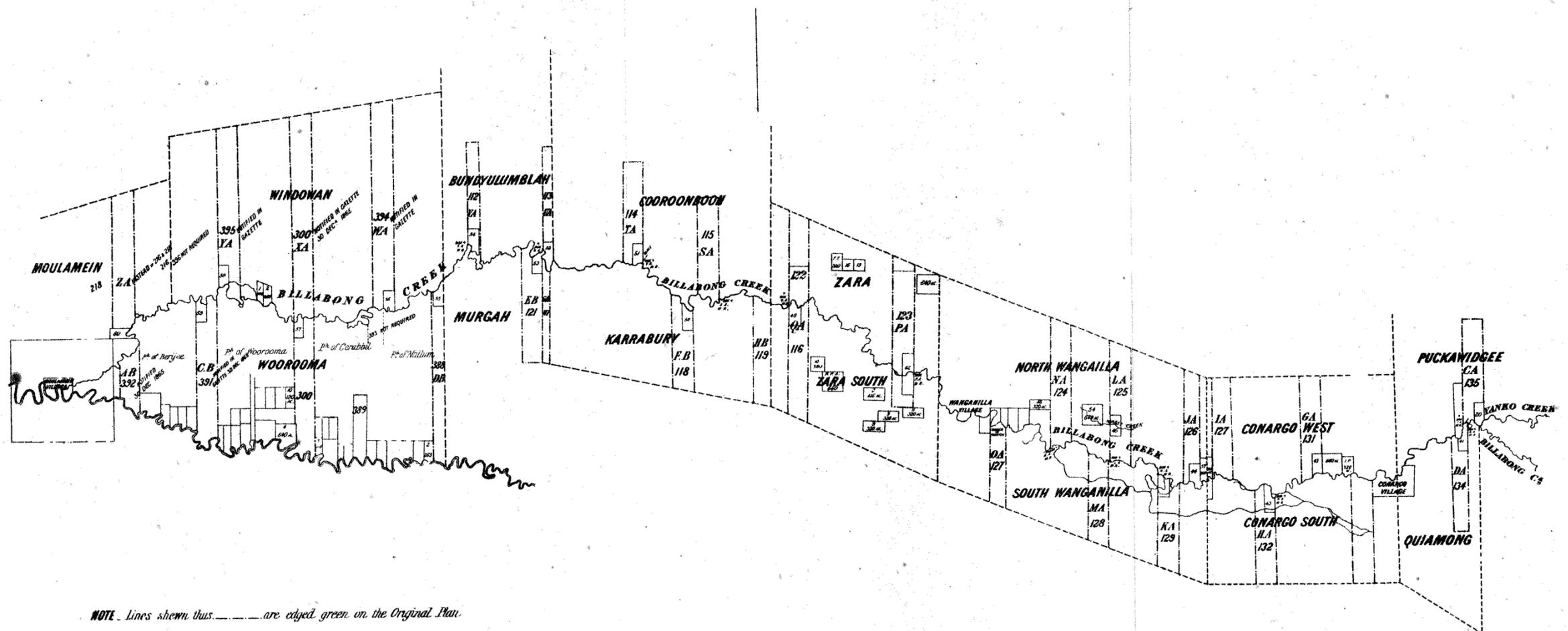
Showing position of proposed Reserves for access to Water

BILLABONG CREEK MURRUMBIDGEE DISTRICT

Scale of Miles



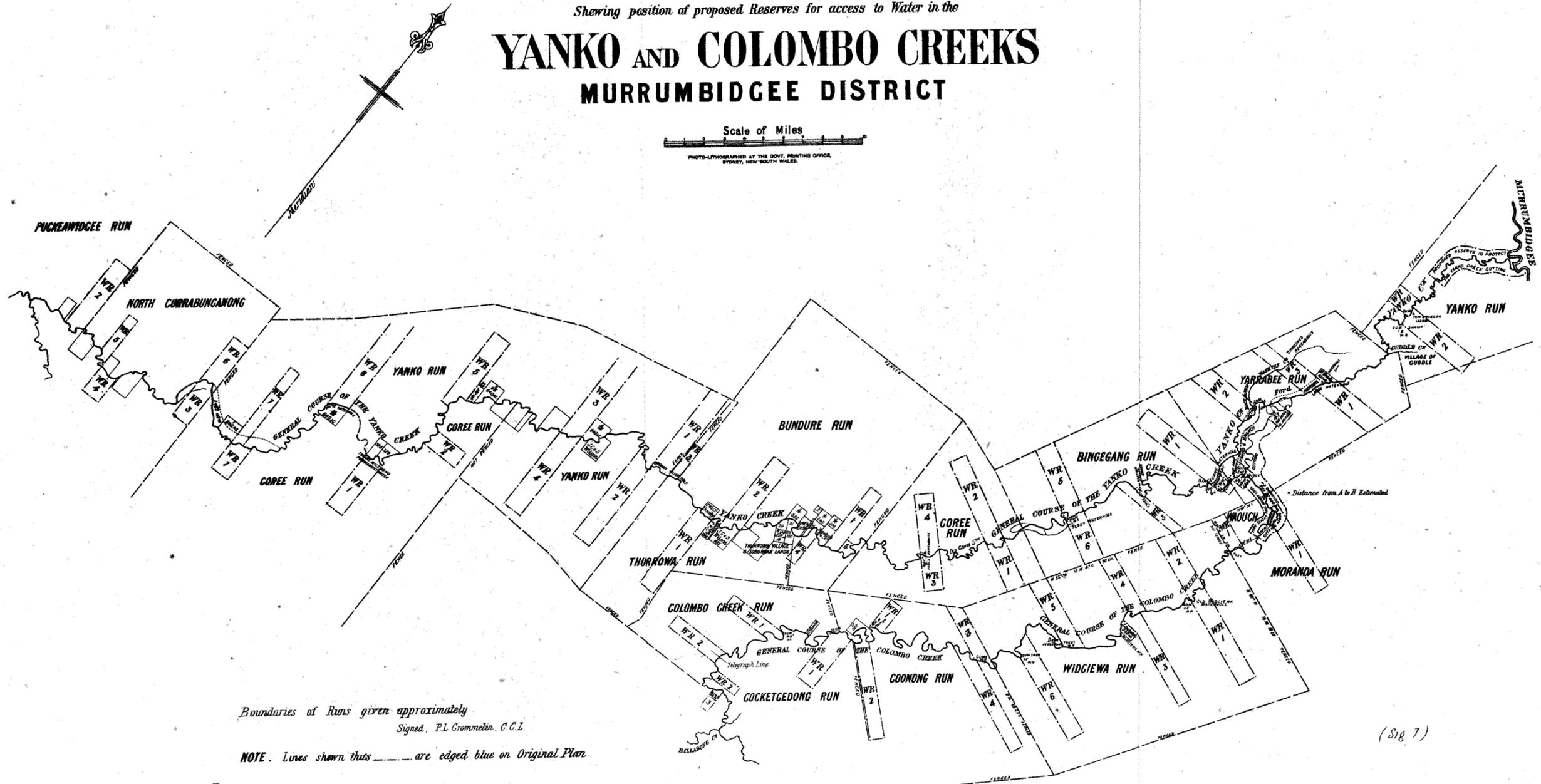
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



NOTE. Lines shown thus ——— are edged green on the Original Plan.

(Sig 7)

SKETCH
 Showing position of proposed Reserves for access to Water in the
YANKO AND COLOMBO CREEKS
 MURRUMBIDGEE DISTRICT



(Sig. 7)

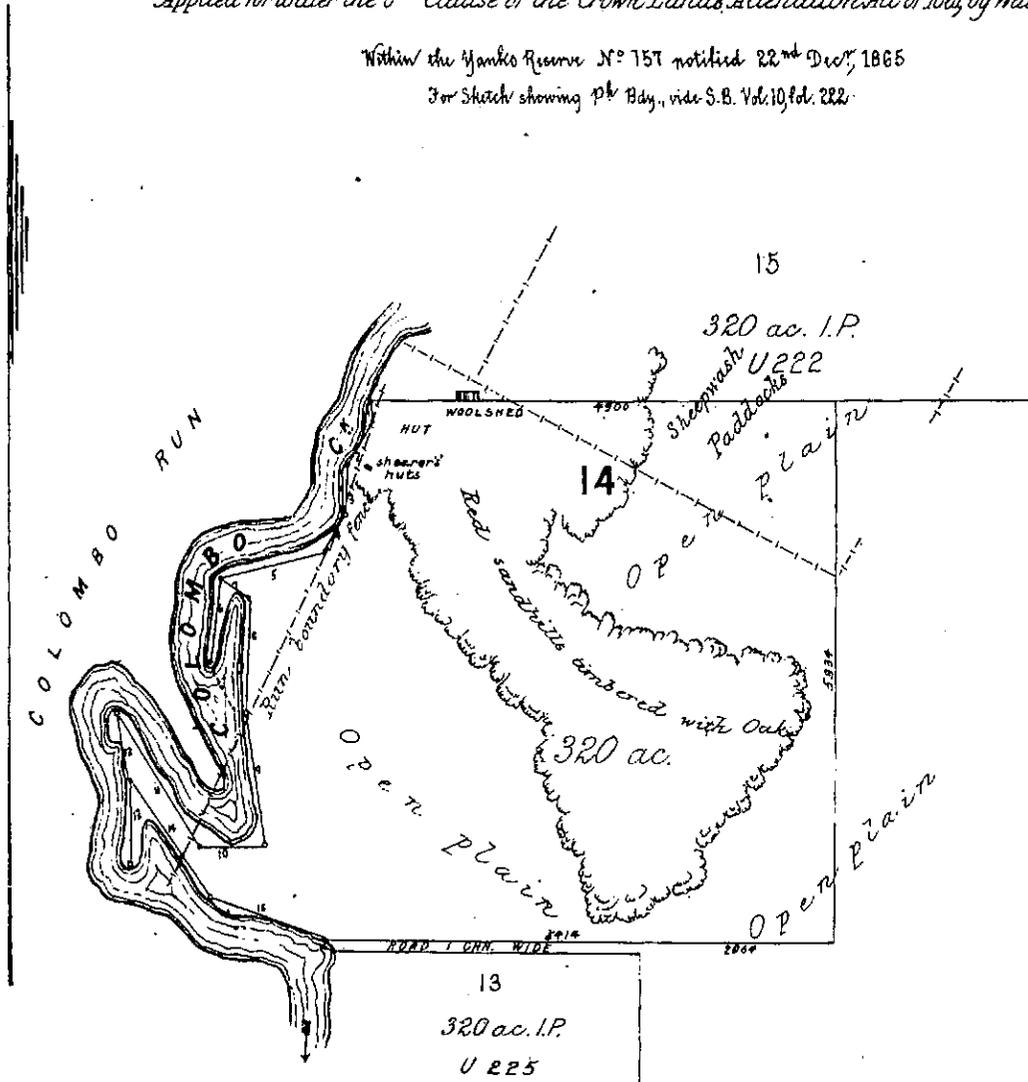
PLAN

of 1 portion N^o 14,

Parish of Cocketgedong, County of Urana.

Applied for under the 8th Clause of the Crown Lands Alienation Act of 1861 by Watt and Thomson

Within the Yanko Reserve N^o 157 notified 22nd Dec^r, 1865
 For Sketch showing pt^y Bdy., vide S.B. Vol. 10, fol. 222.



Note. This Portion is situated within W. R. 157, notified 23rd December, 1865.

Reference to Corners

Corner	Bearing	From	Link	N ^o on Tree
Corners marked with numbr ^s posts, n. o. trees near.				

Reference to Traverse.

Line	Bearing	Distance
1	177° 41'	198
2	211 51	503
3	177 52	514
4	217 28	431
5	256 10	1130
6	137 0	500
7	119 44	309
8	162 42	1188
9	170 48	1233
10	289 14	663
11	325 29	1600
12	163 44	710
13	162 0	800
14	145 34	1373
15	109 41	1317
16	137 30	156

Scale, 20 Chains to an Inch.

Instrument used in Survey, Theodolite.

Date of Survey, 7th March, 1873.

Value of Improvements, £320.

Situated in the Cocketgedong Range.

Variation, 8° 30' 38" E

Marked in accordance with Regulations

Plan accepted. J.H.C.,
 6, Nov, /73

(Sig 7)

Transmitted to the Surveyor General with my letter of the 24th May, N^o 73/77

(Signed) William Orr,

Licensed Surveyor.

PLAN

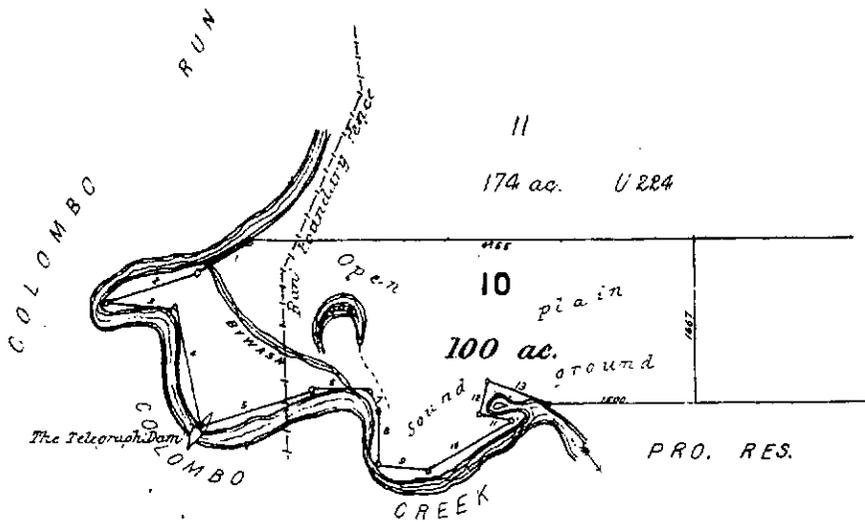
of 1 portion N^o 10

Parish of Cocketgedong, County of Uran,.

Applied for under the 3rd clause of the Crown Lands Alienation Act of 1861, by Watt and Thomson.

Within the Yamba Reserve N^o 757, not^d 22nd Dec^r 1865.

For Sketch showing Pt. Bdy. vide S. B. Vol. 10, fol. 222



Note. This Portion is situated within W. R. N^o 157, notified 29th December, 1865.

Reference to Corners.

Corner	Bearing	From	Links	N ^o on Tree
Corners marked with numbered posts, no trees near.				

Reference to Traverses

N ^o	Bearing	Distance
1	242. 15'	547
2	239. 51'	992
3	96. 36'	714
4	168. 48'	1264
5	71. 46'	216
6	32. 20'	816
7	157. 16'	247
8	183. 10'	539
9	100. 26'	547
10	87. 42'	1020
11	277. 53'	362
12	22. 39'	346
13	110. 15'	720

Scale. 20 Chains to an Inch.
 Marked in accordance with regulations
 Instrument used in Survey, Theodolite
 Date of Survey, 7th March, 1873.
 Value of Improvements, £100.
 Situated in the Cocketgedong Run
 Variation, 8° 30' 38" E.

Transmitted to the Surveyor General, with my letter of the 24th May, N^o 73/14.

(Sig. 7)

Signed: *William Orr*
 Licensed Surveyor.

PLAN

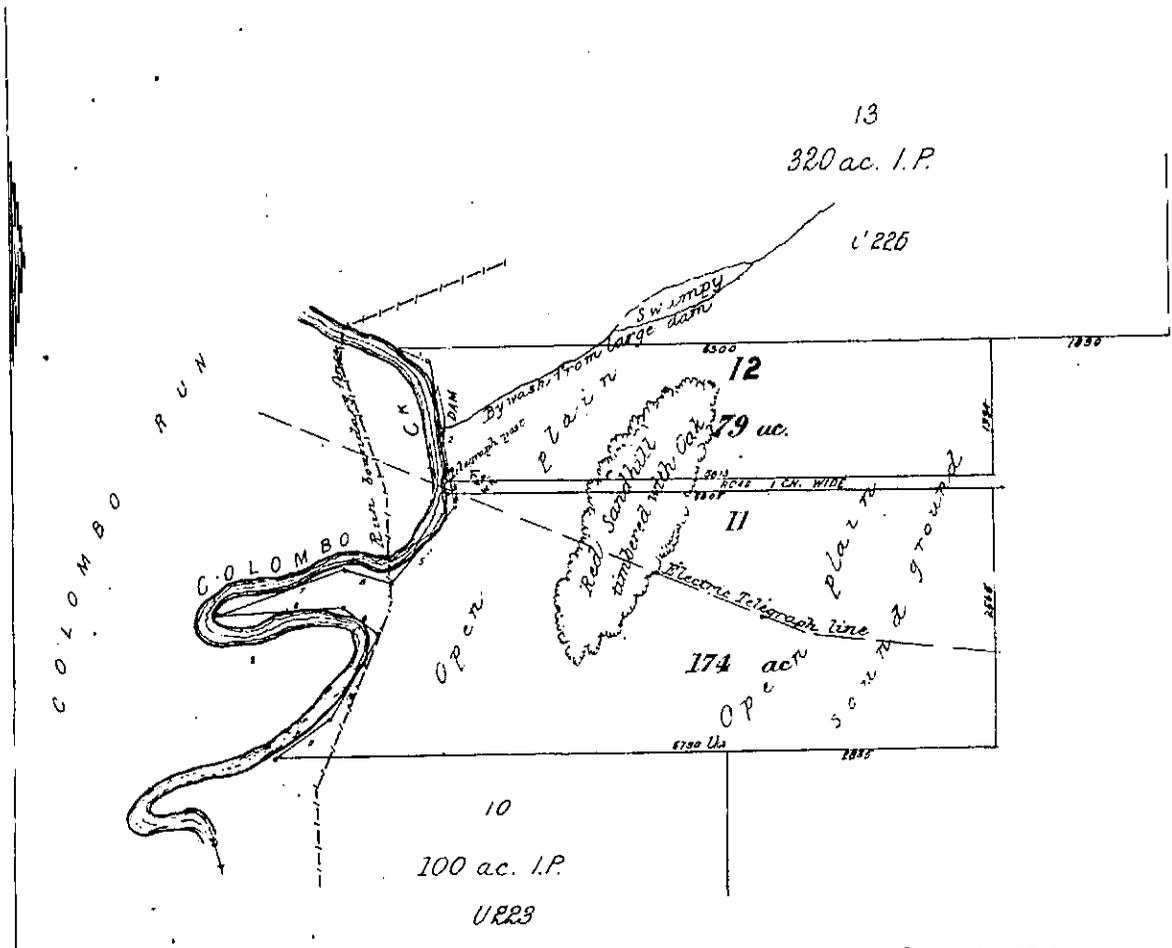
of 2 portions N^{os} 11 & 12,

Parish of Cockatgedong, County of Urana,

Applied for under the 8th and 23rd clauses of the Crown Lands Alienation Act of 1864 by Wm & Thomson.

Within the Murrumbidgee Reserve N^o 157, not^d 22nd Dec^r, 1865.

For sketch showing Ph. Bdy. vide S.B. Vol. 10, fol. 228.



Note.— These Portions are situated within W.R. 157, Notified 25th December, 1865.

Reference to Corners.

Corner	Bearing	From	Links	N ^o on tree
Corners marked with numbered posts, no trees near.				

Reference to Traverse.

Line	Bearing	Distance
1	112° 17'	368
2	175° 2'	1202
3	175° 24'	100
4	149° 36'	180
5	222° 13'	1000
6	287° 18'	500
7	253° 11'	1660
8	87° 46'	1346
9	127° 46'	447
10	210° 47'	962
11	238° 51'	633

Scale, 20 Chains to an Inch.

Marked in accordance with regulations
 Date of Survey, 7th March, 1873.
 Value of Improvements on N^o 12, £80.
 Instrument used in Survey, Theodolite
 Situated in the Cockatgedong Run.
 Variation 8° 30' 38" E.

Plan accepted, J.H.C.,
 8th Nov^r /73.

Transmitted to the Surveyor General with my letter of 24th May, N^o 13/75

(signed) William Orr,

Licensed Surveyor.

(Sig. J.)

PLAN

of 1 portion N^o 13,

Parish of Cockatgedong, County of Urana

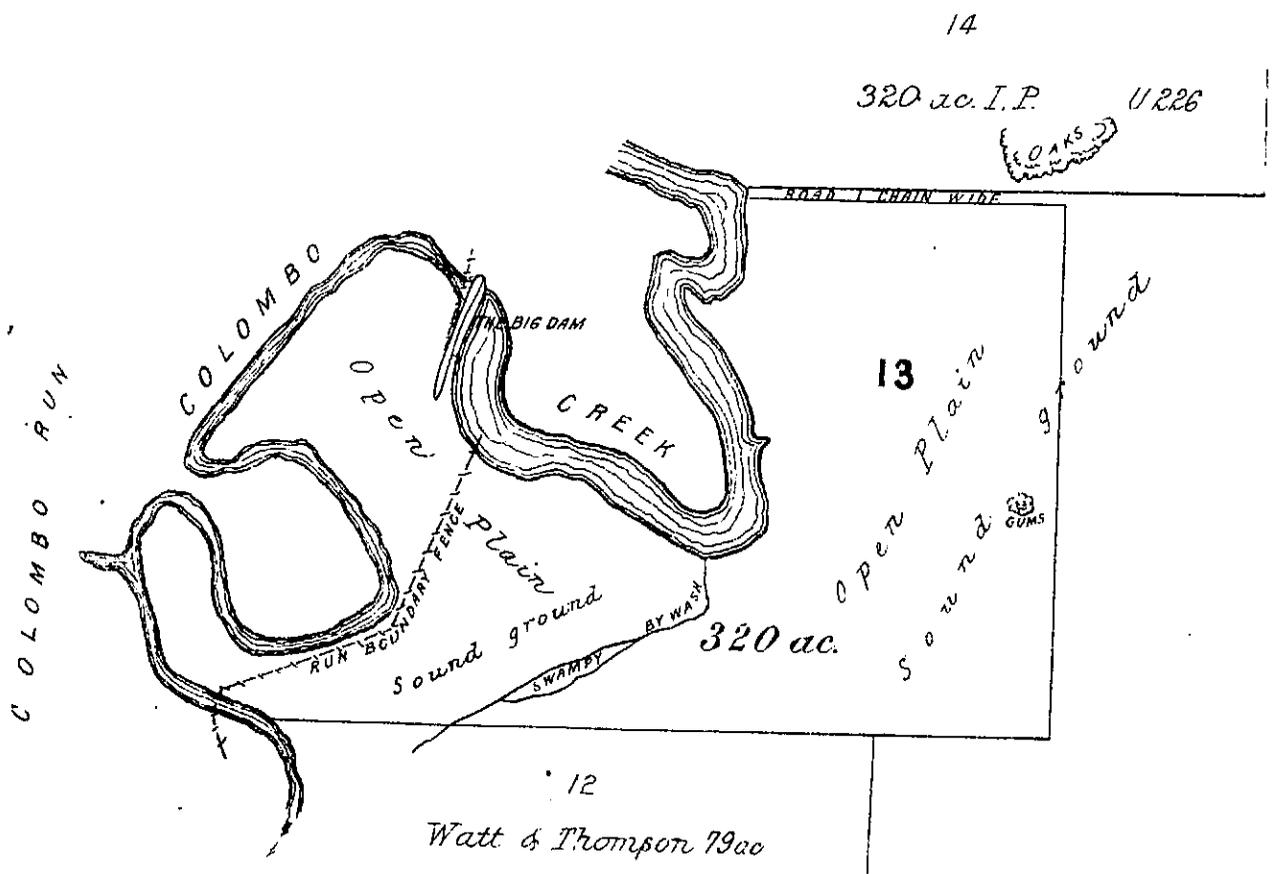
Applied for under the 8th Clause of the Crown Lands Alienation

Act of 1861, by Watt and Thomson:

Within the Wanko Reserve, N^o 157, not^d 22nd Dec^r 1865.

For Sketch showing Pt. Ely. side S.B. Vol. 10, pt. 222.

Length of southern boundary altered Vide 75-3305 Ministerial



Note.— This portion is situated within W.R. N^o 157, notified 23rd December, 1865.

Scale, 20 Chains to an Inch
 Marked in accordance with regulations
 Instrument used in Survey, Theodolite
 Date of Survey, 7th March, 1873.
 Value of Improvements, £320
 Situated in the Cockatgedong Run.
 Variation 8° 30' 38" E.

Plan accepted,
 J.H.L., 8. Nov, 73.

Transmitted to the Surveyor General with my letter of the 24th May, N^o 73/18

William Orr,
 Licensed Surveyor.

(Sig. 7)

PLAN

of 1 portion N^o 15,

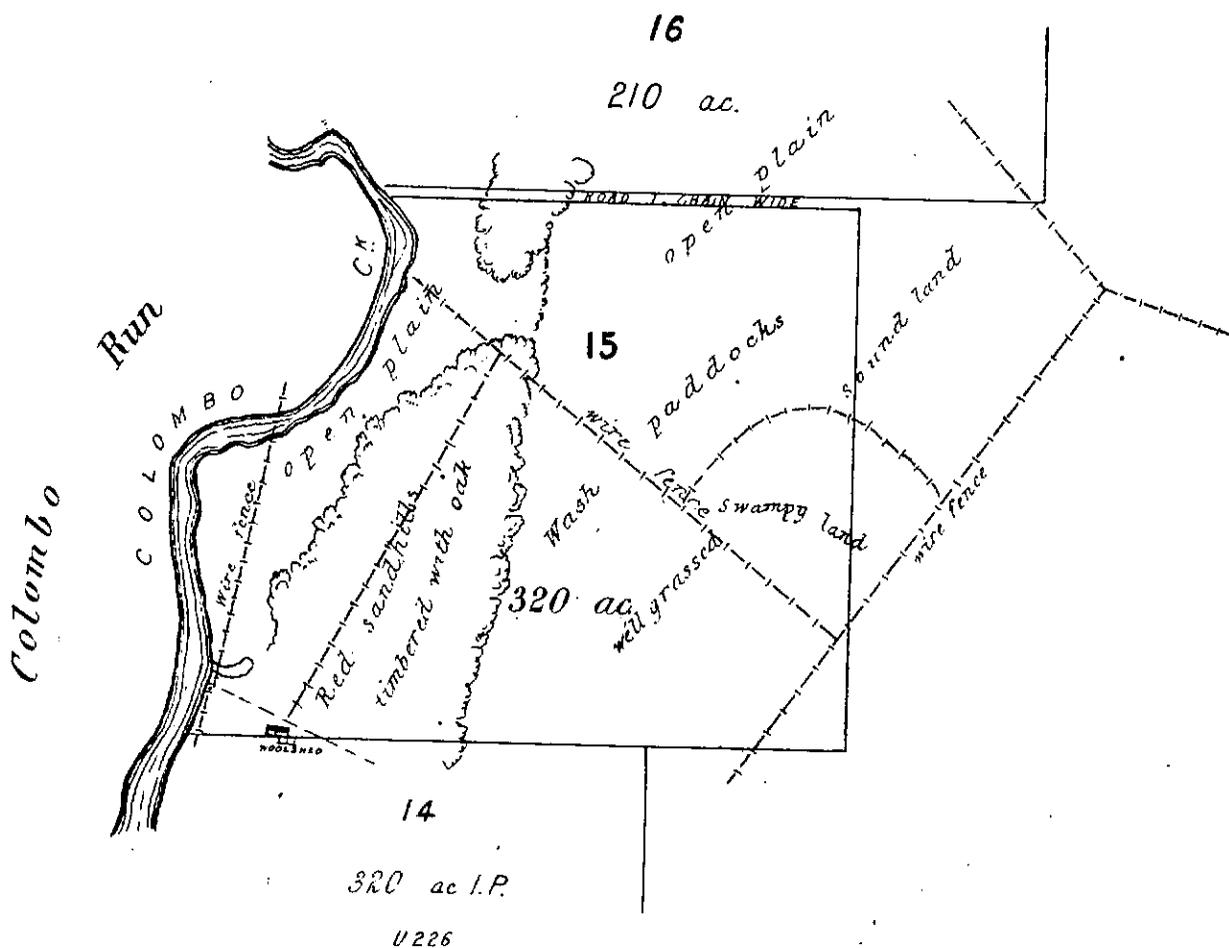
Parish of Cocketgedong, County of Urana

Applied for under the 8th Clause of the Crown Lands Alienation

Act of 1861, by Watt and Thomson:

Within the Yanko Reserve, N^o 157, not^d 22nd Dec^r 1865.

For Sketch showing Pt. Bdy. vide S.B. Vol. 10, fol. 222.



Note.— This portion is situated within W.R. N^o 157, notified 23rd December, 1865.

Plan accepted:— J.H.C.,
8 Nov, 1873

Corners are marked with numbered posts, no trees near.
Scale 20 Chains to an Inch.
Marked in accordance with regulations.
Instrument used in Survey, Theodolite.
Date of Survey, 7th March, 1873
Value of Improvements, £400.
Situated in the Cocketgedong Run.
Variation 8°. 30' 38" E

Transmitted to the Surveyor General with my letter of the 24th May, N^o 73/18

William Orr,
Licensed Surveyor.

(Sig. 7)

PLAN

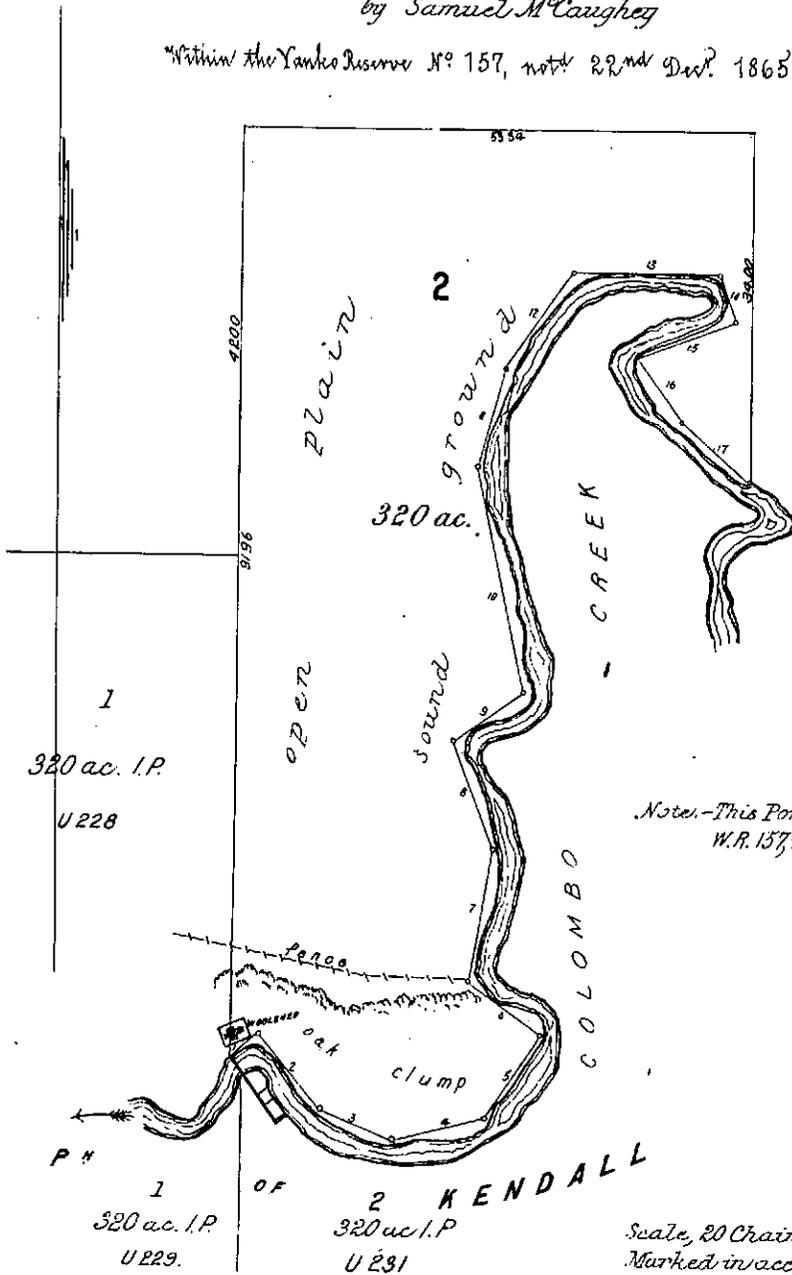
of portion N^o 2,

Parish of Colombo, County of Urana,

Applied for under the 8th clause of the Crown Lands Alienation Act of 1861,

by Samuel M^cCaughy

Within the Yanko Reserve N^o 157, not^d 22nd Dec^r 1865.



Note.—This Portion is situated within W.R. 157, notified 23rd December, 1865.

Scale, 20 Chains to an Inch.
 Marked in accordance with Regulations.
 Instrument used in Survey, Theodolite
 Date of Survey, 5 Oct^r, 1872.
 Value of Improvements, £1000. 0. 0.
 Situated in Coonong Park.

Reference to Corners.

Corner	Bearing	From	Links	N ^o on Tree
Posts numbered at all corners, no trees near.				

Reference to Traverse

Line	Bearing	Distance
1	98° 31'	400
2	136° 45'	1800
3	110° 30'	800
4	78° 35'	1000
5	38° 3'	1000
6	302° 51'	900
7	5° 28'	1400
8	336° 26'	1100
9	56° 20'	900
10	306° 31'	2300
11	18° 15'	1000
12	36° 16'	1200
13	90°	1500
14	163° 25'	500
15	250° 34'	1100
16	141° 36'	800
17	128° 17'	918

Plan accepted. J.H.L.
 8 Nov/73

Transmitted to the Surveyor General with my letter of the 24th May, N^o 13/19

(Sig. 7)

41

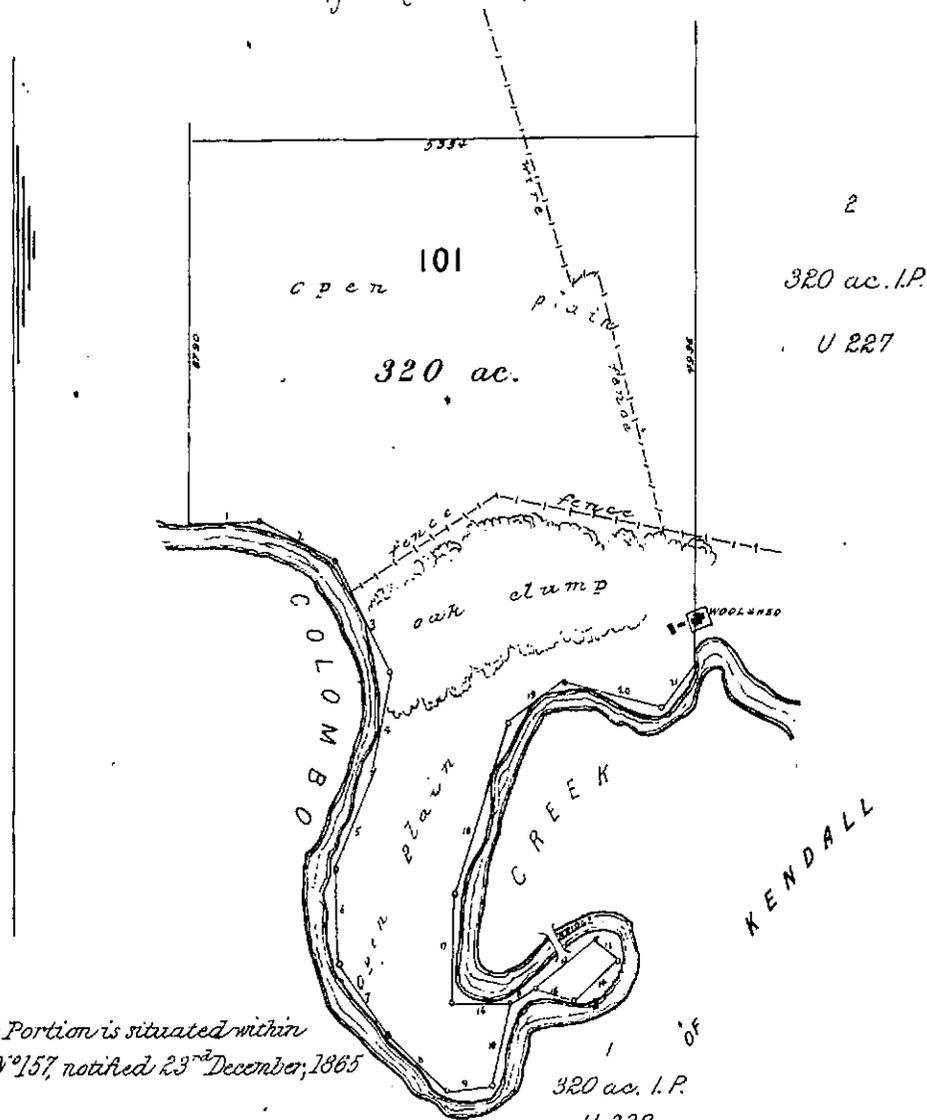
(Signed) William Orr,
 Licensed Surveyor.

PLAN

of portion 101,

Parish of Colombo, County of Urana,

Applied for under the 3rd Clause of the Crown Lands Alienation Act of 1861 by Samuel McCaughey,
 Within the Yanks Messure N^o 157, not^d 22nd Dec^r 1865



Note, - This Portion is situated within
 W.R. N^o 157, notified 23rd December, 1865

Reference to Corners.

Corner	Bearing	From	Links	N ^o on Tree
Posts numbered at all corners, No trees near.				

Reference to Traverse.

Line	Bearing	Distance
1	50°	700
2	113° 36'	900
3	152° 45'	1200
4	190° 5'	1000
5	202° 21'	1000
6	176° 33'	1000
7	148° 5'	700
8	131° 18'	1000
9	78° 27'	500
10	11° 33'	800
11	56° 52'	300
12	56° 28'	800
13	130°	300
14	227° 9'	600
15	287° 8'	461
16	273° 50'	600
17	1° 9'	1000
18	18° 6'	1800
19	55° 21'	700
20	103° 57'	1100
21	29° 19'	690

Marked in accordance with regulations
 Instrument used in Survey, Theodolite
 Date of Survey, 7 Oct^r /73.
 Value of Improvements, £400. 0.0
 Situated in Coonong Run.
 Scale, 20 Chains to an Inch.

Plan accepted. - J.H.C.
 8 Nov/73.

(Sig. 7)

Transmitted to the Surveyor General with my letter
 of 24th May, N^o 73/20.

Signed, William Orr,
 Licensed Surveyor.

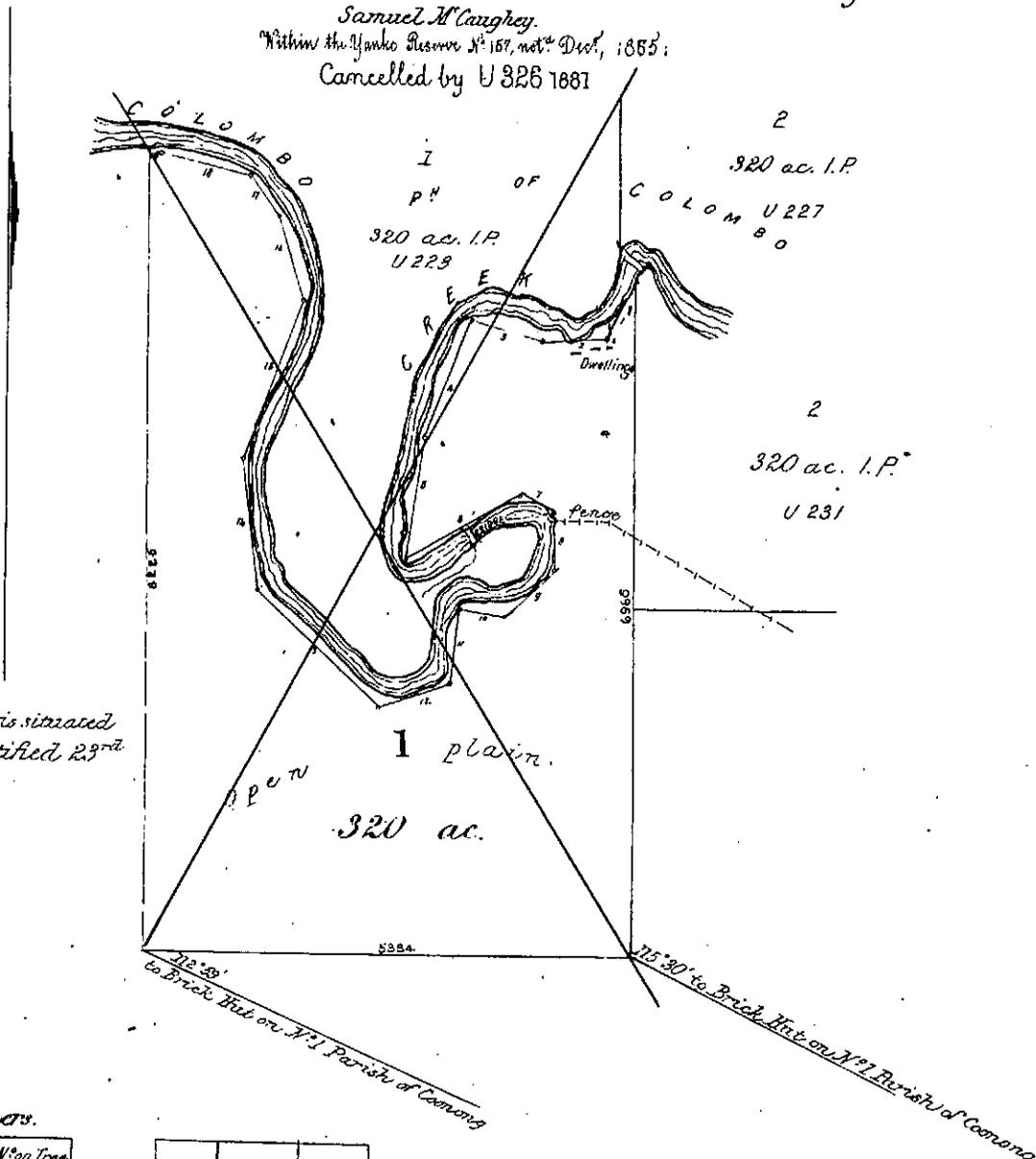
PLAN

of 1 portion N^o 1,

Parish of Kendall, County of Urana.

Applied for under the 8th clause of the Crown Lands Alienation Act of 1861, by

Samuel M. Carhrey.
 Within the Yanko Reserve N^o 157, not^d Dist., 1855;
 Cancelled by U 326 1881



Note:— This Portion is situated within W.R. 157, Notified 23rd December, 1865.

Reference to Corners.

Corner	Bearing	From	Links	N ^o on Tree
Posts numbered at all corners, no trees near.				

1	207. 4'	719
2	267. 13	700
3	226. 57	800
4	203. 42	1300
5	129'	1300
6	297' 13	1956
7	114' 13	400
8	180'	600
9	228' 28	700
10	275' 50	600
11	175' 52	700
12	251' 8	1000
13	312' 40	1800
14	352' 7	1300
15	21'	1800
16	342' 28	900
17	319' 36	500
18	224' 12	1000
19	225' 15	148

Plan accepted. — J.H.C.

8 Nov. 73

Scale, 20 Chains to an Inch
 Marked in accordance with regulations
 Instrument used in Survey, Theodolite
 Date of Survey, 2nd Oct. 1872
 Value of Improvements, £320.0.0.
 Situated in the Comong Run.

Transmitted to the Surveyor General with my letter of the 24th May, N^o 75/22.

(Signed) William Orr,
 Licensed Surveyor.

(Sig.?)

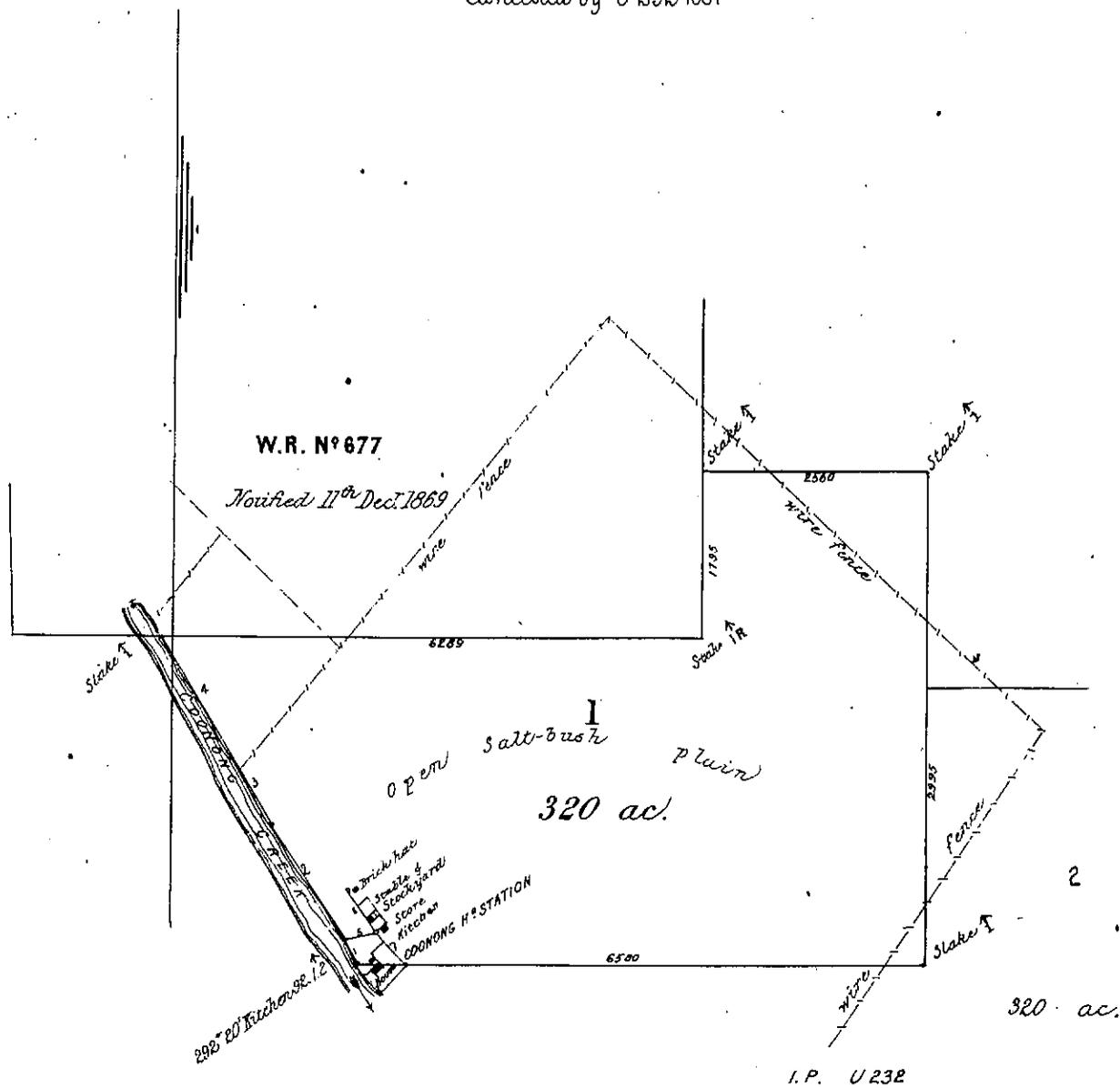
PLAN

of 1 portion N^o 1,

Parish of Coonong, County of Urana.

Applied for under the 8th clause of the Crown Lands Alienation Act of 1861, by
Samuel M'Caughy.

Cancelled by U 292 1881



I.P. U 232

Reference to Traverse.

Line	Bearing	Distance
1	329° 41'	285
2	324° 55'	1500
3	330° 16'	900
4	326° 54'	1589
5	77° 27'	395
6	322° 56'	560
7	135° 35'	449

Plan accepted. - J.H.C.
8 Nov. 73.

Scale, 20 Chains to an Inch
Marked in accordance with regulations
Instrument used in Survey, Theodolite
Date of Survey, 26th Sep^r 1872.
Value of Improvements, £550.0.0
Situated in the Coonong Ran.

Transmitted to the Surveyor General with my letter of the 24th May, N^o 19/22.

(signed) William Orr,
Surveyor.

(Sig. 7)

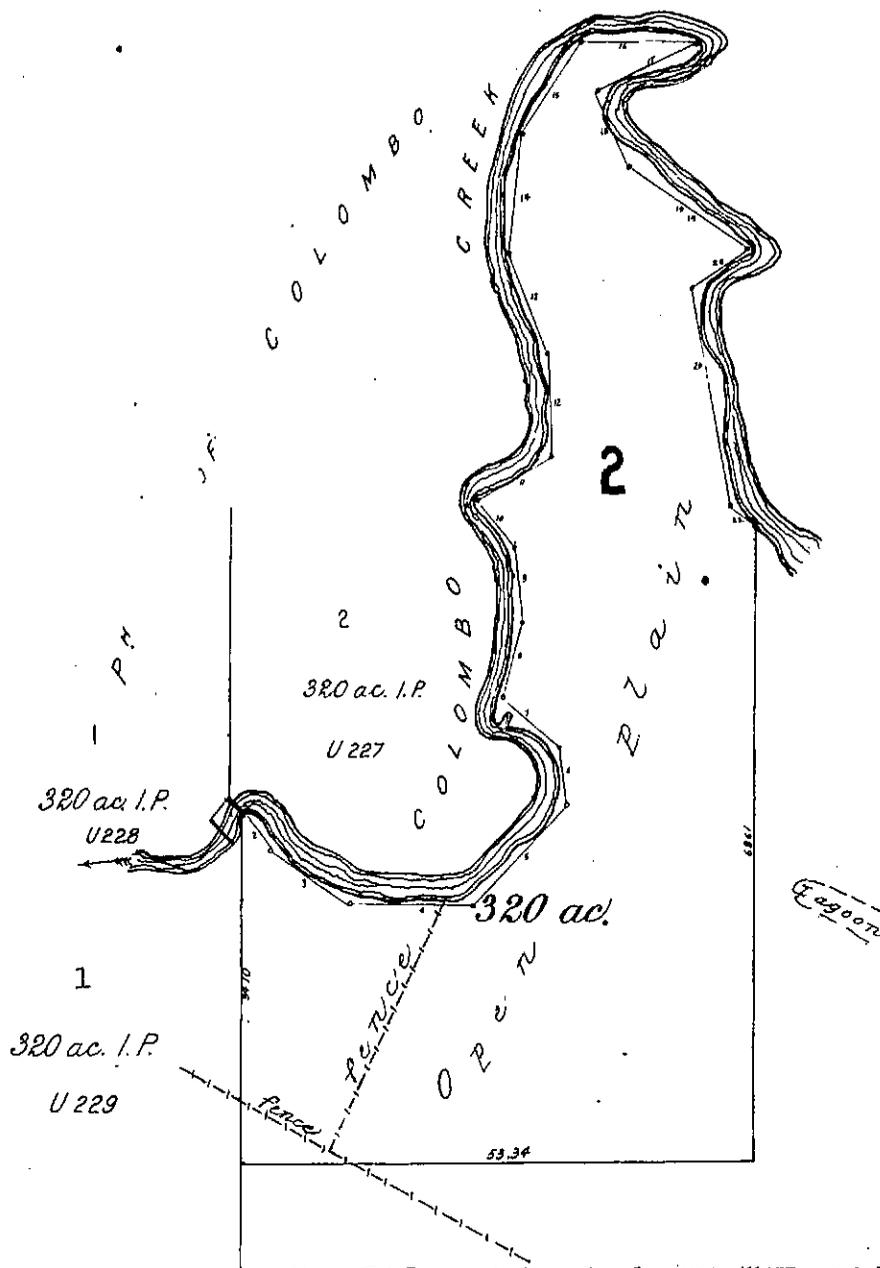
PLAN

of 1 portion N^o 2,

Parish of Kendall, County of Urana,

Applied for under the 8th clause of the Crown Lands Alienation Act of 1861, by Samuel M^o Caughey.

Within the Yanko Reserve N^o 157, not^d 22nd Decr. 1865.



Reference to Traverse

N ^o	Bearing	Distance
1	128° 40'	210
2	145° 6'	440
3	121° 28'	1000
4	88° 12'	1400
5	43° 11'	1300
6	552° 6'	600
7	308° 56'	705
8	12° 23'	900
9	350° 56'	700
10	320° 39'	600
11	38° 25'	900
12	553° 2'	1000
13	336° 18'	1100
14	7° 30'	1200
15	35° 3'	1100
16	23° 35'	1800
17	249° 5'	1800
18	131° 32'	800
19	164° 12'	1500
20	240° 42'	595
21	163° 12'	2200
22	128° 15'	270

Note, - This Portion is situated within W.R. N^o 157, notified 23rd December, 1865.

Reference to Corners.

Corner	Bearing	From	Links	N ^o on Trees
No trees near. N ^o on posts with ↑ over at all corners.				

Scale, 20 Chains to an Inch.
 Marked in accordance with regulations
 Instrument used in Survey, Theodolite
 Date of Survey, 2nd Oct^r 1872.
 Value of Improvements, £500, 0/0
 Situated in the Coorong Run

(Sig. 7)

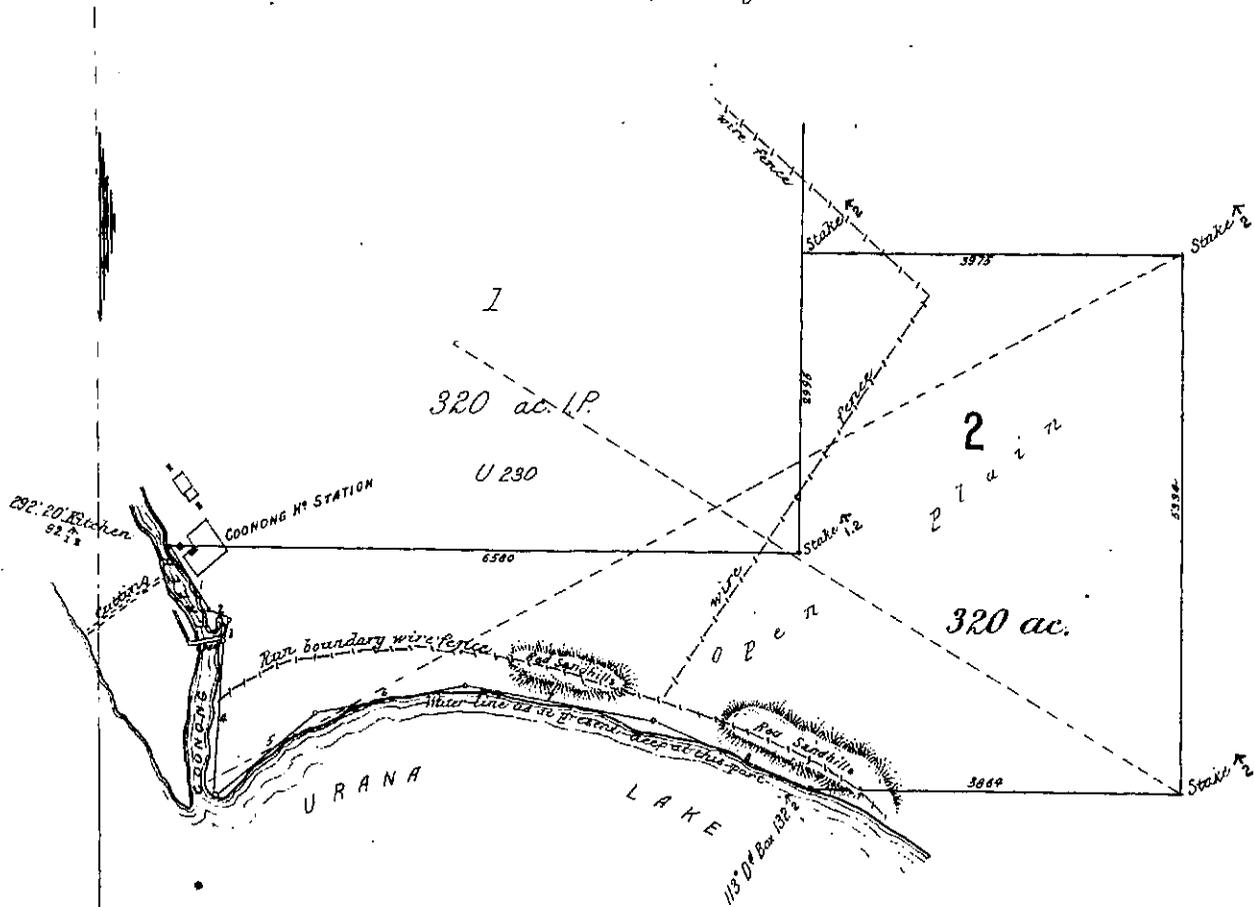
PLAN

of 1 portion N^o 2,

Parish of Coonong, County of Urana.

Applied for under the 8th clause of the Crownlands Alienation Act of 1861, by
Samuel M'Caughy.

Cancelled by U 298 1881



Reference to Traverse.

Line	Bearing	Distance
1	149° 41'	7.15
2	128° 45'	2.77
3	210° 43'	200
4	182° 6'	1500
5	51° 8'	1300
6	79° 22'	1600
7	99° 15'	2000
8	111° 45'	1830

Plan accepted. - J.H.C.
8 Nov. 72

Scale, 20 Chains to an Inch
Marked in accordance with regulations
Instrument used in Survey, Theodolite
Date of Survey, 24th Sep^r 1872.
Value of Improvements, £600.0.0
Situated in the Coonong Riv.

Transmitted to the Surveyor General with my letter of the 24th May, N^o 75/82.

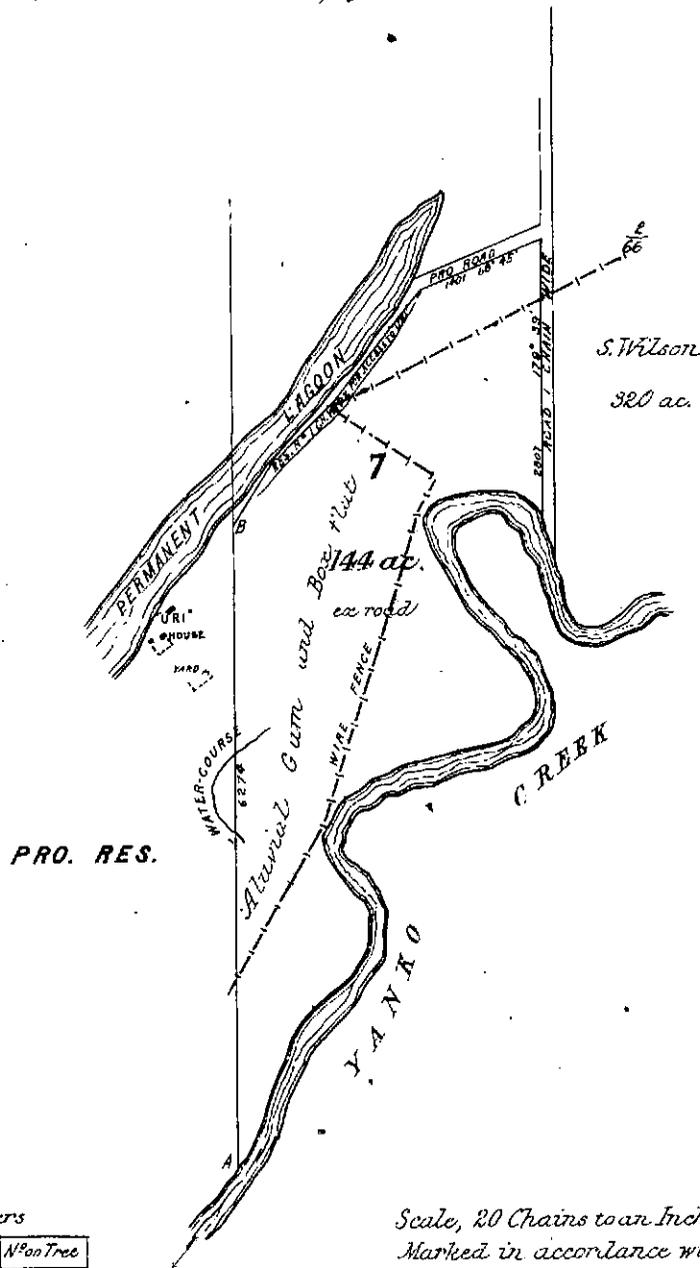
(Signed) William Orr,
Circuit Surveyor.

TRACING OF PLAN

of portion N^o 7,

Parish of Wood, County of Urana,

Applied for under the 8th Clause of the Crown Lands Alienation Act
of 1861, by Samuel Wilson



Reference to Corners

Corner	Bearing	From	Links	N ^o on Tree
A	349° 45'	Gun	85	7
B	169° 54'	do.	134	7
Other corners marked with number posts				

Scale, 20 Chains to an Inch.

Marked in accordance with regulations.

Instrument used in Survey, Theodolite.

Date of Survey, 25th Jan'y, 1873.

Value of Improvements, £70.

Situated in Yanko Riv.

Transmitted to the Surveyor General with my letter of the 27th May, N^o 79/80

(sig^d) W. Orr,

Licensed Surveyor.

(Sig. 7)

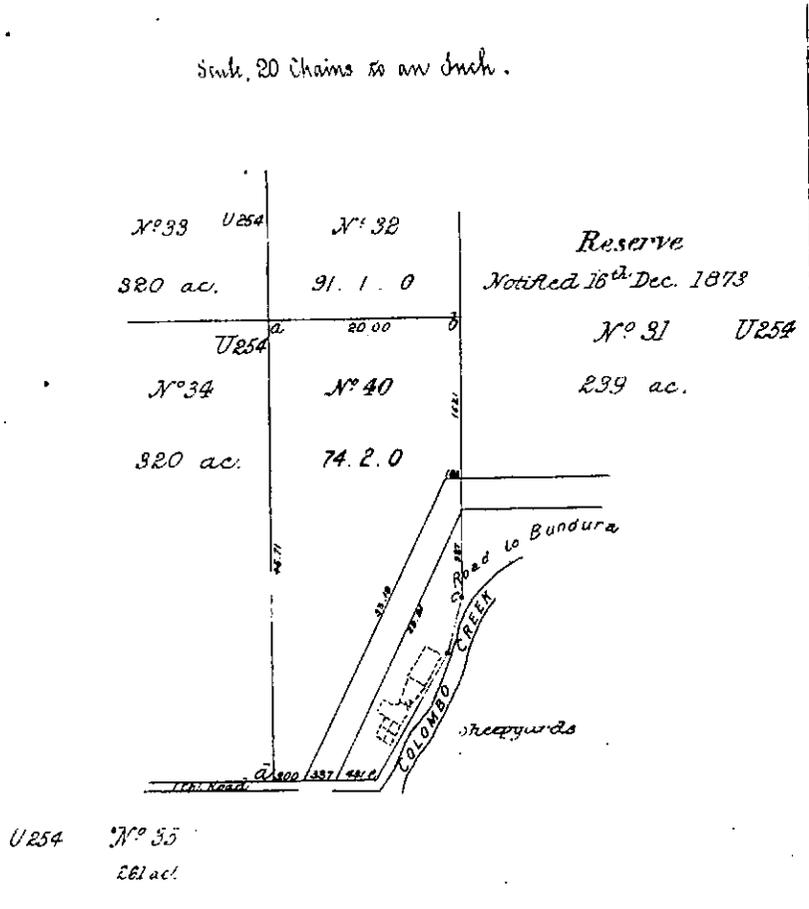
PLAN

of a portion of land

Parish of Thurrowa, Co: Urana,

Applied for under the 8th Clause of the Crown Lands Alienation Act by Jas. & Henry Osborne,
within the Colombo Creek Reserve.

Scale, 20 Chains to an Inch.



Reference to Corners.

Cor.	Bearing	From	Links	N ^o on Uree
a		Stake		32, 33, 40, 34
b		do		32, 40
c		do		31, 40
d		do		34, 40
e		do		

Reference to Traverse

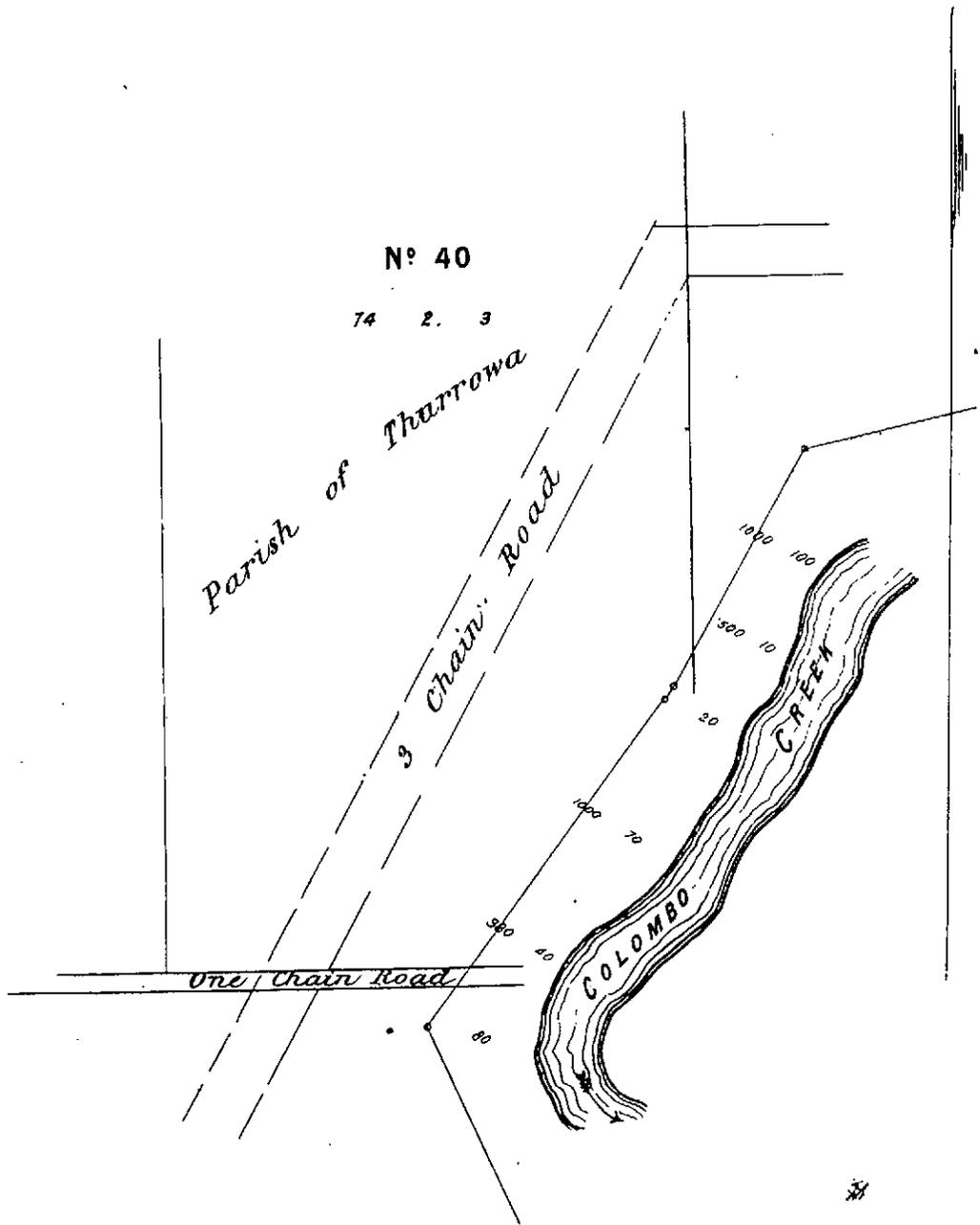
Line	Bearing	Distance
1	N 31° 3' E.	1470
2	N 20° 18' E.	487

Marked in accordance with Regulations
Instrument used in survey, Theodolite.
Date of Survey, July 12th, 1873.
Value of Improvements. \$75.

Transmitted to the Surveyor General with my letter of the
16th Sep^r, N^o 73/66

(Signed) Hugh H. More.

(Sig. 7)



(Sig. 7)

Enclosure A to N^o 150

Appendix W.

Plan
Of proposed subdivision of part of the
COLOMBO CREEK RESERVE
ON WIDGIEWA RUN

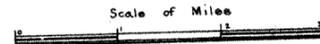
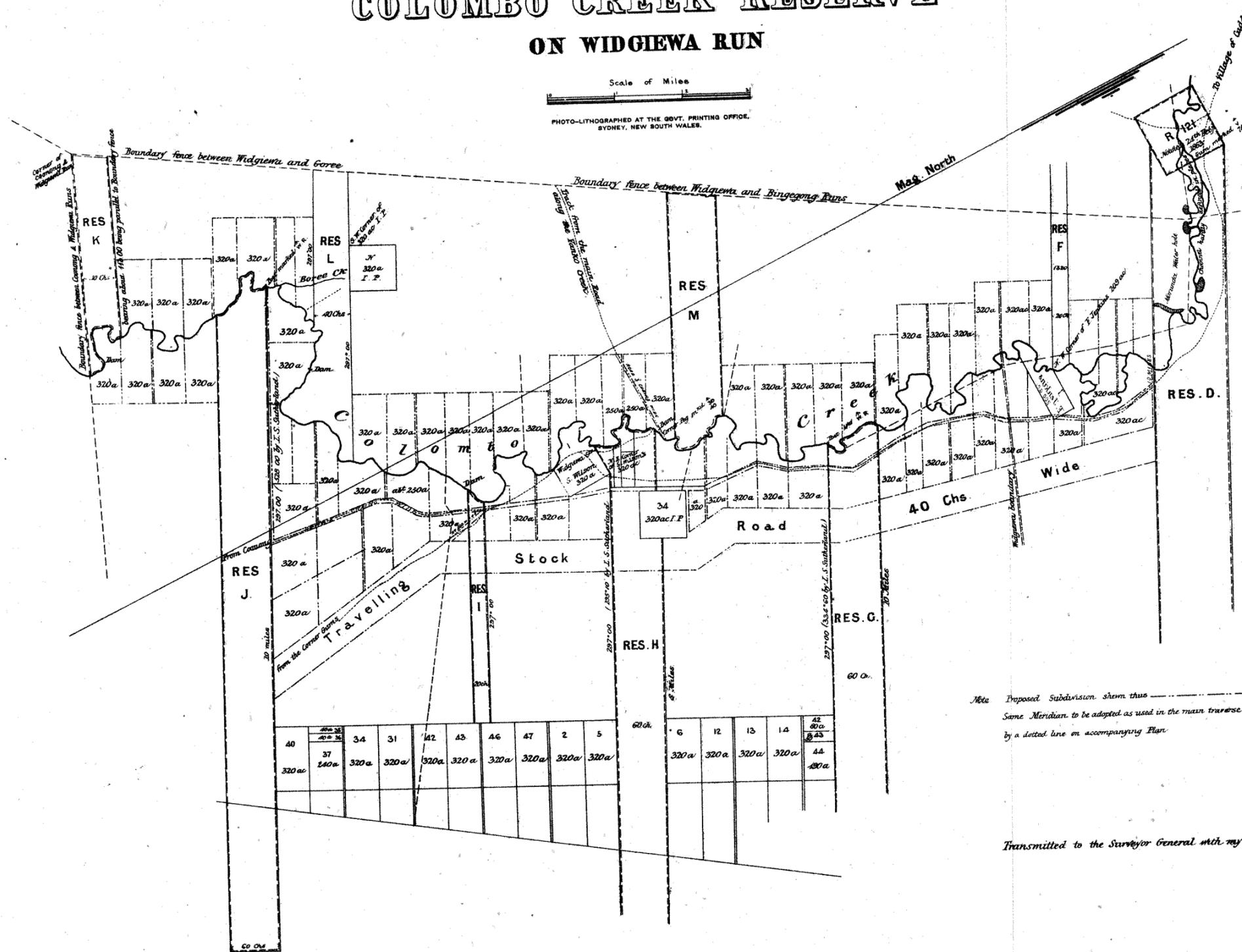


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



Note. Proposed Subdivision shown thus
Some Meridian to be adopted as used in the main traverse shown
by a dotted line on accompanying Plan.

Transmitted to the Surveyor General with my letter dated Jan 21st N 794

Thomas H. Smith
Govt. Surveyor

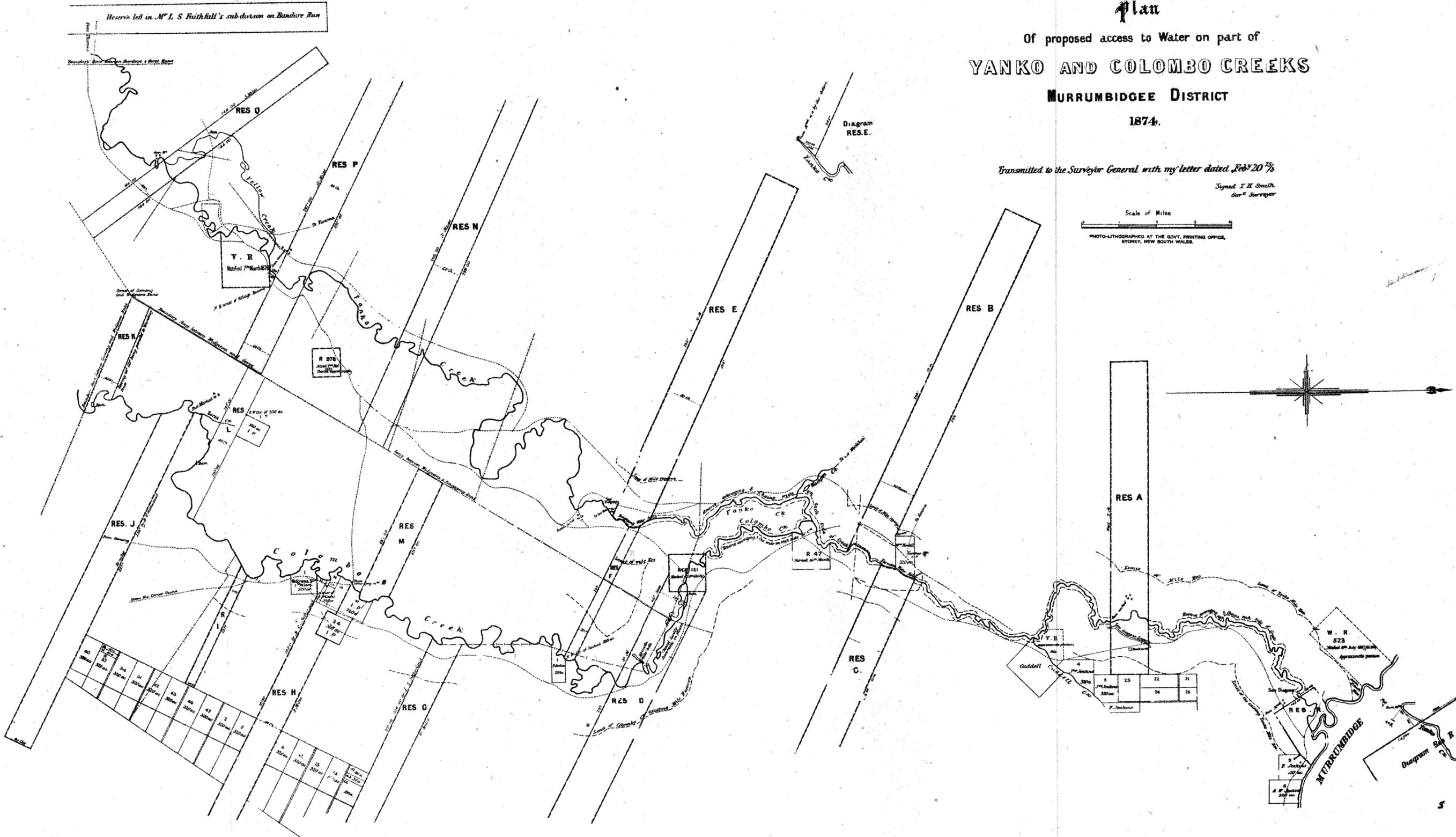
(Sig. T.)

Plan
Of proposed access to Water on part of
YANKO AND COLOMBO CREEKS
MURRUMBIDGEE DISTRICT
1874.

Transmitted to the Surveyor General with my letter dated Feb 20th 75

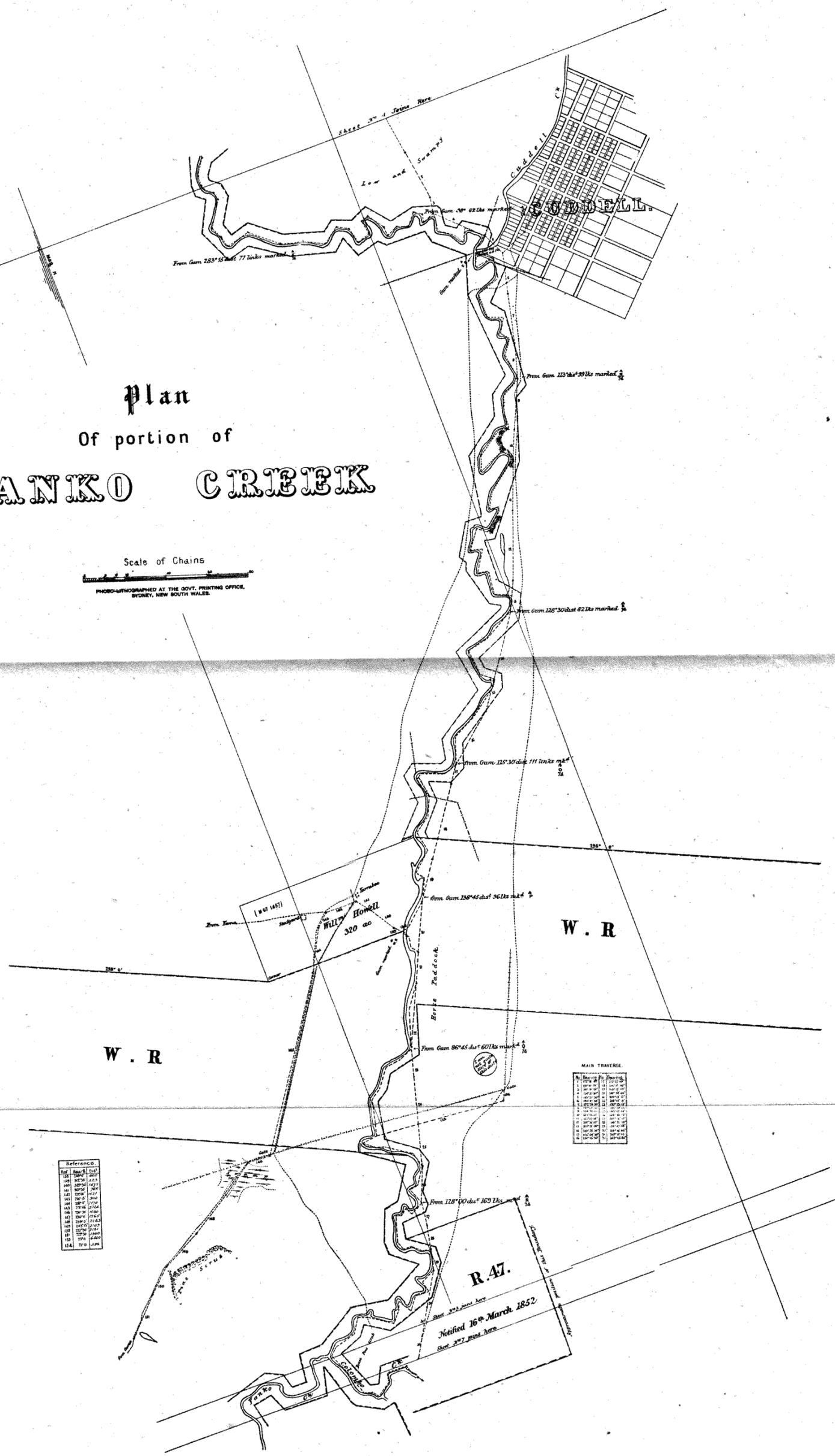
Signed I H Smith
Gov^r Surveyor

Scale of Miles
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



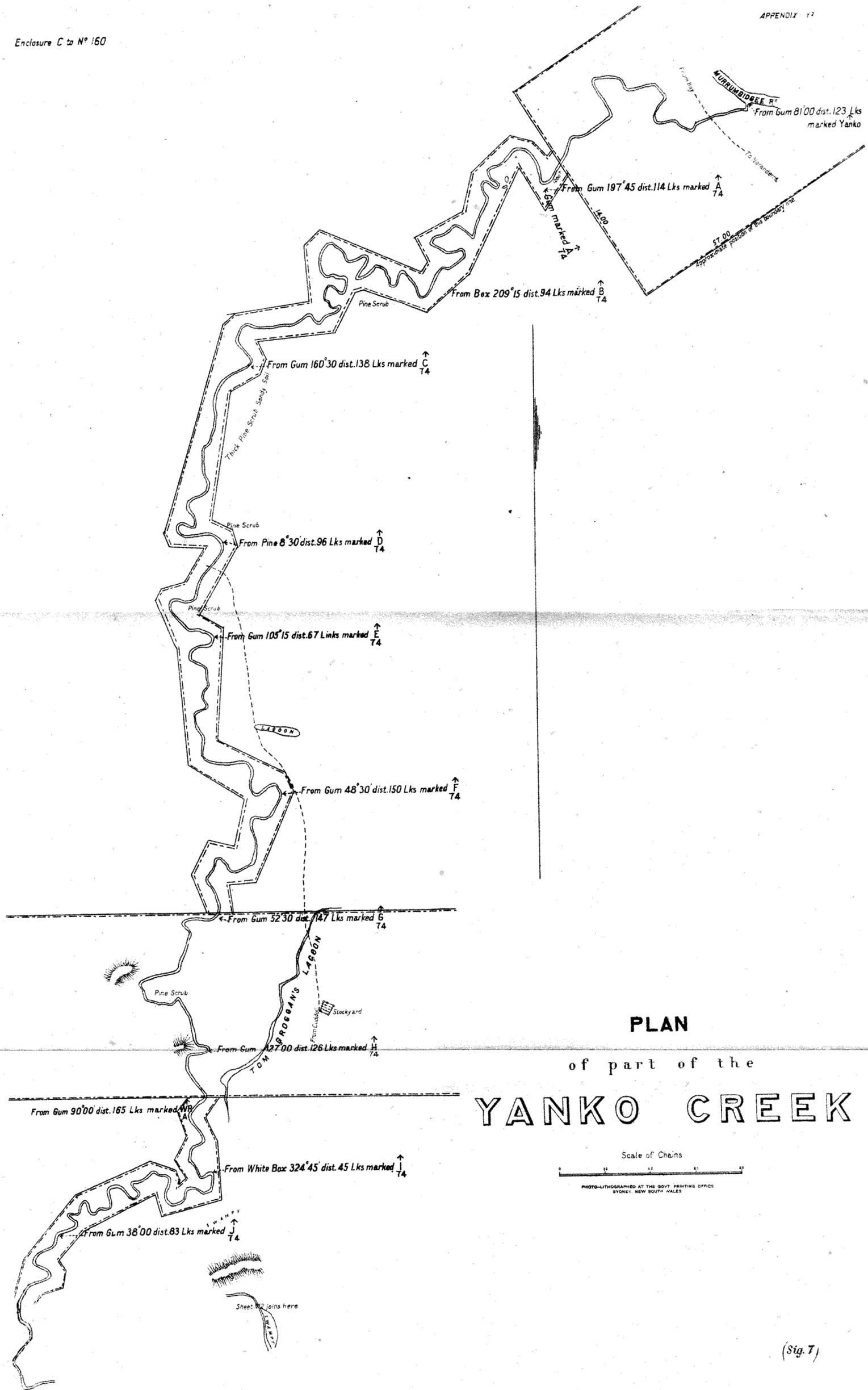
Plan Of portion of YANKO CREEK

Scale of Chains
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



Ref.	Bearing	Dist.
101	348° 10'	200
102	348° 10'	200
103	348° 10'	200
104	348° 10'	200
105	348° 10'	200
106	348° 10'	200
107	348° 10'	200
108	348° 10'	200
109	348° 10'	200
110	348° 10'	200
111	348° 10'	200
112	348° 10'	200
113	348° 10'	200
114	348° 10'	200
115	348° 10'	200
116	348° 10'	200
117	348° 10'	200
118	348° 10'	200
119	348° 10'	200
120	348° 10'	200
121	348° 10'	200
122	348° 10'	200
123	348° 10'	200
124	348° 10'	200

No.	Bearing	Dist.	Remarks
1	348° 10'	200	
2	348° 10'	200	
3	348° 10'	200	
4	348° 10'	200	
5	348° 10'	200	
6	348° 10'	200	
7	348° 10'	200	
8	348° 10'	200	
9	348° 10'	200	
10	348° 10'	200	
11	348° 10'	200	
12	348° 10'	200	
13	348° 10'	200	
14	348° 10'	200	
15	348° 10'	200	
16	348° 10'	200	
17	348° 10'	200	
18	348° 10'	200	
19	348° 10'	200	
20	348° 10'	200	



PLAN
of part of the
YANKO CREEK

Scale of Chains
0 20 40 60 80
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE
SYDNEY, NEW SOUTH WALES

PLAN of part of the YANKO CREEK

Scale of Chains

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

Accompanying my letter dated 8th March, N° 75/s

Thomas H. Smith,

Gov^r's Surveyor.

From Gum 343° 45 dist 44 lks marked

From Gum 117° 00' dist 090 lks marked

From Gum 338° 00' dist lks marked

From Gum 95° 30' dist 148 lks marked

From Box 218° 00' dist 44 lks marked

From Gum 61° 15' dist 61 lks marked

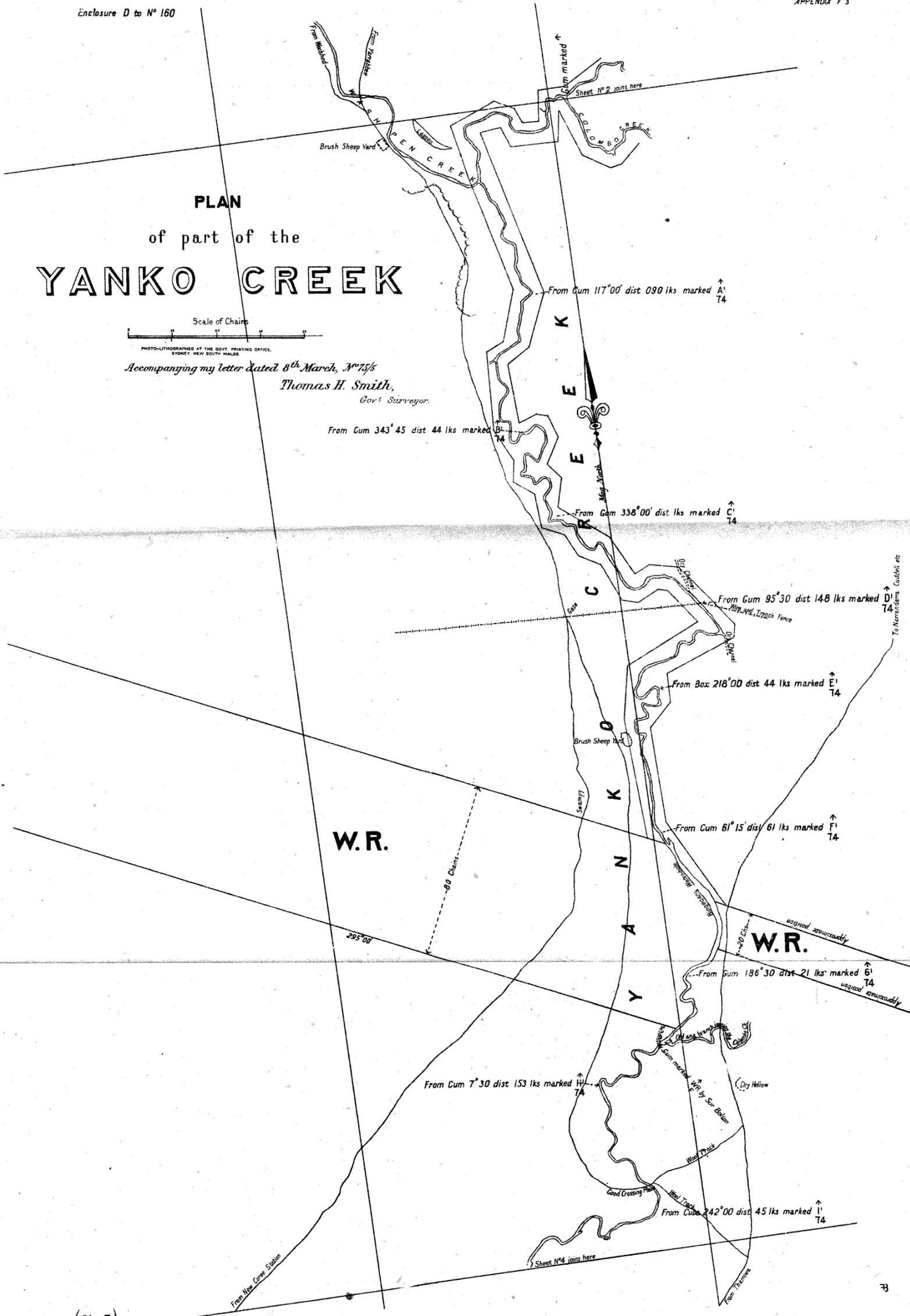
From Gum 186° 30' dist 21 lks marked

From Gum 7° 30' dist 153 lks marked

From Gum 242° 00' dist 45 lks marked

W.R.

W.R.

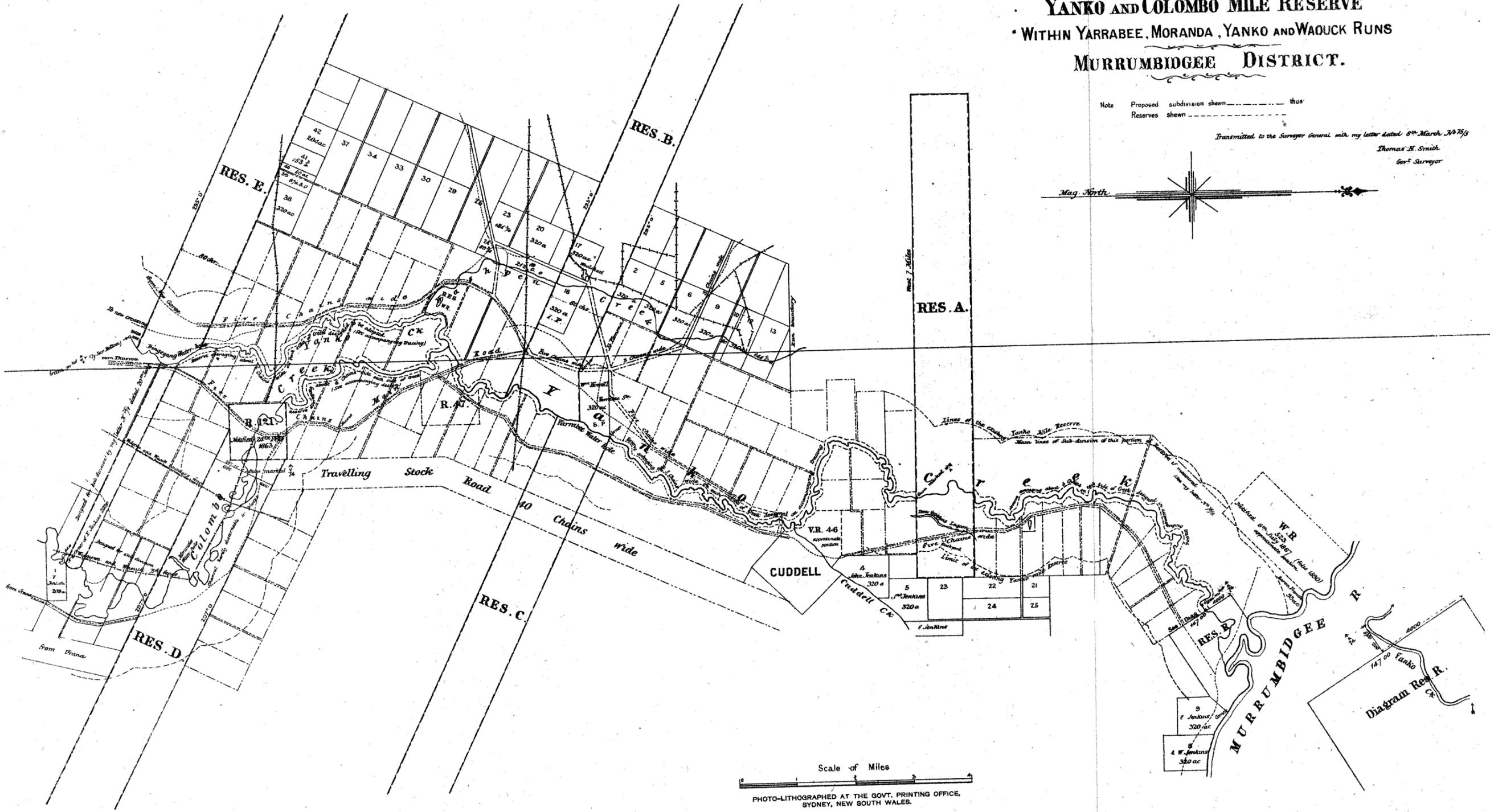
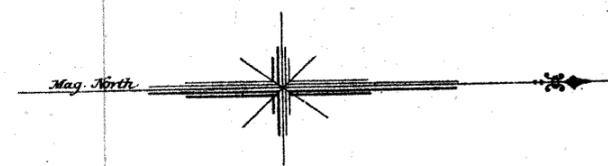


Plan

Shewing design of proposed sub-division of part of the
YANKO AND COLOMBO MILE RESERVE
 WITHIN YARRABEE, MORANDA, YANKO AND WADUCK RUNS
MURRUMBIDGEE DISTRICT.

Note Proposed subdivision shown - - - - - thus
 Reserves shown - - - - - thus

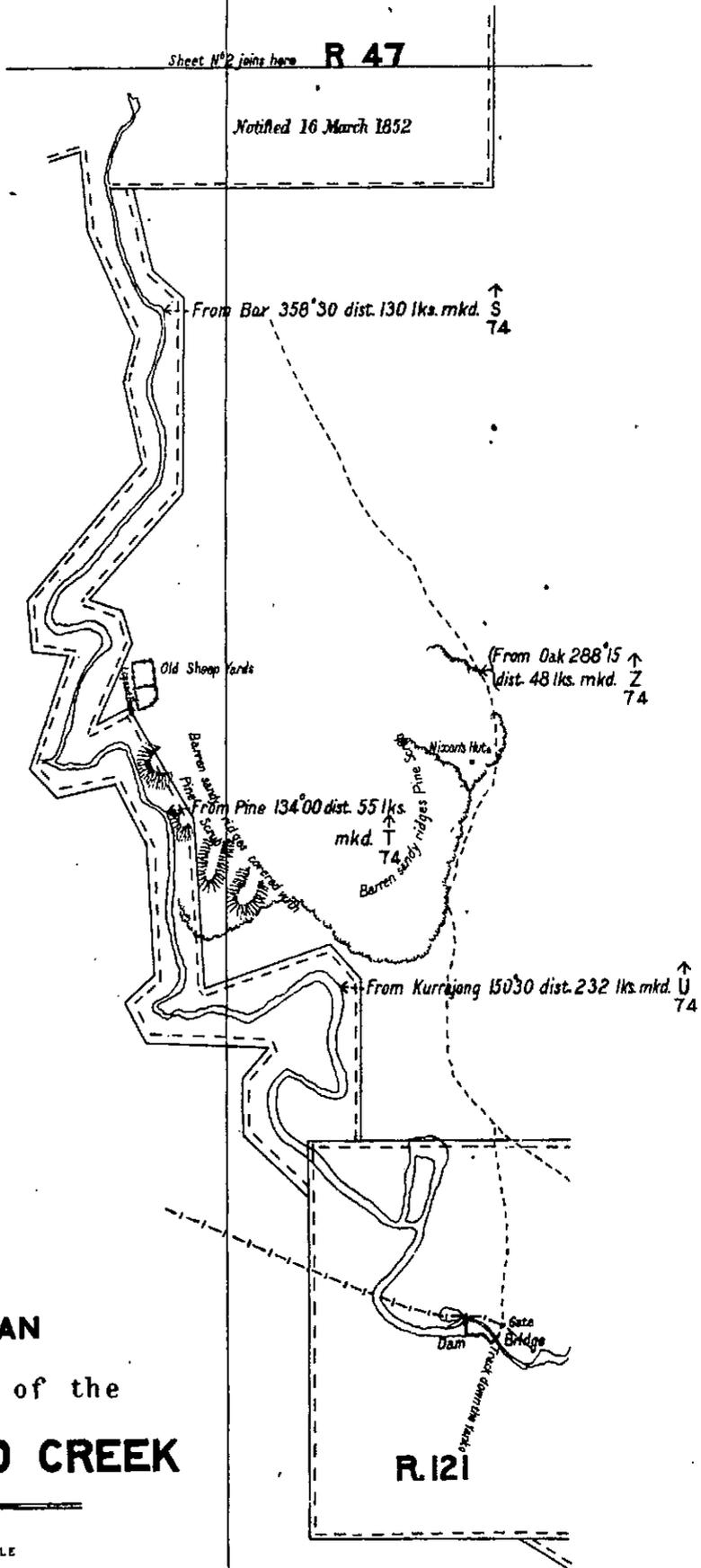
Transmitted to the Surveyor General with my letter dated 8th March 1875/s
 Thomas H. Smith
 Govt. Surveyor



Scale of Miles
 PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
 SYDNEY, NEW SOUTH WALES.

J.S.

Sig 7.



PLAN
of part of the
COLOMBO CREEK



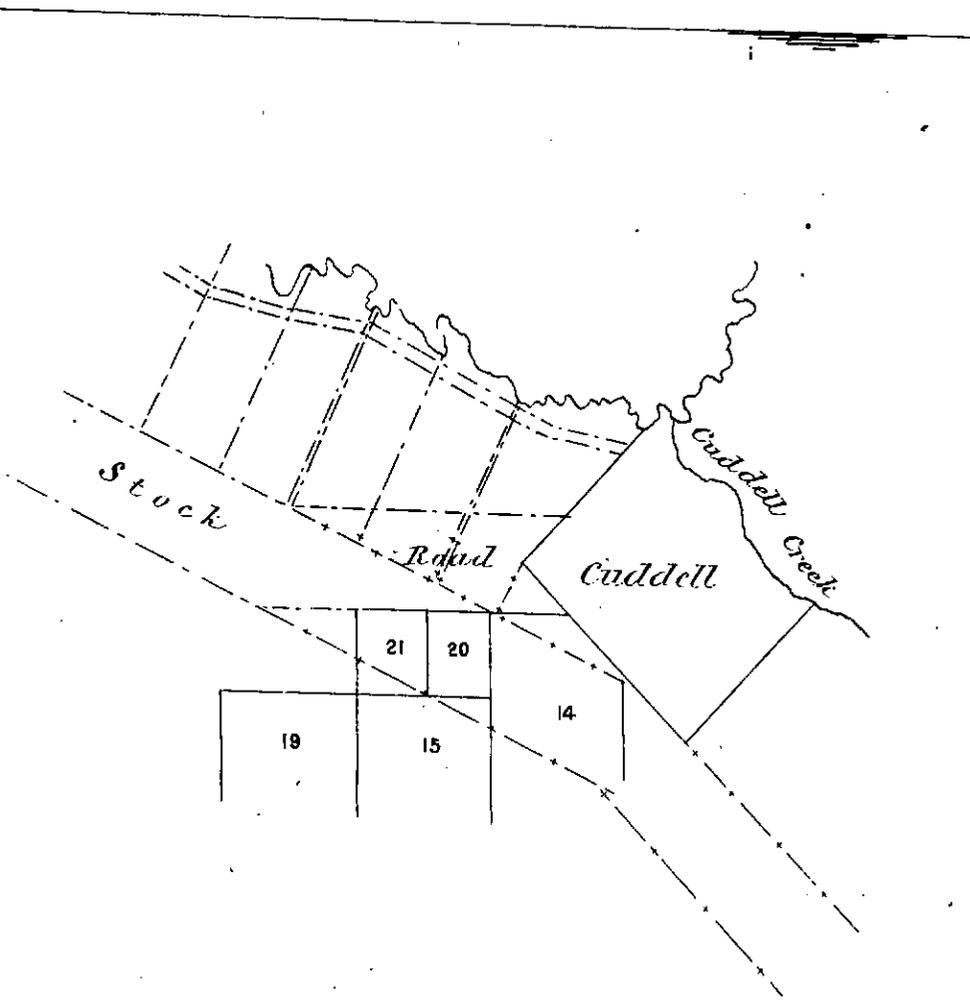
Accompanying my Letter dated 8th March N^o 75/5

Thomas H Smith

Gov^t Surveyor

(Sig. 7)

Enclosure to N° 164



Road as previously designed shown thus - - - - -
Stock Road and subdivision now proposed to be adopted. - - - - -

Thos. H. Smith, Surveyor
18th Apl. 1875.

(Sig. 7)

1876-7.

NEW SOUTH WALES.

MINING ACT OF 1874.

(REGULATIONS FOR MINERAL LEASES UNDER.)

Presented to Parliament by Command.

REGULATIONS UNDER THE MINING ACT OF 1874
RELATING TO MINERAL LICENSES.

NEW SOUTH WALES, } Proclamation by His Excellency Sir
to wit. } HERCULES GEORGE ROBERT ROBINSON,
Knight Grand Cross of the Most Dis-
(L.S.) tinguished Order of Saint Michael and
HERCULES ROBINSON, Saint George, Governor and Commander-
Governor. in-Chief of the Colony of New South
Wales and its Dependencies, and Vice-
Admiral of the same.

WHEREAS by the "Mining Act, 1874" it is enacted that it shall be lawful for the Governor to cause documents to be called Mineral Licenses to be issued to any person or persons applying for the same, and upon the payment of the sum of twenty shillings for each such license; and that every such Mineral License shall be in force for the period of twelve months from the date thereof. And, whereas by the said Act it is enacted that the Governor may make and proclaim Regulations for carrying the division of the said Act relating to Mineral Licenses into full effect, as therein provided: Now therefore, His Excellency the Governor, by and with the advice of the Executive Council, in exercise of the powers conferred by the said Act, doth make and proclaim the following Regulations respecting such Licenses, that is to say:—

Issue of Mineral Licenses.

1. A Mineral License or Mineral Licenses in the form in the Schedule hereto numbered 1 shall be issued to any person applying for the same, and paying the sum of twenty shillings for each such license.

Privileges conferred by Mineral License.

2. Every Mineral License shall (subject to the Regulations following) during its continuance in force entitle the holder thereof—

- (a.) For the purpose of searching for any minerals other than gold, to take possession of and occupy forty acres of Crown Land.
- (b.) For the purpose of working deposits of stream tin, to take possession of and occupy four acres of Crown Land.

Provided always that for the purpose of searching for coal, not more than six hundred and forty acres of land shall be occupied in one parcel; and for the purpose of searching for minerals

other than coal or gold, not more than eighty acres of land shall be occupied in one parcel; and for the purpose of working deposits of stream tin, not more than four acres of land shall be occupied in one parcel.

Form of parcel of Land.

3. Parcels of land as aforesaid having a frontage to any stream, water-course, or road, shall be measured with a mean depth having a proportion to the frontage of two to one. On courses of streams where the water-course is only partly defined, such parcels may embrace the channel or gutter in the proportion of not more than one in the direction of the flow to every three in depth. Parcels not so situated shall be measured in square blocks if the quantity of land allowed as aforesaid can be obtained in that form.

Mode of taking possession, and maintenance of boundary-marks.

4. To entitle any holder of a Mineral License or of Mineral Licenses to occupy any parcel of land for any of the purposes aforesaid, he shall take possession thereof by fixing firmly in the ground at each angle thereof a post not less than three inches thick, projecting above the surface not less than three feet, and set in an L trench six feet long and nine inches deep, indicating the general direction of the boundary-lines; or by a conspicuous mark upon a tree at each angle thereof, and trenches cut from each such tree six feet long and nine inches deep, indicating the general direction of the several boundary-lines. In standing water such parcels shall be marked by posts or marked trees without trenches; and in rocky country by mounds of stone or by a conspicuous L trench, the sides of which are to be three feet in length, in the direction of the boundary-lines, so that the boundaries shall be clearly and distinctly indicated. The holder for the time being of such parcel of land shall maintain the boundary-marks during his occupation.

Forfeiture for failing to search.

5. If any person who shall occupy land under Mineral Licenses for the purpose of searching therein for any mineral, shall (unless otherwise authorized thereto by the Secretary for Mines) fail to employ upon the land occupied for the purpose of searching for coal at least one man upon or in respect of every eighty acres or fractional part of eighty acres so occupied, or to employ upon the land occupied for the purpose of searching for minerals other than coal or gold at least one man upon or in respect of every forty acres or fractional part of forty acres so occupied, and shall fail to prosecute the search for minerals to the satisfaction of the Minister, he shall forfeit his title to occupy such land. And if it shall be made to appear to the

Secretary for Mines that any person who occupies land as aforesaid does not *bonâ fide* employ thereon the required number of men, or does not *bonâ fide* and efficiently prosecute the search for the mineral for the discovery of which he occupies the land, the said Secretary may declare the title to such land forfeited, and thereupon the title to occupy such land shall cease and determine absolutely.

Forfeiture for non-work.

6. If any person who shall occupy land under Mineral License for the purpose of working therein deposits of stream tin, shall (unless otherwise authorized thereto by the Secretary for Mines) fail for a period of seven days to work such land *bonâ fide* and efficiently, he shall forfeit his title to occupy such land.

Forfeiture for non-conversion of holding into leasehold.

7. If any person who shall occupy land as aforesaid for the purpose of searching therein for any minerals shall neglect or fail, for a period of thirty days after the discovery therein of the mineral for which he was searching, or after he shall have commenced to mine for, work, or win any other mineral discovered within such land, to make application in the prescribed manner and form for a lease of such land, he shall forthwith forfeit his right to occupy such land, and his interest in such land and in any minerals raised therefrom shall thereupon cease and determine absolutely.

Forfeiture for neglecting to maintain boundary marks.

8. If the holder of any parcel of land as aforesaid shall at any time fail to maintain the boundary marks of such parcel in such a manner as to be distinctly visible, he shall forfeit his title thereto.

Site for Residence.

9. Any holder of a Mineral License may in virtue thereof occupy for the purpose of residence one parcel of Crown Land not exceeding in extent one quarter of an acre.

Use of Water.

10. Any holder of a Mineral License may in virtue thereof take or divert water from any lake, pool, or stream, or may conserve water for mining and domestic purposes, and may enjoy an exclusive right to use for mining purposes any water by him taken, diverted, or conserved, provided such water is not required for domestic purposes, and that no other person has a prior right to such water.

Repeal of Regulations.

11. The Regulations relating to Mineral Licenses made and proclaimed on the sixteenth day of January, one thousand eight hundred and seventy-seven, are hereby repealed.

SCHEDULE.

Form of Mineral License.

<i>Mineral License.</i>		NEW SOUTH WALES.	
No.	Place of issue	No.	Place of issue
Date			Date
Name		<i>Mineral License.</i>	
Address		Issued to	of
Date of expiration		under the provisions	
		of the "Mining Act, 1874,"	to be in force until
		the	day of
			18

[77-1,122]

Given under my Hand and Seal, at Government House, Sydney, this thirteenth day of February, in the year of our Lord one thousand eight hundred and seventy-seven, and in the fortieth year of Her Majesty's Reign.

By Command,

JOHN LUCAS.

GOD SAVE THE QUEEN!

1876-7.

NEW SOUTH WALES.

INSPECTION AND REGULATION OF MINES.

(OTHER THAN COAL AND SHALE MINES.)

Presented to Parliament, in pursuance of the Act 37 Vic. No. 13, sec. 114.

Department of Mines,
Sydney, 10th August, 1876.

His Excellency the Governor, with the advice of the Executive Council, has been pleased to make the following Regulations for the Inspection and Regulation of Mines, other than Coal and Shale Mines, in pursuance of the powers conferred by the "Mining Act, 1874."

JOHN LUCAS,
Minister for Mines.

REGULATIONS FOR THE INSPECTION AND REGULATION OF MINES, OTHER THAN COAL AND SHALE MINES.

WHEREAS by the "Mining Act, 1874," section 64, the Governor with the advice of the Executive Council is amongst other things empowered to make Regulations for enforcing the proper ventilation and safe construction and timbering or supporting of all mining shafts, tunnels, drives, or other mining workings used in mining for gold or any other mineral or metal, and for prescribing the mode of inspection of all such shafts, tunnels, drives, or workings, and the powers and duties to be exercised by the persons authorized to act as inspectors in that behalf: Now therefore, His Excellency the Governor, with the advice aforesaid, doth hereby, in exercise of the powers conferred by the said Act, make the following Regulations, and doth hereby direct that such Regulations shall be in force in respect of and shall apply to all mines except Coal and Shale Mines within the Colony of New South Wales, that is to say:—

Interpretation of Terms.

1. In the construction of these Regulations, the following terms in inverted commas shall have the respective meanings hereby assigned to them, unless there is anything in the subject matter or context repugnant to such construction (that is to say):—

- (a.) "Inspector." The person appointed by the Governor with the advice of the Executive Council or the person authorized by the Secretary for Mines to inspect any mine or mins.
- (b.) "Mine." Any land or claim demised or occupied and used for mining purposes other than coal or shale mining, and shall include any place, pit, shaft, tunnel, drive, level, or other excavation, drift, gutter, lead, vein, lode, or reef wherein or whereby any operation for or in connection with mining is or shall be carried on.
- (c.) "Machinery." Steam or other engines, boilers, furnaces, stampers, or other crushing apparatus, winding or pumping gear, chains, trucks, tramways, tackle, blocks, ropes, or tools, and shall include all appliances of whatsoever kind used in or about or in connection with the mine.
- (d.) "Owner." In respect of claims occupied in virtue of miners' rights, the registered owner, or where the title to such claim is not registered, the person in actual possession and working the claim; in respect of land demised for mining purposes, the lessee; in respect of any mine worked on tribute, the tributor for the time being of such land; in respect of machinery used in connection with mining, the person claiming or in charge of such machinery; in the case of incorporated companies or of companies registered under the Act to limit the liability of mining partnerships, the managers of such company; and in every other case, the

person having the management of the mining operations carried on in any mine.

The singular shall unless inconsistent with the subject matter include the plural, and "person" shall include any incorporated company.

Inspector of Mines.

2. The Secretary for Mines may by writing under his hand, authorize any person to inspect any mine or mines or to act temporarily as an Inspector of Mines.

Powers of Inspector.

3. An inspector shall have power to do all or any of the following things, namely:—

- (1.) To make such inspection, examination, and inquiry as may be necessary to ascertain whether in the case of any mine the provisions of these Regulations relating to matters above or below ground are complied with.
- (2.) To enter into at all reasonable times by day and night, but so as not to impede or obstruct the workings, and inspect, examine, and inquire, respecting the state and condition of any mine to which these Regulations apply, or any part thereof, and the ventilation of such mine, and the sufficiency of the special rules (if any) for the time being in force therein, and all matters and things connected with or relating to the safety of the persons employed in or about the mine or any mine contiguous thereto.
- (3.) To exercise such other powers as may be necessary for carrying these Regulations into effect.

Penalty for obstructing Inspector.

Every person who wilfully obstructs any inspector in the execution of his duty under these Regulations, and every owner of a mine who refuses or neglects to furnish to the inspector the means necessary for making any entry, inspection, examination, or inquiry under these Regulations, in relation to such mine, shall be liable to a penalty not exceeding fifty pounds.

Notice to be given of cause of danger.—Penalty for neglecting to comply with notice.

4. If any inspector find any mine or any part thereof, or any matter, thing, or practice in or connected with such mine to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, such inspector may give notice thereof in writing to the owner of the mine, and shall state in such notice the particulars in which he considers such mine or any part thereof, or any matter, thing, or practice, to be dangerous or defective, and require the same to be remedied within a period of time named in such notice; and unless the cause of danger be removed or such defect be remedied within the time named, the owner shall be liable to a penalty not exceeding ten pounds, and to a further penalty of one for every

day thereafter during which the owner shall fail to comply with such notice.

5. A copy of every such notice as aforesaid shall forthwith be transmitted by the inspector to the Secretary for Mines.

Disqualification of Inspector.

6. No person shall be appointed or authorized, or be qualified to act as an inspector who practises or acts, or is a partner of any person who practises or acts, as a mining agent, or who is employed by the owners of or is interested in any mine.

Penalty on Inspector divulging information.

7. Any inspector who shall, without the consent of the owner, divulge or make known to any person otherwise than as a witness in a Court of justice, any information obtained by him in the discharge of his duties respecting any drift, gutter, lead, vein, lode, reef, or other metalliferous or mineral deposit in any mine, shall be liable to a penalty not exceeding twenty pounds, and shall be disqualified for the office of inspector.

Duties of mine-owners, &c.

8. It shall be the duty of every owner to enforce the proper ventilation and safe construction and timbering or supporting of all shafts, tunnels, drives, or other excavations in his mine, and to see that such mine and the machinery are in such a state as shall not injure or endanger the health or life of any person employed on such mine or any mine contiguous thereto, or employed in or about such machinery. And any accident occurring in any mine or in or about any machinery shall be *prima facie* evidence that such accident occurred through some neglect or default on the part of the owner thereof.

Liability of owner in case of accident.

9. If any person employed in or about any mine or machinery suffer any injury in person, or be killed, owing to the default or neglect of the owner thereof, his agents or servants, the person so injured or his personal representatives, or the personal representatives of the person so killed, may recover from the owner compensation by way of damages as for a tort committed by such owner; and the amount of such compensation with the costs of recovering the same shall be a charge on the mine or machinery or both in or about which such person was employed. If there be more than one owner, and the person so injured or killed be one of such owners, and the accident be not wholly due to the neglect or default of such person, the compensation and charges shall be borne and paid rateably by the owners.

General rules.—Penalty for contravention of.

10. The general rules in the Schedule hereto shall apply to such mines as the Secretary for Mines shall from time to time upon the report of an inspector direct; and any owner of any such mine who contravenes any such general rule shall be liable to a penalty not exceeding ten pounds; and any person (other than the owner) employed in any such mine who contravenes any such rule shall be liable to a penalty not exceeding two pounds.

Penalties, &c., how recovered.

11. Penalties, charges, and sums of money under these Regulations shall be recovered in the manner prescribed by the "Mining Act, 1874."

SCHEDULE.

General Rules.

1. An adequate amount of ventilation shall be constantly produced in every mine to dilute and render harmless noxious gases to such an extent that the working places of the shafts, levels, stables, and workings of such mine, and the travelling roads to and from such working places, shall be in a fit state for working and passing therein.

2. If at any time it is found by the person in charge of a mine, or any part thereof, that such mine or part is dangerous, every workman shall be withdrawn therefrom; and in every such case a true report of the condition of such mine, or part thereof, shall be forthwith made to the Secretary for Mines; and no workman shall (except in so far as is necessary for inquiry into the cause of danger, or for the removal thereof, or for exploration) be re-admitted into the mine, or such part thereof as was so found dangerous, until the same is stated by the manager, or by an inspector, to be safe. Every such report shall be recorded in a book which shall be kept at the mine for the purpose, and shall be signed by the person reporting.

3. Gunpowder or other explosive or inflammable substances, shall only be used underground in the mine as follows:—

- (a.) It shall not be stored in the mine in any quantity exceeding what would be required for use during six working days.
- (b.) It shall not be taken into or kept in the mine except in a case or canister.
- (c.) A workman shall not have in use at one time in any one place more than six pounds.
- (d.) In charging holes for blasting, an iron or steel pricker shall not be used; and no person shall have in his possession in the mine underground any iron or steel pricker, and an

iron or steel tamping rod or stemmer, unless mounted with at least four inches of copper, shall not be used for ramming either the wadding or the first of the tamping or stemming on the powder.

(e.) A charge of powder which has missed fire shall not be unrammed or drawn.

4. Every mine shall be provided with proper and sufficient machinery and appliances for keeping such mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

5. Every shaft which is out of use or used only as an air-shaft, and the top and all entrances between the top and bottom of every working or pumping shaft, shall be securely fenced, but if proper precautions are used such fences may be removed for repairs or other operations.

6. Every working and pumping pit and shaft where the natural strata are not safe shall be securely cased or lined, or otherwise made secure.

7. Where one portion of the shaft is used for the ascent and descent of persons by ladders or by a man-engine, and another portion of the same shaft is used for raising material, the first-mentioned portion shall be cased, or otherwise securely fenced off from the last-mentioned portion.

8. Every working shaft shall be provided with means of communicating from the bottom of the shaft, and from every entrance for the time being in work between the surface and the bottom to the surface, and from the surface to the bottom of the shaft, by such distinct and definite signals as shall be prescribed by the Minister; and all shafts used for raising or lowering persons shall be provided with guides.

9. A proper footway or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft where no machinery is used for raising or lowering persons, and every such ladder shall have substantial platforms at intervals of not more than 40 feet, and no such ladder shall be fixed for permanent use in a vertical or over-hanging position unless in shafts used exclusively for pumping.

10. In every mine in which vertical or over-hanging ladders shall be in use in the shaft at the time when these rules shall be applied to it, they may be retained, provided securely fixed platforms be constructed at intervals of not more than 30 feet from each other, and such ladders have sufficient spaces for foot-holds of not less than 6 inches; but in no case shall new vertical or over-hanging ladders be constructed either in substitution for old ones or otherwise.

11. A sufficient cover over head shall be used when lowering or raising persons in every working shaft except where it is worked by a windlass, or where the person is employed about the pump, or about some work or repair in the shaft.

12. No single-linked chain (except the short coupling chain attached to the cage or load) shall be used for lowering or raising persons in any working shaft, and no material shall be lowered or raised in the same cage with or in the opposite cage against any person.

13. To the drum of every machine used for lowering or raising persons, such flanges or horns, or such other appliances as shall be sufficient to prevent the rope from slipping, shall be attached.

14. A proper indicator, in addition to any mark on the rope to show the position of the load in the pit or shaft, and also an adequate break, shall be attached to every machine worked by steam or water power used for lowering or raising persons.

15. If more than twelve persons are ordinarily employed in the mine below ground, sufficient accommodation shall be provided above ground, near the principal entrance of the mine, and not in the engine-house or boiler-house, for enabling the persons employed in the mine to conveniently change and dry their dresses.

16. Wherever any entrance to any mine, or any communication within any part of any mine to any other part thereof, shall be by means of a vertical shaft, or pit, or inclined plane, no person, other than a properly competent person of the full age of eighteen years, shall have charge of any engine, windlass, or gin (whether driven or worked by manual labour or any other power), or of any part of the machinery, ropes, chains, or other tackle, by or by means of which persons are brought up or passed down any such vertical shaft, or pit or inclined plane. And no person in charge of machinery in connection with the working of any mine shall under any pretext whatever unless relieved by a competent person, absent himself, or cease to have continual supervision of such machinery during the time it is used in working the mine. No person in charge of steam machinery shall be employed more than eight hours in any one day.

17. Every steam boiler shall be provided with a proper steam-gauge, water-gauge, and safety-valve; and at least once in every six months every boiler shall be subjected to a hydraulic test.

18. The fly-wheel of every engine, and all exposed and dangerous parts of the machinery used in or about the mine shall be securely fenced.

19. Sufficient borcholes shall be kept in advance and on both sides to prevent inundations in every working approaching a

place likely to contain a dangerous accumulation of water or noxious gases.

20. The roof and sides of every travelling road and working place shall be made secure, and no person unless appointed for the purpose of exploring or repairing shall travel or work in any such road or place until it is made secure.

21. On the occasion of any examination or inspection of a mine the owner shall, if required so to do, produce to the inspector or any other person duly authorized by the Secretary for Mines an accurate plan of the workings thereof, and if the inspector or such other authorized person finds that any part of any plan is withheld or any part of the workings of the mine is concealed from his inspection, or that any plan produced is imperfect or inaccurate, he may require an accurate plan of the actual workings of such mine to be made within a reasonable time by and at the expense of the owner, on a scale of not less than two chains to the inch or on such other scale as the plan

then in use in the mine is constructed on. And every such plan as aforesaid shall show the workings of the mine up to within six months of the time of the inspection, and the owner shall if required by such inspector or other authorized person, cause to be marked on such plan the progress of the workings of the mine up to the time of such inspection, and shall also permit the inspector to take a copy or tracing thereof. Every such copy or tracing shall be deposited in the principal office of the Department of Mines, and no copy or tracing thereof shall be furnished nor information given nor shall such plans or tracings be open to inspection without the sanction of the owner or of the Secretary for Mines.

22. A printed copy of these Rules shall be posted in the office, and on a building or board in some conspicuous part of the mine, and a copy shall be supplied to each person employed in any mine to which they shall apply.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DEPARTMENT OF MINES.
(WORK PERFORMED BY CERTAIN OFFICERS—COST OF SURVEYS, &c.)

Ordered by the Legislative Assembly to be printed, 31 July, 1877.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated the 12th June, 1877, That there be laid upon the Table of this House,—

“(1.) A detailed statement of all work performed by the Examiners of Coal Fields, the Geological Surveyor, the Inspector of Coal Mines, and the Inspector of Metallic Mines, during the last five years; together with an account of the salaries, expenses, &c., paid to the said Officers, and the fees received by them or the Government from private persons or public Companies, for surveys, reports, &c., made by them or under their direction.

“(2.) A detailed statement of the surveys, inspections, plans, sections, &c., that have been made by the present Examiner of Coal Fields, and the cost thereof, from the date of his appointment till now.

“(3.) A detailed statement of surveys, inspections, plans, sections, &c., that have been made by the Government Geologist, and the cost thereof, from the date of Mr. Wilkinson’s appointment till now.”

(*Mr. McElhone.*)

DEPARTMENT OF MINES.

(1.) A detailed statement of all work performed by the Examiner of Coal Fields, the Geological Surveyor, the Inspector of Coal Mines, and the Inspector of Metallic Mines, during the last five years; together with an account of the salaries, expenses, &c., paid to the said Officers, and the fees received by them or the Government from private persons or public Companies, for surveys, reports, &c., made by them or under their direction.

(2.) A detailed statement of the surveys, inspections, plans, sections, &c., that have been made by the present Examiner of Coal Fields, and the cost thereof, from the date of his appointment till now.*

* This is embodied in Return under No. 1.

EXAMINER OF COAL FIELDS.

Questions 1 and 2.

THE work performed by the Examiner of Coal Fields during the last five years has been the general supervision, and seeing to the efficient and proper carrying out of the Coal Mines Regulation Act in the proclaimed coal districts under his charge (under Act 26 Victoria, 20th December, 1862), namely:—The counties of Northumberland, Durham, Gloucester, Camden, Cumberland, and Cook.

Preparing yearly Reports to the Minister; publishing, in April, 1873, a plan showing where he had traced the outcrop of the upper seams of coal and the probable extent of the New South Wales Coal Field, as far as he had traced it in the counties of Northumberland, Durham, Gloucester, Camden, Cumberland, Cook, Brisbane, Phillip, Roxburgh, Westmoreland, and St. Vincent, together with the vertical sections showing the strata and seams of coal at Newcastle, Wallsend (county Northumberland), Wolgan (county Cook), Kangaroo Creek (county Camden), Mount Keira (county Camden), A. T. Holroyd's land (county Camden), and in 1875 publishing the following diagrams:—

Upper Coal Measures—Northern District.

Sections showing the thickness, character, and portion mined out of the seam of coal now worked at the Australian Agricultural, Waratah, New Lambton, Co-operative, Newcastle, Wallsend, and Duckenfield Collieries in the neighbourhood of Newcastle.

Upper Coal Measures—Western District.

Sections showing the thickness, character, and portion mined out of the lower thick coal at the Vale of Clwydd, Eskbank, Lithgow, and Bowenfels Collieries, and where the seam of coal has been opened out near the Bowenfels Railway Station and other places near Lithgow, in the county of Cook.

Middle Coal Measures—Northern District.

Sections showing the 8 feet seam of coal worked at the Woodford Colliery near Newcastle, at Four-mile Creek, near East Maitland, and at the Tomago Colliery, in the county of Northumberland.

Upper Coal Measures—Southern District.

Sections showing the thickness of the No. 1 or uppermost seam of coal now worked at the Osborne, Wallsend, Mount Pleasant, and Bulli Collieries, and where it has been opened out at Coal Cliff in the Illawarra District, in the county of Camden.

Upper Coal Measures—Northern District.

Sections showing the thickness, character, and portion mined out of the No. 2 or uppermost seam of coal now worked or opened out and about to be worked in the Lake Macquarie and Newcastle Districts.

Middle Coal Measures—Northern District.

Sections showing the thickness, character, and portion mined out of the seams of coal worked at the Stony Creek, Anvil Creek, and Greta Collieries, in the neighbourhood of Stony Creek and Branxton.

Longitudinal sections across the lower coal measures at Ward River, Karuah River, Mammi Johnson, and Smith's Creek (11,000 feet in length of strata proved), showing the position of the lepidodendron, knorria, calamites, stigmara, otopteris, phyllothea, conularia, fenestella, and producta, &c., beds.

Sketch Section showing the position of the glossopteris, phyllothea, vertebraria, clasteria, sphenophyllum, cyclopteris, &c. (fossil flora), found in the upper coal measures, and the position of the producta, spirifers, pecteus, trochi, fenestella, orthoceras, conularia, inocerami, &c. (fossil fauna), found between the lower and middle coal measures; also the position of the knorria, lepidodendron, calamites, otopteris, conularia, fenestella, producta, &c. (fossil flora and fauna), found between the lower and middle coal measures.

Plans showing the position and extent of the different collieries at and near Newcastle, Wollongong, Bulli, and Lithgow Valley.

Reporting upon one hundred and eleven (111) applications to mine under reserves, and making survey and estimate of the Bulli Company's encroachment upon Dr. Cox's property—making reports for Messrs. Lamb and Burdekin, Victorian Government, Sir John Robertson, Messrs. Brown & Lamb, Honorable G. A. Lloyd, and James Neale, Esq., James Hannell, Esq., M'Donald, Smith, & others, Australian Agricultural Company, Thomas Bawden, Esq., J. D. Larsen, Esq., M'Vey Baird, Esq., James Manning Esq., Hardie & Gorman, Sir Henry Parkes, and the Honorable John Sutherland, C. K. Moore, Esq., H. W. Statham, Esq., the Honorable Thomas Garrett, and Edward Greville.

Sections showing the seam of coal and bands therein worked by the Australian Agricultural Company, Waratah, New Lambton, Lambton, Co-operative, Newcastle, Wallsend, Duckenfield, Catherine Hill Bay, Cardiff, Australasia, Redhead, Burwood, Murrurundi, Four-mile Creek, Stony Creek, Anvil Creek, Greta, Bulli, Mount Pleasant, Osborne, Wallsend, Vale of Clwydd, Eskbank, Lithgow Valley, Bowenfels, and Blackman Flat Collieries.

Question

<i>Query.</i>	<i>Question 1.</i>	<i>Answer.</i>
1. Salary.	1. £2,921.	
2. Travelling expenses.	2. £452.	
3. Fees from private persons, &c., for reports, &c.	3. I have not kept an account of these private transactions, but should say that I received for fees about £1,800.	

<i>Question 2.</i>	
1. Salary.	1. At rate of £600 per annum.
2. Travelling expenses.	2. I am unable to state amount, not having kept an account of private transactions, with expense of which the Government were not charged.
3. Cost of assistance while making surveys, plans, and reports.	3. The answer to this question is the same as that given to No. 2 above.

JOHN MACKENZIE,
Examiner of Coal Fields.

THE GEOLOGICAL SURVEYOR.

Question 1.

“A detailed statement of all work performed by the Geological Surveyor during the last five years; together with an account of the salaries, expenses, &c., paid to him, and the fees received by him or the Government from private persons or public Companies, for surveys, reports, &c., made by him or under his direction.”

The appointment of the Geological Surveyor dates from 16th July, 1874.

(I.)

STATEMENT OF WORK PERFORMED.

Inspected portions of Hunter River and the Illawarra Districts, and made a collection of the characteristic fossils and rocks therefrom illustrative of the geological formations.

Arranged and classified the geological Museum in the Surveyor General's Department.

Made a detailed geological survey of the Hartley, Bowenfels, Wallerawang, and Rydal districts. During this survey 13,882 chains, or 173½ miles, of traverse were measured, and over 1,250 specimens of fossils and rocks, illustrative of the geology and mineral resources of the district, were forwarded to the Museum of Mines in Sydney.

Prepared geological map of this survey, embracing an area of about 160 square miles. On this map are defined the boundaries of the various formations, and the positions of the *iron ore*, *limestone*, and *coal deposits* worked in the Western district, together with explanatory notes, and a section showing the relative position of the various formations.

Cleared the summits of Mount Lambie and Mount Walker, near Rydal, for trigonometrical survey stations.

On behalf of the Government assorted, and forwarded to the Consul for France, a collection of geological specimens of New South Wales, for the School of Mines, Paris.

Accompanied the Deputy Surveyor General and the Director of the Botanical Gardens to Mount Wilson, on their examination of that locality for a timber reserve.

Arranged and classified upwards of 1,000 specimens of minerals and fossils, characteristic of the geological formations of New South Wales, for exposition at the Agricultural Society's Exhibition, 1875.

Wrote descriptive report on the mineral exhibits, published in the “Mines and Mineral Statistics, 1875.”

Inspected and reported on the coal lands near Jamberoo, belonging to Mr. G. W. Lord, M.P., and others, furnishing plans and sections.

Prepared, on behalf of the Department of Mines, a collection of about 900 specimens of minerals and fossils, for the representation of the mineral resources and geology of New South Wales at the Philadelphia Exhibition, 1876.

Acted also on the Philadelphia Commission, in arranging for the representation of the various resources of New South Wales at the Philadelphia Exhibition.

Wrote Report of Progress of the Geological Survey Branch for 1875, published in the Annual Report of the Department of Mines, 1875.

Arranged the metalliferous ores, minerals, and fossils in the Museum of the Department of Mines.

Forwarded from the department, on the application of the President of the Upper Hunter Pastoral and Agricultural Society, a suite of minerals and fossils for that Society's Exhibition, 1876.

Arranged a large collection also, which was exhibited by the Department at the Metropolitan Exhibition (1876) of the Agricultural Society of New South Wales.

Inspected the water reserve at Penrith, and reported on an application for mining the extensive gravel deposits which have been left there by the Nepean River during flood-time.

Examined the silurian formation near Yass, and forwarded to the Museum of Mines a series of the characteristic fossils therefrom.

Inspected and reported on recommending the proclamation of the Mount Adra Gold Field.

Inspected and reported on recommending the proclamation of the Crookwell Gold Field.

Inspected and reported on Reserve No. 75, in the parish of Young, county of Montegle, and recommended a portion of it to be thrown open for alienation.

Inspected and reported on lands at Junction of Tipperary Gully and M'Henry's Creek, parish of Young, recommending same to be reserved from sale on account of gold-bearing lead.

Inspected and reported on lands near head of M'Henry's Creek, parish of Woodonga, county of Montegle, applied for by Mr. Spencer.

Inspected and reported on water reserve in the parish of Moppity, county of Harden.

Inspected

Inspected and reported on certain lands near Wombat, county of Harden, applied for by Messrs. Prest and Williams: recommended that the land be reserved for gold-mining purposes.

Inspected and reported on town and suburban lands at Young: recommended alienation of some portions, and reservation of others.

Prepared geological map of the town and environs of Young.

Reported generally on reservation of abandoned and occupied gold-mining lands.

Inspected and reported on the Cumbamurrah and Jugiong Creek Gold Field, recommending the cancellation of several selections on Spring Creek, and reservation from sale of certain lands (shown on map) for gold-mining purposes.

Inspected and reported on auriferous lands on Cunningham's Creek, 4 miles from Murrumburrah, recommending their reservation for gold-mining.

Inspected and reported on lands at Demondrille, applied for for school purposes.

Reported recommending that lands within proclaimed Gold Fields be not sold by auction, unless subject to the provisions of the 14th section of the Crown Lands Alienation Act, 1861, as to the right to search for gold, and to resume the land if payable gold be found thereon.

Inspected and reported on the Seven-mile Creek Diggings, Tyagong Gold Field, recommending the cancellation of certain selections, and the reservation from conditional purchase of certain lands shown on map.

Inspected and reported concerning the sale of town and suburban lands at Grenfell, indicating them on a map, together with other portions recommended to be reserved from sale, and an area to be reserved for water supply.

Made geological map of Grenfell, showing reefs and leads worked in the vicinity.

Examined part of the gold workings at Forbes, and collected geological specimens from the silurian formation there for the Museum of Mines; and observed, about a mile from Forbes, the existence of a deep deposit of tertiary drift, which will probably prove payably auriferous.

Examined geological formations at Parkes Gold Field, near the township: observed the auriferous reefs to be chiefly in diorite greenstone.

Inspected Goodrich Gold and Copper Mine, and obtained characteristic mineral specimens therefrom for the Museum of Mines.

Reported respecting the probable depth of coal under Sydney, describing the geological considerations involved in the question.

Examined and reported on portion of the Macquarie River Gold Field, recommending certain areas near the confluence of the Cudgegong River and Macquarie River, and also the lands for 15 chains on each side of the Macquarie River for a distance of 10 miles along the river above certain portions marked on tracing, to be reserved for gold-mining purposes.

Inspected and reported on Mr. Byron's gold-mining lease, and Mr. F. B. Suttor's application for an improvement purchase, both on Tweedy's Flat, Macquarie River.

Inspected and reported on Mr. Suttor's mineral leases on the Macquarie River, near Burradong.

Examined the limestone and silurian formation at Currie's Creek and other localities near Wellington, and collected specimens therefrom for the Museum of Mines.

Inspected and reported on the Mitchell's Creek Gold Field, and recommended proclamation of reservation of certain lands (position shown on plan) in the parishes of Tenandra, Bodangara, and Micketymulga, county of Lincoln.

Examined gold diggings at head of Spicer's Creek, county of Lincoln, proposed to be reserved from sale.

Inspected and reported on portions 91, 92, 93, in the parish of Biragambil, county of Wellington, recommending sale of two portions, and reservation for mining purposes of No. 91.

Examined and reported on the Belubula Caves, near Carcoar, and collected therefrom numerous fossil remains and specimens of stalactites, &c.

Wrote Progress Report on examination of the Gold Fields. This report was published and inserted within the Annual Report of the Department of Mines for 1875.

Examined and reported on the mineral leases of Winters, Morgan, and others, at Sunny Corner, near Mitchell's Creek, Turon Gold Field.

Inspected and reported on portions 49, 50, 51, 52, 53, parish of Galambine, county of Phillip, recommending alienation of the same.

Inspected and reported on the land applied for by William Wright, on the Cudgegong Creek, Two-mile Flat Gold Field.

Inspected and reported on portions 52, 53, 54, on the Rats Castle Creek, county of Wellington, applied for by the Honorable G. H. Cox, M.P., to purchase by auction, but recommended the alienation of the land only under 14th clause of the C. L. A. Act, 1861, as these portions embrace auriferous formations.

Inspected and reported on land, portions 33, parish of Piambong, and 34, 35, parish of Wiadere, applied for by the Hon. G. H. Cox, M.P., to purchase by auction: recommended that these portions be not alienated, as the land embraces workable gold-bearing deposits.

Examined the Tallawang Gold Field, and reported the occurrence of gold in the carboniferous formation.

Inspected and reported on portions 25, 26, on the Tallawang Creek, and recommended the alienation of the same as unobjectionable in view of mining interests.

Inspected and reported on portions 130, 131, 132, 133, 134, in the parish of Puggoon, county of Bligh, applied for by Mr. George Rouse: reported alienation of same objectionable, unless under 14th clause C. L. A. Act of 1861.

Inspected and reported on land near Havilah, county of Phillip, applied for under V. L. Orders, recommending alienation of same.

Inspected and reported on land near Cooyal, county of Phillip, applied for under V. L. Order, recommending alienation of same.

Examined the watershed of Cooyal Creek, for the purpose of ascertaining if a supply of water could be obtained therefrom for the town of Gulgong.

Made a geological survey and map of the Gulgong District, showing the auriferous and other formations.

Examined

Examined and reported on the Gulgong and Tallawang Gold Fields, and furnished map showing the position of lands recommended to be thrown open to conditional purchase under the 14th clause of the C. L. A. Act of 1861.

Inspected and reported on Messrs. Rouse and Jamieson's mineral leases at Mitchell's Creek, in county of Lincoln.

Inspected the auriferous lands at the head of Spicer's Creek, county of Lincoln.

Reported on school lands at Mitchell's Creek diggings, county of Lincoln.

Reported on school lands near Stony Creek, in the county of Phillip.

Inspected and reported on certain coal lands (2,560 acres); in the parish of Teralba, county of Northumberland, leased by Mr. R. D. Adams.

Inspected and reported on certain coal lands (1,710 acres) in the parish of Teralba, county of Northumberland, leased by Mr. R. D. Adams.

Inspected and reported on the coal lands (2,948 acres) in the parish of Teralba, county of Northumberland, belonging to Messrs. Garrett, Greville, & Co.

Inspected and reported on the coal property (consisting of 1,071 acres) belonging to the Anvil Creek Coal Mining Company; it is situated in the parish of Branxton, county of Northumberland.

Inspected and reported on the coal property of the North Bulli Coal Company at Illawarra.

Inspected and reported on the Great Victoria Gold Mine at Adelong, and supervised the crushing of the quartz (3 tons) obtained therefrom, to prove the claim of the G. V. G. Mining Company to the Government reward of £1,000 for having been the first to prove a quartz reef payable at a depth of 800 feet from the cap of the reef.

Arranged a large collection of metalliferous ores and geological specimens from the Museum of Mines, for exposition at the Agricultural Society's Exhibition, Sydney, 1877.

Made surveys and report with map on Water Supply to the town of Grenfell, recommending that the sum of £2,000 be appropriated for carrying out the proposed scheme for Water Supply.

Inspected and reported on lands near Murrumburrah, applied for to purchase at auction: recommended alienation of certain portions, and furnished map showing position of same.

Examined and reported on school lands within a gold field at Demondrille, county of Harden.

Examined and surveyed portions of the Bulli Coal Mining Company's Estate at Bulli, Illawarra.

Examined coal lands at Mount Kembla, near Wollongong, the property of Mrs. Acheson.

During 1876, 1877, the Geological Surveyor travelled on duty 5,250 miles, inclusive of 1,624 miles by railway. The distance travelled during 1874, 1875, was not recorded.

An account of the salary, expenses, &c., paid to the Geological Surveyor since the date of his appointment.

Received during the years 1874, 1875, 1876, and 1877 :—	£	s.	d.
For salary, at £400 per annum	1,150	10	9
Equipment allowance, at £230 per annum	661	11	2
Travelling expenses and railway fares	151	1	0
Travelling expenses when inspecting lands for private persons, at 30s. per diem—			
For Mr. G. W. Lord, M.P.	17	5	0
Mr. R. D. Adams	4	10	0
Messrs. Garrett, Greville, & Co.	1	10	0
Anvil Creek Coal Mining Company	6	0	0
North Bulli Coal Mining Company	4	10	0
	£1,996	17	11

The Geological Surveyor has not received any fees or remuneration whatever from private persons or public Companies, for surveys, reports, &c., made by him, or under his direction.

THE INSPECTOR OF COLLIERIES.

RETURNS of work performed by the Inspector of Collieries during the five years from the beginning of the year 1872 to the end of 1876, and the amount of remuneration received, in salary, travelling allowance, and expenses and fees, during the same period :—

Number of inspection and air-measuring visits to the collieries in the various districts	650
Number of accidents, investigated into the causes thereof, &c.	140
Do. Coroners' Inquests attended	34
Do. days travelling on duty to and from the Southern and Western Districts	103
Number of attendances at Department of Mines, Sydney, and Coal Fields Office, Newcastle	50
Number of attendances at Select Committees of the Legislative Assembly and Council	8
Number of reports and letters written, &c.	498
Do. tracings of mine plans filled, &c.	147
Do. legal proceedings undertaken	2

Amount

Amount received for salary, travelling allowance, and expenses and fees, for above work, both from Government and other sources:—

	£	s.	d.
Salary for five years, at £300 per annum	1,500	0	0
Travelling allowance at £1 per day, while inspecting and investigating causes of accidents, &c., in the Southern and Western Districts Collieries. (This item includes £16 received through the Government from Sir H. Parkes and the Hon. J. Sutherland for reporting on their coal land at Jamberoo, also £7 for attending Select Committees of Assembly and Council)	207	10	6
Expenses of train and horse hire while inspecting, &c., the Hunter River District Collieries	15	16	6
For reporting on coal property for the Promoters of the Newcastle Coal-mining Company	21	0	0

THOMAS LEWIS,
Inspector of Collieries.

THE INSPECTOR OF (METALLIC) MINES.

ALL work performed by the Inspector of (Metallic) Mines during the last five years, together with an account of the salaries, expenses, &c., paid to him or the Government, from private persons or public Companies, for surveys, reports, &c., made by him or under his direction.

I have the honor to inform you that I was only appointed on probation for three months, dated from 7th August, 1876, and on permanent staff from 7th November, 1876, as Inspector of (Metallic) Mines, and I am therefore only able to give the information sought for during the last ten months.

	£	s.	d.
The total amount received by me from 7th August to 31st December, 1876, has been	99	9	3
And the total amount from 1st January to the 31st May, 1877, being from head quarters all this time, has been—Salary	104	3	4
Travelling expenses	150	0	0
Refund for stamps and telegrams	0	13	11
Do. carriage of specimens	1	5	0

Total amount for salary and expenses, from 7th August, 1876, to 31st May, 1877...£355 11 6

I received no fees as Inspector of Mines either directly or indirectly from private persons or public Companies. I made nor directed to be made no surveys or reports to any person or Companies other than the Government. The work performed by me from 7th August to 31st December, 1876, was at my head quarters, Hill End, and consisted of visiting and inspecting the underground workings of all the mines in the Hill End division of the Turon and Tambaroora Gold Fields.

Several alterations were made in these mines at my suggestion (for the safety of life) either verbally or by notices in writing, copies of which were sent by me to the Department of Mines.

The work performed by me as Inspector of Mines, from the 1st January to the 31st December, 1877, has been the visiting and inspecting of all the gold mines on Adelong, causing several alterations to be made in some of the mines, for the safety of life. The inspecting and reporting on the Great Victoria Gold Mining Co.'s mine, and the supervision during the raising of about 10 tons of quartz from said mine for the purpose of testing its commercial value.

The legal Manager of the above-named Company had laid claim to the £1,000 reward offered by the Government for the first person who, being the discoverer, should report to the Minister for Mines the existence of payable quartz at the depth of 800 feet perpendicular from the cap of the reef.

Visiting and inspecting the Tumberumba, Lac-ma-lac, Sandy Creek, Snow Ball, Copper, Lambing Flat, Grenfell, Forbes, Parkes, Mitchell's Creek, Gulgong, and Mudgee District Mines.

No surveys were made or ordered to be made by me, with the exception of the Great Victoria G. M. Co.'s Mine, Adelong, but of which no plan was kept by me.

W. H. J. SLEE,
Inspector of Mines.

“(3.) A detailed statement of Surveys, Inspections, Plans, Sections, &c., that have been made by the Government Geologist, and the cost thereof, from the date of Mr. Wilkinson's appointment till now.”

THE GEOLOGICAL SURVEYOR.

Question 3.

A detailed statement of the Surveys, Inspections, Plans, Sections, &c., that have been made by the Government Geologist, and the cost thereof, from the date of Mr. Wilkinson's appointment till now.

Made a detailed geological survey of the Hartley, Bowenfels, Wallerawang, and Rydal Districts. During this survey 13,882 chains, or 173½ miles of traverse were measured, and over 1,250 specimens of fossils and rocks, illustrative of the geology and mineral resources of the district, were forwarded to the Museum of Mines in Sydney.

Prepared geological map of this survey, embracing an area of about 160 square miles. On this map are defined the boundaries of the various formations, and the positions of the iron ores, limestone, and coal deposits worked in the Western District, together with explanatory notes, and a section showing the relative positions of the various formations.

Made a geological survey of the town and environs of Young, and prepared map thereof.

Made a geological survey of the town and environs of Grenfell, and prepared map thereof showing the reefs and leads worked.

Made

Made a geological survey and map of the Gulgong district, showing the auriferous and other formations.

Made surveys and report, with map, on the Water Supply to the town of Grenfell, recommending that the sum of £2,000 be appropriated for carrying out the proposed scheme for Water Supply.

Examined and surveyed portions of the Bulli Coal Mining Co.'s Estate, at Bulli, Illawarra.

Inspected portions of Hunter River and the Illawarra District, and made a collection of the characteristic fossils and rocks therefrom illustrative of the geological formations.

Accompanied the Deputy Surveyor General and the Director of the Botanic Gardens to Mount Wilson, on an examination of that locality for a timber reserve.

Inspected and reported on the coal lands near Jamberoo, belonging to Mr. G. W. Lord, M.P., and others, and furnished plan of the land, and sections of the coal strata with the report.

Inspected the water reserve at Penrith, and reported on an application for mining the extensive gravel deposits which have been left there by the Nepean River during flood-time.

Examined the silurian formation near Yass, and forwarded to the Museum of Mines a series of the characteristic fossils therefrom.

Inspected and reported on recommending the proclamation of the Mount Adra Gold Field.

Inspected and reported on recommending the proclamation of the Crookwell Gold Field.

Inspected and reported on reserve No. 75, in the parish of Young, county of Monteagle, and recommended a portion of it to be thrown open for alienation.

Inspected and reported on lands at the junction of Tipperary Gully and McHenry's Creek, parish of Young, recommending same to be reserved from sale, on account of a gold-bearing lead.

Inspected and reported on land near head of McHenry's Creek, parish of Wodonga, county of Monteagle, applied for by Mr. Spence.

Inspected and reported on water reserve in the parish of Moppitty, county of Harden.

Inspected and reported on certain lands near Wombat, county of Harden, applied for by Messrs. Prest and Williams, recommending that the land be reserved for gold-mining purposes.

Inspected and reported on town and suburban lands at Young, recommending alienation of some portions and reservation of others.

Inspected and reported on the Cumbamurrah and Jugiong Creek Gold Field, recommending the cancellation of several selections on Spring Creek, and reservation from sale of certain lands (shown on map) for gold-mining purposes.

Inspected and reported on auriferous leads on Cunningham's Creek, four miles from Murrumburrah, recommending their reservation for gold-mining purposes.

Inspected and reported on lands at Demondrille, applied for for school purposes.

Inspected and reported on the Seven-mile Creek diggings, Tyagong Gold Field, recommending the cancellation of certain selections, and the reservation from conditional purchase of certain lands shown on map.

Inspected and reported concerning the sale of town and suburban lands at Grenfell, indicating them on a map, together with other portions recommended to be reserved from sale, and an area to be reserved for water supply.

Examined part of the gold workings at Forbes, and collected geological specimens from the silurian formation there, for the Museum of Mines, and observed about a mile from Forbes the existence of a deep deposit of tertiary drift, which will probably prove payably auriferous.

Examined geological formations at Parkes Gold Field, near the township, observed the auriferous reefs to be chiefly in diorite greenstone.

Inspected Goodrich gold and copper mine, and obtained characteristic mineral specimens therefrom for the Museum of Mines.

Examined and reported on a portion of the Macquarie River Gold Field, recommending certain areas near the confluence of the Cudgegong and the Macquarie Rivers, and also the lands for 15 chains on each side of the Macquarie River, for a distance of 10 miles along the river, above certain portions marked on tracing, to be reserved for gold-mining purposes.

Inspected and reported on Mr. Byron's gold-mining lease, and Mr. F. B. Suttor's application for an improvement purchase, both on Tweedy's Flat, Macquarie River.

Inspected and reported on Mr. Suttor's mineral leases on the Macquarie River, near Burrandong.

Examined the limestone and silurian formations at Curney's Creek and other localities near Wellington, and collected specimens therefrom for the Museum of Mines.

Inspected and reported on the Mitchell's Creek Gold Field, and recommended proclamation of reservation of certain lands (position shown on plan) in the parishes of Tenandra, Bodangara, and Micketymulga, county of Lincoln.

Examined gold-diggings at the head of Spicer's Creek, county of Lincoln, proposed to be reserved from sale.

Inspected and reported on portions 91, 92, and 93, in the parish of Biragambil, county of Wellington, recommending sale of two portions and reservation for mining purposes of No. 91.

Examined and reported upon the Belubula Caves near Carcoar, and collected therefrom numerous fossil remains and specimens of stalactites, &c.

Examined and reported on the mineral leases of Winters, Morgan, and others, at Sunny Corner, near Mitchell's Creek, Turon Gold Field.

Inspected and reported on portions 49, 50, 51, 52, 53, parish of Galambine, county of Phillip, recommending alienation of same.

Inspected and reported on the land applied for by William Wright on the Cudgegong Creek, Two-mile Flat Gold Field.

Inspected and reported on portions 52, 53, and 54, on the Rats Castle Creek, county of Wellington, applied for by the Hon. G. H. Cox, M.P. to purchase by auction, but recommended the alienation of the land only under the 14th clause of C. L. A. Act, 1861, as the portions embrace auriferous formations.

Inspected and reported on land portions 33, parish of Piambong, and 34, 35, parish of Wiadere, applied for by the Hon. G. H. Cox, M.P., to purchase by auction: recommended that these portions be not alienated, as the land embraces workable gold-bearing deposits.

Examined the Tallawang Gold Field, and reported the occurrence of gold in the carboniferous formation.

Inspected

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MINERAL SELECTION AT MITCHELL'S CREEK.

(CANCELLATION OF MR. THOMAS COX'S LEASES—ADDITIONAL PAPERS.)

Ordered by the Legislative Assembly to be printed, 20 February, 1877.

SCHEDULE.

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No. 1.

Supplementary Opinion of the Honorable the Attorney General.

OPINION of the Honorable the Attorney General supplementary to that given by him on the 22nd December, 1875, in connection with the matter of Mr. Thomas Cox's Mineral Selections at Mitchell's Creek, which was omitted from the Return to an Order of the Honorable the Legislative Assembly, dated the 15th of August, 1876.

As my honorable colleague appears to entertain some doubt as to the power of cancellation in the event of the lessee, after the lapse of a reasonable time, not being prepared to execute the lease, I am of opinion that such time having elapsed, and the lessee having received notice and not having executed the lease, the Secretary for Mines may cancel the same.

4/4/76.

W.B.D., A.G.

No. 2.

J. Davies, Esq., M.P., to The Colonial Secretary.

Dear Sir,

London Terrace, Bourke-street, Surry Hills, 15 September, 1876.

Last Session I moved for copies of all documents and papers having reference to Mineral Selections made at Mitchell's Creek by Mr. Thomas Cox; and as the papers disclose to my mind a great mistake committed by the Mining Department in dealing with Mr. Cox's selections, I feel it to be my duty to bring the facts under the notice of the Government, in order that justice may be done to Mr. Cox. It appears Mr. Cox took up a selection on the 21st June, 1872. Mr. Cox selected 20 acres of mineral land at Sunny Corner, Mitchell's Creek, the number of selection being 5907, on which the proper fees and rent were paid up to 31st December, 1875. During the latter part of 1874 and beginning of 1875 he called several times at Mining Department urging the issue of the lease for his selection, and was informed on the 4th December, 1874, that the lease had been prepared in his name and forwarded to His Excellency the Governor for execution. For several months after Mr. Cox called repeatedly at the Mining Office to accept the lease but could not obtain the same, nor was he allowed to notify his acceptance; and after calling at the office again without effect, he in April, 1875, left Sydney for the country, in consequence of ill health, and on his return, when he applied at the office for his lease, he was told that an advertisement had appeared in the *Government Gazette* stating that the lease had been cancelled, as he had failed to execute and take delivery of his lease. I am informed Mr. Cox never received any intimation from the Mining Department. I therefore think that the Hon. Minister for Mines did Cox a great injustice in not having issued his lease after Cox having called and wrote so often to obtain his lease. It looks very

strange, three days after Wiuter's letter to the Minister for Mines, that Cox's lease should be advertised in *Government Gazette* for cancellation, and was erroneously described "Castleton," whereas the proper designation should be "Coolamigal." This is an important discrepancy in describing the locality of the cancellation of Mr. Cox's lease. Mr. Cox was not asked if he held a miner's right for 1874—which he held for 1874, as did also the men working on his mineral selection. Mr. Cox holds receipts for the four blocks of land for 1874, and to the 31st December, 1875, as the printed papers show. The Mining Department submitted Mr. Cox's case to the Crown Law Officers, and obtained the opinion of the Hon. Attorney General, and have decided in direct opposition to the Attorney General's opinion. See page 18, No. 42, of the printed papers.

It will be seen that Mr. Cox took up his mineral selections under the Crown Lands Occupation Act of 1861, and duly observed the conditions under the Act, therefore his lease cannot be brought under the Mining Act of 1874. I submit the case as one of great hardship to Mr. Cox, and after a careful consideration, I am convinced the Government will see that a great wrong has been done Mr. Cox, and that he at present is entitled to his leases. I therefore trust that the present leases will be revoked, and that Mr. Cox will be restored to his former position as lessee. Trusting this matter will receive your early and serious consideration,—

I have, &c.,

JOHN DAVIES.

P.S.—I enclose copies of printed papers, and opinion of His Honor the Chief Justice, Sir James Martin.

[Enclosures.]

Sydney Morning Herald, 14th June, 1876.

SUPREME COURT.—TUESDAY, JUNE 13.

IN BANCO.

BEFORE their Honors the CHIEF JUSTICE, Mr. Justice HARGRAVE, and Mr. Justice FAUCETT.

EX PARTE THOMAS COX.

Mr. Salomons applied for a rule *nisi* to be directed to the Secretary of Mines, calling upon him to show cause why a writ of *mandamus* should not issue, directed to him, to compel him to hand over to the applicant a mineral lease, executed by the Governor, in pursuance of the Mining Act, to the applicant. 37 *Vic.*, No. 13, and regulations 32, 34; *ex parte Mackenzie*, 6 S. C. R., 306; *Reg. v. The Lords Commissioners of the Treasury*, 16 Q. B., 359; *Reg. v. The Lords Commissioners of the Treasury*, L. R., 7 Q. B., 401; *Rex v. The Lords Commissioners of the Treasury*, 4 Ad. and E.; *ex parte Smith*, 6 N. and M., 505; *Ellis v. Earl Gray*, 6 Simon, 214; *Feather v. The Queen*, 6 B. and S., 697, were cited.

The Court unanimously dismissed the application.

The CHIEF JUSTICE said: This was an application for a rule *nisi* to issue a *mandamus* directed to the Minister or Secretary for Mines, to order him to hand over to the applicant a mineral lease which had been executed by the Governor. It appeared that in 1872 the applicant selected a block of land for mining purposes, went into possession of it, and paid the rent. In answer to letters written by him to the Mining Department, he was informed more than once that his lease was being prepared, and that it would issue to him when executed. After some years waiting, and after repeated applications for his lease without success, the applicant left his usual abode for some five months. He next heard that his lease had been cancelled by the Minister for Mines, although he had received no notice that it had been executed, or that it was ready for him, or that in default of his applying for it that it would be cancelled. All of the steps were taken without his knowledge, another lease of the same block of land issued, and the lessee was put into possession. On that state of facts, it is now submitted that the applicant is entitled, as he has no other legal remedy, to have the prerogative writ of *mandamus* to issue. The case certainly, from the *ex parte* statement in the affidavits, appeared to be a hard one, and, without doubt, there had been some great irregularity in the office to have this lease cancelled without notice after such a long delay in having it executed, after the frequent applications for it, and after receiving rent for so many years. The question still remained, did the facts warrant the Court in issuing the prerogative writ of *mandamus*? It was contended that on occasions a Court would grant a rule *nisi* where it was patent to them that it could not be made absolute so as to allow the points to be discussed and the Court's opinion given. His Honor did not think that was the proper course. Rules *nisi* were, at times, granted when the Court entertained some doubt, but never when it was clear that the rule must fail—as it must in this case. In His Honor's opinion no rule should be granted. The case cited, *Rex v. The Lords, &c., of the Treasury*, 4 Ad. and E., 286, was of very doubtful authority; it was so characterized in more than one case. *In re Baron de Bode*, 6 Dowl, 776, at page 792, Coleridge J., said—"But, as against the servants of the Crown, as such, and merely to enforce the satisfaction of claims upon the Crown, it is an established rule that *mandamus* will not lie. I call this an established rule, and I believe that it has never been broken in upon. There are circumstances, indeed, under which a *mandamus* will lie against the Lords of the Treasury, and a much misunderstood instance is the case of *Rex v. The Lords of the Treasury* (4 Ad. and El., 286); there it appeared *prima facie*, that a pension had been granted; that funds applicable to its payment had been placed by Parliament in the hands of the Lords of the Treasury as *public officers charged by statute with the payment of such pensions*; that the Lords had allotted the funds for the payment, and acknowledged to the claimant that they held it for his use; and that they only refused to pay because he declined to take it clogged with conditions they had no right to impose." In order to show the strict principle, some of the words were expressed in italics. The principle is very clearly laid down in the *Queen v. The Lords of the Treasury*, L. R., 7 Q. B., 387, at page 397. Blackburn, J., said—"Passing from that, the question remains whether there is any statutable obligation cast upon the Lords of the Treasury to do what we are asked to compel them to do by *mandamus*, namely, to issue a minute to pay that money, because it seems clear to me that we ought to grant a *mandamus* if there is such a statutory obligation, particularly when the application is made on behalf of persons who have a direct interest in the matter, viz., the Treasurer of the Country, on behalf of the Country, which ought, by the statute, to have been indemnified for the costs which they have been compelled to pay. But it is here, I think, that the case fails. The general principle, not merely applicable to *mandamus*, but running through all the law, is that where an obligation is cast upon the principal, and not upon the servant, we cannot enforce it against the servant, as long as he is merely acting as servant." The judgment went on—"The same principle applies to *mandamus* if the duty is by statute, though perhaps 'duty' is hardly the word to employ with regard to Her Majesty. When the intention of the Legislature shows that Her Majesty should be advised to do a thing, and when the obligation, if I may use the word, is cast upon the servants of Her Majesty so to advise, we cannot enforce that obligation against the servants by *mandamus* merely because the Sovereign happens to be the principal." And further on—"That being so, the question comes to this,—whether it can be shown (common law out of the question) that in any way a duty is cast upon the Lords of the Treasury towards third persons, and not merely a duty to the Queen to advise, but a duty to third persons to issue this minute, which it is the object of the *mandamus* to make them issue." No clause of the Act had been cited, nor did any exist, which imposed upon the Secretary for Mines, or upon any other person, the duty of handing a lease, after it had been executed by the Governor, to the lessee. If such a clause did exist it might be another matter. If the Court did grant the rule, they would on the *ex parte* statement of the applicant have to decide a case involving many troublesome points of law and fact in regard to the construction of the Mining Act and Regulations, which would uselessly occupy much valuable time, to the hurt of other suitors where cases had been set down for argument for many Terms. To His Honor it was clear no rule should be granted.

Mr. Justice HARGRAVE concurred. It was said the case was a bad one; that was no reason the Court should make bad law by granting the rule.

Mr. Justice FAUCETT concurred.

Evening News, 14th June, 1876.

IMPORTANT JUDGMENT ON CROWN LEASES.

AN important decision affecting the interests of all mineral leaseholders was given yesterday by the full Court, consisting of the Chief Justice Sir James Martin, Mr. Justice Hargrave, and Mr. Justice Fanelett. Mr. Salomons, on behalf of Mr. Thomas Cox, moved for a rule nisi to issue a writ of *mandamus* against the Minister for Mines (the Honorable John Lucas) to compel him to hand over to the applicant (Cox) a mineral lease which had been executed by the Governor, in pursuance of the Mining Act. The facts as revealed in the documentary evidence tendered are simply these:—In 1872 Cox selected a block of land for mining purposes. He went into possession thereof, and paid rent to the Crown for the same for some years. Cox wrote several letters to the Mining Department demanding his lease. The replies were to the effect that the lease was being prepared, and when executed, should be issued to him. Two or three years elapsed, during which time Cox had repeatedly forwarded applications for the lease, but he was always doomed to disappointment. Ultimately he learned that his mineral lease had been cancelled by the Minister for Mines, without receiving any notice of its execution, or that it was ready for him, or that in default of his applying for it that it would be cancelled. In fact, he was kept in ignorance of the action the Minister for Mines took in cancelling the lease, until he ascertained that a portion of the same block of land was leased to another party, and the lessee put into possession. It was now contended that Cox was entitled (as he had no other legal remedy) to have the prerogative writ of *mandamus* issued. The Court unanimously dismissed the application. Being *ex parte* there was no appearance of Counsel for the Minister for Mines. Their Honors were unanimously of opinion that the case appeared to be a very hard one. They thought there had been some great irregularity in the Mining Department to have cancelled the lease without notice after such a long delay in having it executed, and after the frequent application for it, besides paying the rent of the lease for so many years. Their Honors did think that the proper course was to grant a rule for a *mandamus*, to allow the points to be discussed, for rules were sometimes granted when the Court had a doubt, but never in any case when it was clear that the rule must fail, as it must in this case. In the matter of the case of Baron de Bode, Judge Coleridge said "But as against the servants of the Crown as such, and merely to enforce the satisfaction of claims upon the Crown, it is an established rule that *mandamus* will not lie. I call this an established rule, and I believe that it has never been broken in upon." This principle of law, their Honors held and stated, was clearly laid down in the case by *The Queen v. The Lords of the Treasury*. Their Honors also held that no clause of the Act had been cited, nor did any exist, which imposed upon the Minister for Mines, or upon any person, the duty of handing over a lease after its execution by the Governor to the lessee. It is therefore the duty of lessee, or his agent, to call for it, and thus prevent its cancellation. If such a clause existed, the Court probably would grant a rule. Their Honors also thought, if they did grant a rule, the arguments on it would involve many troublesome points of law as to the construction of the Mining Act and its Regulations, which would uselessly occupy much valuable time that should be devoted to other cases now long pending.

No. 3.

Mr. Under Secretary Wood's Minute.

Cancellation of Mr. Thomas Cox's Mineral leases.

Mr. Davies states that "on the 21st June, 1872, Mr. Cox selected 20 acres of mineral land at Sunny Corner, Mitchell's Creek, the number of the selection being 5,907, on which the proper fees and rent were paid to 31st December, 1875." In addition to the parcel of land mentioned, Mr. Cox selected three other 20-acre parcels at the same place, on which he did not pay the rent.

Again, Mr. Davies says,—“For several months after (4th November, 1874) Mr. Cox called repeatedly at the Mining Office to accept the lease, but could not obtain the same.” There is nothing beyond Mr. Cox's statement to support the supposition that Mr. Cox called after the month of January or February, 1875, but it is quite clear that the leases were in the office ready for delivery by the middle of March (*vide* notice in the *Gazette* dated 16th of that month), and if he had called after he would certainly have been asked to execute them. Moreover, notices of the leases being ready to be issued to Mr. Cox were published in the *Gazette* and the Sydney newspapers, in March, 1875, and if Mr. Cox remained in Sydney, as he alleges, till April of that year, he had ample means of knowing that his lease was ready.

Again, Mr. Davies says,—“I am informed Mr. Cox never received any intimation from the Mining Department.” Mr. Cox, in his note (*No. 39 of Return*), in effect, says his agent at Mitchell's Creek saw the notices respecting the leases, and an officer of the department called at Mr. Cox's address, and not finding him there called also upon his Sydney agent and informed him that the leases were ready.

Again, Mr. Davies says,—“The Minister for Mines did Cox a great injustice in not having issued his lease after Cox having called and written so often.” From the middle of March till the commencement of June—a period of nearly three months—the department tried to get Mr. Cox to take the leases during that period; notices were published in the *Gazette* and newspapers inviting him to take them, and warning him of the consequences if he failed. If Mr. Cox had left Sydney, he did so without informing the department of his intention to do so, without asking that the issue of his leases might be delayed till his return, and without supplying any address to which notice could be sent. The department is in all cases most anxious that applicants for leases shall take them rather than allow them to be cancelled, and therefore finding that Mr. Cox did not apply for his leases, an officer of the department was requested to find Mr. Cox and give him personal notice; accordingly he called at the place of business formerly occupied by Mr. Cox (which is the address given by Mr. Cox in his applications), and was there informed that Mr. Cox had left Sydney and that his address was not known. He was also requested to call upon a gentleman who had acted for Mr. Cox in reference to these leases, with a view to ascertain where Mr. Cox could be found. The officer was informed that Mr. Cox had left Sydney without leaving with this gentleman any address or any intimation as to when he would return, or whether he still desired to obtain the leases; so that in fact, Mr. Cox took the most effectual means of preventing the issue of the leases, and that they were not issued is due entirely to the action of that gentleman.

Again, Mr. Davies says,—“It looks very strange three days after Winters' letter to the Minister for Mines that Cox's leases should be advertised in the *Government Gazette* for cancellation.” The inference is that Mr. Cox's leases were advertised “for cancellation” at the request and in the interest of Messrs. Winters and Morgan. The facts are:—1st. That cancellation of the leases was not advertised till several weeks after receipt of Mr. Winters' letter. 2nd. That instructions for publication of the notice of 29th April, copy annexed (which was not as Mr. Davies infers a notice for cancellation, but a notice calling upon Mr. Cox and other persons similarly placed to execute their leases within thirty days), were given several days before the receipt of Mr. Winters' letter, which though dated 26 April did not reach the department till the 28th. 3rd. That for a period of six weeks after the cancellation of Mr. Cox's leases had been notified in the *Gazette* the land was open to the world, and during that period neither Mr. Cox, Mr. Winters, nor any other person applied for it, clearly showing that the leases were not cancelled for the benefit of any person in particular.

Again,

Again, Mr. Davies says the locality of the land "was erroneously described Castleton, whereas the proper designation should be Coolamigal." The correct name of the parish is Castleton. When applying for the land Mr. Cox evidently did not know the correct name of either the county or parish, because in the notification of his selections he names the county "Wellington" instead of Roxburgh, and the name of the parish he leaves blank. Castleton was given as the name of the parish by the surveyor, when he measured the land for Mr. Cox in 1872 (*vide enclosures to paper No. 16 in printed Return*); and from that date until the survey was made for Messrs. Winters and Morgan in November, 1875, when the name of the parish was erroneously given as Coolamigal, it was unquestioned even by Mr. Cox, though he and his agent were in correspondence with the Lands Department respecting the survey of his land. In December, 1875, some six months after Mr. Cox's leases were cancelled, he discovered that the surveyor who measured the land for Messrs. Winters and Morgan described it as in the parish of Coolamigal, and thereupon he sought to show that he had been deceived by the notices published respecting his leases, because they described the land as in the parish of Castleton, whereas in fact Mr. Cox had never known the land to be otherwise described until the surveyor who measured the land for Messrs. Winters and Morgan, some six months after Mr. Cox's leases had been cancelled, and about four months after Messrs. Winters and Morgan had taken up the land, described the land erroneously as in the parish of Coolamigal.

Mr. Cox then attempted to take advantage of the surveyor's error, but he failed in his attempt, because the land is in the parish of Castleton and was correctly described in the notices.

Again, Mr. Davies says, "Mr. Cox was not asked if he held a miner's right for 1874, which he held for 1874." It was not known that Mr. Cox was mining for gold, but if it had been the question would not have been asked. 1st. Because the law casts upon the person mining, and not upon the Crown, the onus of seeing that such person is authorized to mine. 2nd. Because a miner's right is for such purpose useless, as it does not entitle the lessee or any other person to mine for gold upon land under mineral lease or promise of such lease. 3rd. Because the law provides that if a lessee of mineral land shall proceed to mine thereon for gold before he shall have obtained a gold-mining lease, his mineral lease shall be liable to be forfeited and cancelled.

Mr. Davies appears to think that Mr. Cox paid rent to the end of 1875 on the four blocks of land; such is not the case; he paid upon one block only, and he did not do that until gold had been found in that particular block, and he had made arrangements to participate in the profits of working such gold. Before he paid any rent Mr. Cox received £20 from the first party of gold-miners, and when he pressed for the issue of his leases he had made an arrangement under which he received a share of the gold won by a second party.

Mr. Davies says that the department has decided Mr. Cox's case "in direct opposition to the Attorney General's opinion." This apparent opposition is due to the fact that a supplementary opinion given by the Honorable the Attorney General was accidentally omitted from the return made to Parliament. This supplementary opinion is to the effect that after a reasonable time having elapsed, and the lessee having received notice and not having executed the lease, the Secretary for Mines may cancel the same.

The time that elapsed between the first publication of notice that the lease was ready to be issued and the publication of the notice of cancellation was three months. The notices were published in the newspapers as well as in the *Gazette*, and Mr. Cox admits (*No. 39 of Return*) that his agent at Mitchell's Creek saw the notice. Hundreds of persons have attempted, like Mr. Cox, to hold mineral land for speculative purposes, in the hope that something may turn up to render it valuable; and had the power to cancel in such cases not been exercised, thousands of acres that are now being worked with profit to the individual and the public would be still locked up under lease to persons who have no intention of working.

Mr. Davies says, "Mr. Cox took up his mineral selections under the Crown Lands Occupation Act of 1861, and duly observed the conditions under the Act, therefore his lease cannot be brought under the Mining Act of 1874." The conditions under the "Crown Lands Occupation Act of 1861" are: 1st.—Not to mine for gold. 2nd.—To pay rent in advance. 3rd.—To expend £5 per acre upon each lot within three years. Mr. Cox has failed to observe all those conditions. 1st.—Mr. Cox did mine for gold. 2nd.—He failed to pay the rent in advance (indeed it was considerably in arrears until he found the land contained gold), but this was waived by granting him permission to pay up arrears of rent, of which he availed himself, as to the block on which the gold was found. 3rd.—He did not expend £5 per acre (Mr. Warden Johnson in his report says "three years within a few days have elapsed * * *"). No expenditure whatever has been made upon them, as required by the Regulations of the "Crown Lands Occupation Act of 1861" upon each block within three years. All such leases are by operation of the "Mining Act of 1874" brought under it (*vide sections 61 and 62*), if the lessee attempt to mine for any mineral or metal other than that for which the lease has been granted; and it provides that any mineral lease *under it or any other Act* is liable to forfeiture and cancellation, as for a breach of condition, if the lessee shall proceed to mine for gold before he shall have obtained a gold-mining lease in addition to any mineral lease he may hold.

As to the opinion of his Honor the Chief Justice, enclosed—His Honor says "The case certainly, from the *ex parte* statement in the affidavits, appeared to be a hard one, &c." He also says "No clause of the Act had been cited, nor did any exist which imposed upon the Secretary for Mines or upon any other person the duty of handing a lease after it had been executed by the Governor to the lessee, &c." To summarize this case, Mr. Cox (like hundreds of other persons, especially on the Northern Tin Fields) appears to have taken up mineral land during the mania of 1872, for speculative purposes. The plan adopted by these gentlemen was as follows:—Trusting to the defects in the Act and the Regulations, they selected a piece of mineral land in a likely spot, knowing that in consideration of the 5s. per acre paid for permission to select they would be able to hold the land without paying any more rent or doing any work upon it for at least three or four years, and in the meantime the chances were in favour of some person ignorant of the fact that the land had been selected setting in to work upon it and making a discovery. As a rule, some person located near the land was employed to watch it, not with a view to warn persons from setting in to work upon it, but to inform the lessee if any such person made a valuable discovery. If no discovery was made to render the land valuable before the lease was ready to be issued, the lessee evaded executing it by every means in his power, in order to gain more time to use the land as

a trap to catch industrious but unwary miners, and when all the devices for keeping the lease alive without paying rent or working were exhausted it was allowed to be cancelled; but if, on the other hand, any discovery was made, the lessee at once paid up the arrears of rent, pressed for the issue of his lease, and proceeded to secure the fruits of the discovery, and to evict the discoverer, or to make profitable terms with him. In order to put a stop to this practice, and to prevent the resources of the Colony being locked up for the benefit of such persons, leases so applied for have been prepared as speedily as possible, and as soon as ready the fact has been notified, and every effort made to induce the lessees to execute their leases and work the land; failing therein, the lessees were warned that unless executed the leases would be cancelled, and if they still refused or neglected, the leases were cancelled accordingly, and by this means hundreds of instances, but in none more notably than in Mr. Cox's case, most valuable deposits have been opened for the benefit of the public, instead of being locked up for the benefit of persons who possessed neither the industry nor the enterprise to develop them.

A person who makes application to lease a piece of land contracts to accept the lease if granted; and if the Crown notify that the application is granted, and tender the lease by ample notice, it has performed its part of the contract, and the lessee has no just grounds of complaint if his lease be cancelled, because he evades the performance of his part. No person on behalf of the Crown is required either to hand the lease to the lessee or to serve notice upon him personally that it is ready, but had it been otherwise, Mr. Cox's journey for the benefit of his health would have prevented the requirements being complied with.—H.W., 23/10/76.

[Enclosure.]

Department of Mines, Sydney, 29th April, 1875.

NOTICE TO APPLICANTS FOR MINERAL LEASES.

NOTICE is hereby given, that unless the Lessees execute and take the delivery of the undermentioned Leases within thirty days from this date they will be finally cancelled.

JOHN LUCAS.

No.	Date of Selection.	Names of Applicants.	Area.	Locality.
			Acres.	
16071	30 Oct., 1872	B. Stacey, Young, M'Leod, Newton, and Gilles	40	County of Lincoln, parish of Woorooboomi.
865	27 Jan., "	E. Currey, W. M. Stevens, and A. B. Robins...	20	County of Hardinge, parish of Swinton.
14067	17 Sept., "	A. H. C. Macafee, and S. G. Alford	40	County of Bathurst, parish of Kenilworth.
14064	17 " "	Macafee, Alford, O'Shannassy, and Chambers	80	do do
12010	21 Aug., "	Frederick Close Griffiths	20	County of Hardinge, parish of Swinton.
16085	30 Oct., "	Garland and M'Kenzie	20	County of Gough, parish of Inverell.
1122	24 Feb., "	William Woolley & William Henry Quodling	20	County of Buller, parish of Ruby.
1124	24 " "	do do	20	do do
1125	24 " "	do do	20	do do
1126	24 " "	do do	20	do do
8197	16 July, "	James Rodd and James Robertson	40	County of Bathurst, parish of Coota.
8198	16 " "	do do	40	do do
5197	11 June, "	Thomas Cox	20	County of Roxburgh, parish of Castleton.
5907	21 " "	do	20	do do
5908	21 " "	do	20	do do
5909	21 " "	do	20	do do
11239	12 Aug., "	W. A. M'Crea, J. Donaldson, R. Laird, and G. Murray.	20	County of Gough, parish of Flagstone.
11240	12 " "	do do	20	do do
11241	12 " "	do do	20	do do
11242	12 " "	do do	20	do do
11243	12 " "	do do	20	do do
11244	12 " "	do do	20	do do
11245	12 " "	do do	20	do do
11246	12 " "	do do	20	do do
11247	12 " "	do do	20	do do
11248	12 " "	do do	20	do do
7642	30 July "	Gamble, Webber, and Curtain	20	County of Clive, parish of Silent Grove.
7643	10 " "	do do	20	do do
7644	10 " "	do do	20	do do
5801	19 June "	Webber and party	20	do do
4124	27 May "	Webber and Curtain	20	do do
4125	27 " "	do	20	do do
4126	27 " "	do	20	do do
12935	3 Sept., "	Thomas Hood	20	County of Hardinge, parish of Cope's Creek.
17950	16 May, 1873	Alfred Cadell	20	County of Clive, parish of Annandale.
17951	16 " "	do	20	do do
17952	16 " "	do	20	do do
17953	16 " "	do	20	do do
978	14 Feb., 1872	Edward G. Swinton	20	County of Hardinge, parish of Swinton.
979	14 " "	do	20	do do
3040	20 Aug., "	Charles Michael Ware and Charles Hoyt	20	County of Gough, parish of Paradise North.
3041	20 " "	do do	20	do do
3042	20 " "	do do	20	do do
3043	20 " "	do do	20	do do
3044	20 " "	do do	20	do do
3045	20 " "	do do	20	do do
18163	1 " 1873	James Monro, Wallace Gordon, James Peattie, and George Downe	200	County of Gloucester, parish of Tomago.
18164	1 " "	do do	200	do do
18165	1 " "	do do	200	do do
18166	1 " "	do do	200	do do
18167	1 " "	do do	200	do do
18168	1 " "	do do	200	do do
18169	1 " "	do do	200	do do
18170	1 " "	do do	200	do do

NOTICE TO APPLICANTS FOR MINERAL LEASES—continued.

No.	Date of Selection.	Names of Applicants.	Area.	Locality.
17429	28 Dec., 1872	John Menzies and John Fitzpatrick	Acres. 20	County of Roxburgh, parish of Yetholme.
11557	15 Aug., "	Andrew Whiteford, J. G. Thurston, J. Sullivan, H. Sullivan, E. Locke, W. Mason, J. Clancy, and John Wadsworth Ashworth.	80	County of Westmoreland, parish of Jocelyn.
11558	25 " "	do do	80	do do
3883	23 May, "	W. Croft, B. J. Bernasconi, and J. Kerring...	20	County of Buller, parish of Ruby.
3884	23 " "	do do	20	do do
3885	23 " "	do do	20	do do
3886	23 " "	do do	20	do do
3987	23 " "	do do	20	do do
3988	23 " "	do do	20	do do
4019	23 " "	Charles Bate and Charles Nicholas Carey.....	20	County of Gough, parish of Herbert.
2878	3 " "	Charles Kelso Moore and William Henderson	20	County of Gough, parish of Clyde.
2879	3 " "	do do	20	do do
2880	3 " "	do do	20	do do
2881	3 " "	do do	20	do do
7504	9 July, "	James Ryan	20	County of Gresham.
7505	9 " "	do	20	do
6741	28 June, "	Duncan M'Leod.....	20	County of Buller, parish of Ruby.
6742	28 " "	do	20	do do
6743	28 " "	do	20	do do
18370	4 Nov., 1873	Roberts Adams and Charles Wye Weeks	40	County of Bathurst, parish of Errol.
18371	4 " "	do do	40	do do
2252	12 April, 1872	Charles Bate	20	County of Gough, parish of Herbert.
2253	12 " "	do	20	do do
2254	12 " "	do	20	do do
2255	12 " "	do	20	do do
4344	30 May, "	J. Bracken and J. Ambrose.....	20	County of Gough, parish of Inverell.
3818	21 " "	Crouch and Gilmore.....	20	do do
3819	21 " "	do	20	do do
1252	6 March, "	A. Laird.....	20	County of Buller, parish of Corry.
1253	6 " "	do	20	do do
2996	6 May, "	Arthur Little	20	County of Gough, parish of Clive.
2997	6 " "	do	20	do do
2998	6 " "	do	20	do do
1508	21 March, "	Blackiston, Gibson, Jack, and Byrnes	20	do do
1509	21 " "	do do	20	do do
8179	16 July, 1872	Alexander M'Kay, Cadell, and others	20	County of Gough, parish of Strathbogie.
8180	16 " "	do do	20	do do
8181	16 " "	do do	20	do do
8182	16 " "	do do	20	do do
8183	16 " "	do do	20	do do
8184	16 " "	do do	20	do do
4010	23 May, "	Henry Cohey	20	County of Gough, parish of Wellington Vale.
3440	14 " "	Macleay, House, Munn, and Thompson.....	20	County of Gough, parish of Inverell.]
3440a	14 " "	do do	20	do do
5716	19 June, "	Frederick Close Griffiths	20	County of Hardinge, parish of Swinton.
5717	19 " "	do	20	do do
5718	19 " "	do	20	do do
5719	19 " "	do	20	do do
5720	19 " "	do	20	do do
5436	14 " "	Thomas Moore and Co.	20	County of Gough, parish of Clive.
5437	14 " "	do	20	do do
5438	14 " "	do	20	do do
5439	14 " "	do	20	do do
5440	14 " "	do	20	do do
1809	2 April, "	George Butler	20	County of Hardinge, parish of Mayo.
1810	2 " "	do	20	do do
1811	2 " "	do	20	do do
1812	2 " "	do	20	do do
1813	2 " "	do	20	County of Hardinge, parish of Clare.
1814	2 " "	do	20	do do
5596	17 June, "	George Booty.....	20	County of Gordon, parish of Obley.
1621	26 March, "	C. H. Wilton, J. R. Cummins, J. Hume, and J. Penson.	20	County of Gough, parish of Blair Hill.
1622	26 " "	do do	20	do do
1623	26 " "	do do	20	do do
1624	26 " "	do do	20	do do
1625	26 " "	do do	30	do do
7118	4 July, "	H. C. M'Culloch	20	County of Gordon, parish of Obley.
5199	11 June, "	Cohey and others	20	County of Gough, parish of Wellington Vale.
515	11 Oct., 1871	W. Hezlett, W. H. Cuff, and E. L. Jones ...	40	On Courtnundee Ranges, pastoral district of Albert.
5944	21 June, 1872	do do	80	County of Robinson.
1462	19 March, "	Charles Duncan Tomison.....	20	County of Gough, parish of Strathbogie.
1171	29 Feb., "	David M'Beath, Clarke, and others	80	County of Buller, parish of Ruby.
1172	29 " "	do do	20	do do
1300	2 March, "	Sydney H. Darby	20	County of Hardinge, parish of Darby.
1301	2 " "	do	20	do do

No. 4.

Minute of the Honorable the Minister for Mines.

On the 17th of June, 1872, Mr. Cox took up a 20-acre block of land to mine for copper.

On the 20th of June, 1872, he took up three 20-acre blocks for the same purpose.

Nothing further was heard of that gentleman until the 23rd of October, 1874, when he applied for and obtained permission to pay up the back rent (his selections having become forfeited for non-payment of rent), but instead of paying the rent due upon the 80 acres as he proposed and as it was expected he would have done, he paid the rent due on 20 acres only. It appears that he had then recently visited the district where the land is situated, and discovered a party mining for gold, from whom he obtained £20 and some future interest to allow them to continue. (This was contrary to law, as he had no right, nor had he a right to allow others, to mine on the land for gold.) It was after he had received this money he obtained permission to pay £20 rent, when in fact he paid £5 only. The party from whom he received the £20 above mentioned, not being able to make the ground pay, left it.

A short time afterwards his agent (whom it appears he keeps on the watch) informed him that a second party were at work on his land. He rushed up, and by threats of legal proceedings induced the second lot of gold-miners to enter into an agreement (*see printed paper No. 38, Enclosure No. 2*) to give him a share of the gold obtained from the land, after which he again made his appearance at the Department of Mines and was anxious to obtain his lease. Shortly afterwards the second party of miners discovered that they could not make the ground pay, and left it; they sent the gold obtained to the Mint. (*See printed paper No. 38, Enclosure No. 5.*) Cox's share being only a few shillings, he was dissatisfied, and instructed his solicitor (the late Mr. Henry Driver) to write to the miners (*see letter printed No. 38, Enclosure No. 4*) demanding his proper share—the second time forfeiting his right to the ground by allowing it to be mined for gold. (*See 62nd clause of Mining Act of 1874.*) The second party having abandoned the ground and Mr. Cox being a second time disappointed, ceased to visit the Department of Mines or to apply for his lease, as the following facts will show:—

Mr. Cox states he left Sydney in April, 1875; the notice that his lease was ready for execution was published on the 16th March—in fact it was ready lying at the department several days before that date. Had Mr. Cox been as anxious as he now pretends to have been, surely he would have called at the Department of Mines and inquired about it previous to his departure, seeing that he did not leave Sydney for a month after the lease was ready for issue; but the second party having pronounced it worthless, no doubt Mr. Cox intended to abandon it, and I believe had not Winters and party been successful we should not have heard anything more of Mr. Cox—indeed the facts speak for themselves. Cox says he left Sydney in April, 1875; on the 16th March previous it was notified in the newspapers that the lease was ready for execution; again on the 29th April it was notified that unless it was executed within thirty days it would be cancelled, but it was not cancelled until the 17th June, and from that until the 16th August (when Winters and party selected it) it remained Crown Lands open for any person to select. During this long period, and indeed for many weeks after, there was not anything heard of or from Mr. Cox. It appears that after taking it up, Winters and party went to work with spirit; they put machinery on the ground and set a large number of men to work, by which means they made the property a valuable one—of which fact it appears the local agent informed his principal, for shortly afterwards Mr. Cox again turned up, had an interview with me, and protested against a lease being granted to Winters and Morgan. This was the first that I knew of Mr. Cox, or knew that there was anything more special in his than thousands of other cases which I have dealt with.

I believe Mr. McIntosh came with him upon that occasion, and I promised to inquire into the case. A few days after I so promised Mr. Cox again called, and informed me that Winters and party were taking large quantities of gold from the claim, and requested me to prevent them working. I at once instructed Mr. Under Secretary Wood to write to Winters and party to stop all work on the ground, which was done. It appears Mr. Cox shortly afterwards called upon Mr. McIntosh, and told that gentleman that I had refused to request Winters and party to cease operations, and induced Mr. McIntosh to accompany him to the department, where I, in the presence of that gentleman, accused him (Cox) of falsehood, which he could not deny. I then made a searching inquiry into the case, which was not favourable to Mr. Cox; and as another interest had been created, I sought the advice of the Attorney General. His opinion, as I thought, not being quite clear, I had an interview with that gentleman, and he then supplemented his opinion (in consequence of the hurry in preparing the papers for Parliament the supplementary opinion was omitted); that opinion, together with the information I had received, clearly proving to my mind that Mr. Cox was evading the payment of what was due to the Crown, defrauding the Treasury, and trying to keep the land as a trap so that he might benefit himself by the labour and expenditure of others. I refused to revoke the cancellation of the leases, the right to which he had three times forfeited.

Shortly recapitulating the facts: In June, 1872, Cox selected four 20-acre blocks as copper land; he left the rent unpaid until October, 1874; he discovered persons mining for gold on the land; instead of stopping them he obtained £20 from them for the right to mine for gold; from the said £20 he paid £5 rent (£20 was due), and kept the balance, £15. This party failed, so Cox dropped off applying for his lease. A second party went to work on the land; Cox came down on them for a share of the gold, and let them the four blocks, or 80 acres, to mine for gold, having only paid the back rent upon one block of 20 acres, having paid £5 instead of £80. Upon the second party agreeing with him he became anxious to obtain his lease. The second party left the ground, and Mr. Cox ceased calling for his lease. On the 16th March a notice was published that the lease was ready for issue. On the 29th April it was notified in the press that if not executed within thirty days the lease would be cancelled. Nevertheless it was not cancelled for fifty days, and then it remained open for any person to take up until the 6th August, another fifty days, when the land was taken up by Winters and party; and it was not for fifty-five days after it was so taken up, and Winters and party had gone to work vigorously, and proved the property to be valuable, that Mr. Cox turned up again and claimed the land, after having disappeared for eight or nine months, stating as an excuse that he was not aware that the lease had been cancelled, although, according to his own statement, he left Sydney in the month of April; and the fact of the lease being ready for execution, and that it would be cancelled if not executed within thirty days, was published in the daily papers of March and April. Besides which, Mr. Binny, an officer of the department, personally informed his Sydney agent,

and

and also called at his place of business (the place of his address), and left word there that if the lease was not executed it would be cancelled, and Cox wrote a letter (which is amongst the published papers) to this department, which shows that his country agent at any rate knew of the publication.

He took the land up as mineral land to mine for copper only, at 5s. per acre, and to expend upon it £5 per acre within three years. He had it three years, and did not expend a shilling on it, and did not attempt to mine for copper, or indeed for any other mineral, with his own labour or capital, but allowed several others to mine for gold for his profit without informing the Minister for Mines, and without paying the gold rent of (£1) one pound per acre, thereby evading the payment of the proper sum to the revenue, and forfeiting his lease as provided by law.

Mr. Cox says one reason that the lease was not applied for was that it was published as situated in the parish of Castleton instead of Coolamigal. The fact is that the land is situated in the parish of Castleton, but when surveyed for Winters and party the surveyor by mistake reported it as in the parish of Coolamigal; this was several months after Cox's lease was cancelled, so that could not have deceived him.

Mr. Cox says he had a miner's right (*quære*). How many had he, when did he take them or it out? Did he take out a miner's right as an after-thought, as he thought to take advantage of the mistake in naming the parish? But if he had fifty miners' rights he would not be justified in mining for gold upon land which he took up to mine for copper at 5s. per acre per annum; persons who lease gold land at £1 per acre must have miners' rights, and no person knows better than Mr. Cox that it is nothing less than a fraud upon the revenue to mine for gold on land at 5s. per acre, whilst gold-miners holding miners' rights are by law compelled to pay 20s. per acre.

Mr. Cox says his rent was paid up to the end of 1875; yes, by paying £5 when he should have paid £30; but if he had paid all he owed it would not alter the case, for there are thousands of persons who would willingly pay £1 per acre on speculation to wait for what chance would throw up to make money by other people's labour and expenditure, as Mr. Cox has done in this case. There are tens of thousands of acres of auriferous lands so locked up on our gold fields, which is the chief cause of the mining depression. I have been cancelling leases as fast as possible, and I hope that in a short time the whole of those idle and locked up lands will be open to the miners. In this case Mr. Cox never had an claim to any other mineral but copper. I have dealt with some 20,000 cases, but this one of Cox's is the most gross attempt to defraud the revenue, and make profits at the expense of other persons' means, labour, and capital, that has come before me.

J.L.,
20/2/77.

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CASE OF LEGGE AND BRICKWOOD AND WOODS.

No. 1.

Notifications of selection by Wright, Clifford, & Co.

(M.L. 4,877.)

Sir,

Sydney, 7 June.

I have the honor to report to you that, in pursuance of the authority conveyed to me in the letter of the Under Secretary for Lands, dated 7th June, I have selected the portion of Crown lands hereunder described, for the purpose of working tin, viz. :—20 acres, county of Hardinge, parish of situated west of Coggan and Eastment's 20 acres, on the north side of Lunney's 50 acres, about 2½ miles north from Cope's Creek, starting from tree marked C.

I have, &c.,

JOHN P. WRIGHT,

For J. P. WRIGHT.

J. W. CLIFFORD.

— COGGAN.

T. H. ALCOCK.

W. A. COOKE and Party.

The Honorable the Minister for Lands, Sydney.

Mr. Greaves, D.S.—W.H. (for J.S.), S. D.-S. Greaves, 12 July, /72, No. 1,146. Noted in Register. Cancelled, *Government Gazette*, 11/9/76.

(M.L. 4,878.)

Sir,

Sydney, 7 June, 1872.

I have the honor to report to you that, in pursuance of the authority conveyed to me in the letter of the Under Secretary for Lands, dated 7th June, I have selected the portion of Crown lands hereunder described, for the purpose of working tin, viz. :—20 acres, county of Hardinge, parish of situated west of Coggan and Eastment's 20 acres, on the north of Lunney's 50 acres, about 2½ miles from Cope's Creek, starting from tree marked C, bounded by block No. 19 of the undersigned's selections.

I have, &c.,

JOHN P. WRIGHT,

For J. P. WRIGHT.

J. W. CLIFFORD.

— COGGAN.

T. H. ALCOCK.

W. A. COOKE and Party.

The Honorable the Minister for Lands.

Mr. Greaves, D.S.—W.H. (for J.S.), S. D.-S. Greaves, 12 July, /72, No. 1,146. Noted in Register. Cancelled.—See Ex. Min., 76/1,217. *Government Gazette* 25/2/76/62.

(M.L. 4,879.)

Sir,

Sydney, 7 June, 1872.

I have the honor to report to you that, in pursuance of the authority conveyed to me in the letter of the Under Secretary for Lands, dated 7th June, I have selected the portion of Crown lands hereunder described, for the purpose of working tin, viz. :—20 acres, county of Hardinge, parish of situated west of Coggan and Eastment's 20 acres, on the north of Lunney's 50 acres, about 2½ miles from Cope's Creek, starting from tree marked C, bounded by block No. 20 of the undersigned's selections.

I have, &c.,

JOHN P. WRIGHT.

For JOHN P. WRIGHT.

T. W. CLIFFORD.

— COGGAN.

T. H. ALCOCK.

W. A. COOKE and Party.

The Honorable the Minister for Lands.

Mr. Greaves, D.S.—W.H. (for J.S.), S. D.-S. Greaves, 12 June, /72, No. 1,146. Noted in Register. Cancelled.—See Ex. Min., 76/1,217. *Government Gazette* 25/2/76/62.

No. 2.

Mr. Licensed-Surveyor Allport to The Surveyor General.

Sir,

Cope's Creek, 6 January, 1873.

In accordance with your instructions of 12th July (W. A. B. Greaves, Esq., D.S.), I have the honor to transmit herewith a plan of three 20-acre portions applied for by Wright, Clifford, Coggan, and party under the 22nd clause of the "Crown Lands Occupation Act of 1861."

I have, &c.,

H. C. ALLPORT, L.S.

The Surveyor General.—M. O'C. BLAKE (for D.S.), 26 Feb., /73. No Treasury receipt herewith. For description.—W.S.C., 3 April, /73. Dealt with in charting branch.—W.S.C., 29 May, /73.

[Enclosure

[Enclosure A to No. 2.]

Wright, Clifford, and party.

M.L. 4,877.

DESCRIPTION.

20 acres, county of Hardinge, parish of Swinton, M.L., portion 208: Commencing at the north-eastern corner of portion 4 of 50 acres; and bounded thence on the south by part of the northern boundary-line of that portion bearing west 14 chains and 15 links; on the west by the eastern boundary-line of M.L., portion 209, bearing north 14 chains and 15 links; on the north by the southern boundary-line of M.L., portion 231, bearing east 14 chains and 15 links; and on the east by a line bearing south 14 chains and 15 links, to the point of commencement. Examined—J.C.

[Enclosure B to No. 2.]

Wright, Clifford, and party.

M.L. 4,878.

DESCRIPTION.

20 acres, county of Hardinge, parish of Swinton, M.L., portion 209: Commencing at the south-western corner of M.L., portion 230; and bounded thence on the north by the southern boundary-line of that portion bearing east 14 chains and 15 links; on the east by the western boundary-line of M.L., portion 208, bearing south 14 chains and 15 links; on the south by part of the northern boundary of portion 4 of 50 acres and a line in all bearing west 14 chains and 15 links; and on the west by a road 1 chain wide dividing it from M.L., portion 210, bearing north 14 chains and 15 links, to the point of commencement. Examined—J.C.

[Enclosure C to No. 2.]

Wright, Clifford, and party.

M.L. 4,879.

DESCRIPTION.

20 acres, county of Hardinge, parish of Swinton, M.L., portion 210: Commencing at a point distant 1 chain west from the north-western corner of M.L., portion 209; and bounded thence on the east by a road 1 chain wide dividing it from that portion bearing south 14 chains and 15 links; on the south by a line bearing west 14 chains and 15 links; on the west by a line bearing north 14 chains and 15 links; and on the north by a line bearing east 14 chains and 15 links, to the point of commencement. Examined—J.C.

No. 3.

J. Carney and Party to The Under Secretary for Mines.

Sir,

Tingha, 2 February, 1875.

Will you please inform as to whether we can take up any one of the numerous blocks of land for the purpose of prospecting, the same land having been previously taken up for tin-mining, but is at present abandoned, but not yet forfeited by official declaration? Could you also inform me as to block No. 210, situated half way between Cope's and Middle Creeks, on the Cope's Creek side, if the same block was cancelled; if not, can we apply for the same, or can we occupy of the said block as much per man as our mineral license allows? By letting us know at your earliest convenience you will much oblige

JOHN CARNEY AND PARTY,
Post Office, Tingha.

Mr. Binney,—Can you identify block 210? If so, what is the number, and how does it stand?

Mr. Campbell,—Can you supply the information?

Portion 210, parish of Herbert, county of Gough, may be the portion intended. I cannot say for certain without more definite information. This stands in the name of T. Moore & Co., M.L. 5,436.—W.S.C., 10.

M.L. 5,436 measured, and has not been forfeited.—10.

The lease may be prepared and tendered at once. The writer may be informed the lease is not forfeited, that the lease will be tendered forthwith, and if the applicants do not take delivery it will be cancelled, and they can then take up the whole or any part of it, but they cannot take possession of any portion of the land before the forfeiture has been declared.—J.L. Informed, 15 Feb., 1875.

No. 4.

The Under Secretary for Mines to John Carney and Party.

(75-754.)

Gentlemen,

Department of Mines, Sydney 15 February, 1875.

In reply to the inquiries contained in your letter of the 2nd instant, I am directed by the Secretary for Mines to inform you that portion 210, in the parish of Herbert, county of Gough, selected for mineral purposes by Messrs. T. Moore & Company, is not forfeited, and that the lease thereof will be tendered forthwith, and if the applicants do not take delivery it will be cancelled; you may then take up the whole or any portion of the land, but you cannot take possession of it before the forfeiture has been declared.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

No. 5.

Duguid & Co. to The Under Secretary for Mines.

Sir,

Pitt and Bridge streets, Sydney, 1 March, 1875.

We have the honor to request that mineral leases Nos. 4,878 and 4,879, selected by Wright, Clifford, and party, and mineral lease 14,574, selected by Connolly and M'Donald, may be declared forfeited, as we are informed that the rent on same has not been paid.

We have, &c.,

DUGUID & Co.

The leases may be prepared at once and tendered for execution. If the applicants do not execute and pay the rent the leases may be cancelled. Messrs. Duguid & Co. may be informed of the action proposed to be taken.—J.L. Informed, 4 March, 1875.

No. 6.

5

No. 6.

The Under Secretary for Mines to Messrs. Duguid & Co.

Gentlemen,

Department of Mines, Sydney, 4 March, 1875.

In reference to the request contained in your letter of the 1st instant, I am directed by the Secretary for Mines to inform you that mineral leases Nos. 4878, 4879, and 14,574, will be prepared at once and tendered for. Execution by the applicants, if they fail to execute, and to pay the rent due on the leases, they will then be forfeited.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 7.

Mr. W. Walker to The Under Secretary for Mines.

(M.Ls. 4878-4879.)

Offices, Bell's Chambers, No. 175, Pitt-street, Sydney, 20 March, 1875.

Sir,

I have the honor, on behalf of Messrs. Wright, Clifford, Coggan, Alcock, Cooke, and party, to apply for permission to pay the rent at the Treasury on the above selections for the years 1874 and 1875.

Requesting that the permission now sought may be granted by your Department,

I have, &c.,

WILLIAM WALKER.

Permission to pay the past due rent granted.—J.L. Treasury and Mr. Walker, 24 March, 1875.

No. 8.

The Under Secretary for Mines to The Under Secretary for Finance and Trade.

Sir,

Department of Mines, Sydney, 24 March, 1875.

I am directed to inform you that the Secretary for Mines has approved of Messrs. Wright, Clifford, Coggan, Alcock, Cooke, and party, paying into the Treasury the overdue rent of mineral leases Nos. 4878 and 4879, containing 20 acres each, county of Hardinge.

Date of Treasury receipt, 7 June, 1875.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 9.

The Under Secretary for Mines to Mr. W. Walker.

Sir,

Department of Mines, Sydney, 24 March, 1875.

I am directed to inform you that in compliance with the request contained in your letter of the 20th instant, the Secretary for Mines has approved of Messrs. Wright, Clifford, Coggan, Alcock, Cooke, and party, paying into the Treasury forthwith the overdue rent on mineral leases Nos. 4878 and 4879.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 10.

The Under Secretary for Finance and Trade to The Under Secretary for Mines.

Sir,

The Treasury, New South Wales, Sydney, 1 April, 1875.

With reference to your letter, dated — March, 1875, I have the honor to state that Messrs. Wright, Clifford, Coggan, Alcock, Cooke, and party, have paid into this office the overdue rent on mineral leases Nos. 4878 and 4879.

I have, &c.,

G. EAGAR.

No. 11.

Messrs. Duguid & Co. to The Under Secretary for Mines.

Sir,

Pitt and Bridge streets, Sydney, 25 January, 1876.

We have the honor to request that mineral leases Nos. 4877/9, in names of Wright, Clifford, and party may be cancelled, the rent not having been paid for present year.

We have, &c.,

DUGUID & Co.

M.L. 4877, rent not paid for 1875; M.L. 4878/9, rent paid for 1875; M.L. 4878/9, gazetted as being ready for delivery on 15th April last—30 days' notice, 17th June, 1875.—T.C.B., 27/1/76. The cancellation may be expedited as much as possible.—J.L., 28/1/76. M.L. 4878/9 cancelled; see Government Gazette, 25/2/76/62.

No. 12.

R. Forster, Esq., M.L.A., to The Under Secretary for Mines.

Sir,

203, York-street, Sydney, 4 April, 1876.

Having reference to my interview with you on the 20th ultimo, in relation to an alleged act of injustice done to one George Lock, of Tingha, tin miner, I am now in receipt of a further communication from George Lock, and will, as far as I can understand the case, give you a precis thereof.

About

About three years ago several blocks of land were taken up for mineral purposes, but never worked. About twelve months ago Lock and his mate (Carney) being the holders of mineral licenses, and believing that the land had been abandoned and forfeited, proceeded to prospect one of these blocks, and after expending nearly all their hard earnings had the good fortune to strike good tin wash-dirt. About this time a man appeared on the ground, said that he was an original shareholder in this claim, that by paying up the back rent he could insist on his right, and in this way he induced Lock and mate to give up the claim.

The Warden was written to, but stated that he was powerless. Your Department was written to as to their right to prospect this land, and you replied on 15 February, 1875, No. 75/754, that the lease would forthwith be tendered to the original applicants, Messrs. T. Moore and Company, and that if they did not take delivery it would be cancelled, and then Lock and Carney might take up the whole or any portion of this land.

There appears to be some error as to the exact block and the original selectors. You name "Moore & Co." and give the mineral lease No. 5,436, portion 210. My clients say the land was originally taken up by Messrs. Wright & Cook, of Sydney, block No. 210, co. Hardinge, p. of Swinton, and in proof of this I annex the notice as published in a newspaper, and giving the mineral lease No. 4,879; the notice bears date 24 February, 1876; the present holders are Messrs. Woods & Brickwood, the date of their application being, I believe, 25 February, 1876.

The worst feature in this case, if true, as stated to me, is this: that Brickwood, who is a storekeeper at Inverell, and was acquainted with Carney, came to the ground, congratulated them on their success, and stated that he had an agent in Sydney who would do all the business to secure the land for them, and thus save them trouble; and Lock and Carney, believing Brickwood was a man in whom they could place confidence, left it to him to secure the land for them; but shortly after Brickwood again made his appearance, said he was agent for a Sydney gentleman, that the land belonged to him, and immediately proceeded to post notices on the ground warning all persons not to trespass.

If this be true, then I submit Woods & Brickwood obtained the land by fraud, and ought not to be permitted to hold possession.

I earnestly invite attention to this case.

I am, &c.,

ROBT. FORSTER.

They were informed, 15/2/75, that 210, par. Herbert, was held under lease 5436 by Moore & Co. To this they did not reply. Their description being block 210, between Middle and Cope's Creeks; if they had said the block referred to was in the par. of Swinton, the correct information would have been given to them. Mr. Forster, M.P., may be so informed, and that the matter shall be considered in connection with Messrs. Woods & Brickwood's application. Attach to papers on receipt of the said application.—J.L., 10/4/76. Mr. Forster, M.P., informed, 13 Apl., /76.

Department of Mines,
Sydney, 24 February, 1876.

NOTICE TO APPLICANTS FOR MINERAL LEASES.

NOTICE is hereby given, that the undermentioned mineral leases of Crown lands have been finally cancelled, the lessees having failed to execute and take delivery thereof when called upon to do so.
[76-1,217]

JOHN LUCAS.

No.	Name.	Locality.	Area.	Date of Application.	Local No.
4878	Wright, Clifford, and others	County of Hardinge, parish of Swinton	a. r. p. 20 0 0	7 June, 1872.....	209
4879	Do. do. do.	Do. do. do.	20 0 0	7 " "	210

No. 13.

The Under Secretary for Mines to R. Forster, Esq., M.L.A.

Sir,

Department of Mines, Sydney, 13 April, 1876.

In reference to your letter of the 4th instant, inviting attention to certain information furnished by this department to Messrs. Lock and Carney on the 15th February, 1875, as to some mineral lands which they desired to obtain, I am directed by the Secretary for Mines to point out that my letter of that date, in accordance with the description of the land as given by them, viz.:—"Block 210, between Middle and Cope's Creeks," was to the effect that portion No. 210, parish of Herbert, was held under lease by Messrs. T. Moore & Company, and to this no reply was made, as it should have been, if such information did not rightly describe the land they were inquiring about. Had they said that the block referred to was in the parish of Swinton the correct information would have been given.

2. I am to state in conclusion that the matter shall be considered in connection with Messrs. Woods and Brickwood's application for the land.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 14.

Mr. G. Woods to The Minister for Mines.

Sir,

Inverell, 15 June, 1876.

On February 29th, 1876, myself and R. Brickwood took up at the Inverell Land Office two forfeited mineral selections of 20 acres each, portions Nos. 210 and 209, parish of Swinton and county of Hardinge, which we have been working ever since; but as Mr. Lucas, of Tingha, appears to think that he only as Mining Registrar should be applied to, he has put us to great inconvenience by bringing other parties and trying to stop us from working this land. He also tried to get the Warden of Armidale on behalf

behalf of one Mr. Legge, to place an injunction on this land, and prevent us working the same, which the Warden refused to do. We have fulfilled all the conditions, have put up the required notices and in the prescribed time, and owing to this man Lucas, the Mining Registrar at Tingha, I personally applied for this land by a mineral conditional purchase in order to make the thing doubly sure, as we have expended a large amount of money on this land in constructing dams, &c., &c.—fully £400. This application I made on April 12th, 1876, but if the original application was correct, as I suppose it is, I would like this money refunded, as myself and R. Brickwood intend to make same a mineral conditional purchase at our next rent time. Trusting you will inquire into the conduct of this officer—if he had not some motive in view, perhaps he would not take this trouble about the land.

I remain, &c.,
G. WOODS.

Request the Mining Registrar at Inverell to explain the delay in forwarding the applications referred to. Request the Warden's Clerk at Tingha to explain his action in reference to Messrs. Woods and Brickwood's application.—J.L., 21/6/76. The Warden's Clerk, Tingha.—H.W., B.C., 26 June, 1876. The M.R., Inverell, by memo., 26 June, 1876.

No. 15.

The Mining Registrar, Inverell, to The Under Secretary for Mines.

Sir, Land Office, Inverell, 30 June, 1876.
I have the honor to enclose two mineral lease applications from Messrs. Woods and Markby, together with Mr. Surveyor Murray's report, which I received on the 24th instant, too late to be posted by that day's mail.

I have, &c.,
W. CARDEW,
Mining Registrar.

No notice of application (sch. 6) was forwarded to this Dept. in accordance with regulation 9.—P.A., 6/7/76.

Submitted.—The land herein referred to appears to have been taken up under the 19th clause of the "Crown Lands Occupation Act of 1861," in the name of G. Woods. See M.C.P. 76-37.—W.C., 12/7/76. The Under Secretary for Mines. Date of conditional purchase, 13 April, 1876.—Send copy of Mr. Forster's letter, and request that as the land was the subject of an application for a mineral lease which had not been dealt with at the date of the conditional purchase by Geo. Woods, such conditional purchase should be disallowed.—J.L., 19/7/76. The Under Secretary for Lands, 24 July, 1876.

[Enclosure A to No. 15.]

E 1.

The Mining Registrar, Inverell, to The Mining Registrar, Tingha.

Sir, Land Office, Inverell, 4 April, 1876.
I have the honor to inform you that portions Nos. 209 and 210, parish of Swinton, have been applied for at this office as mineral leases by Messrs. Woods and Brickwood, and to request that you do not receive applications for the same land.

I have, &c.,
W. CARDEW,
Mining Registrar.

[Enclosure B to No. 15.]

E 2.

Mr. J. Legge to The Mining Registrar, Tingha.

Sir, Tingha, 10 April, 1876.
Having made application to you for mineral lease for portions Nos. 209 and 210, county of Hardinge, parish of Swinton, and find that the said land has been applied for previously at the Inverell Office, which is illegal by the Mining Act of 1874, I therefore, having complied with the Act by making application to you, request that my application be received, otherwise I must refer the matter to the Minister for Mines or the Warden for the district.

I have, &c.,
JOHN M. LEGGE.

Description of Land.

No. of mineral lease:—Portion Nos. 209 and 210, county of Hardinge, parish of Swinton. Applied for at Inverell by Richard Brickwood and George Woods 26th February, 1876.

[Enclosure C to No. 15.]

E 3.

The Mining Registrar, Tingha, to The Warden, Armidale.

Sir, Warden's Office, Tingha, 12 April, 1876.
I have the honor to request instruction as to how I shall act between this time and that of the inquiry by you into this case.

JAMES LUCAS,
Mining Registrar.

[Enclosure D to No. 15.]

E 4.

Edward Marriott, Esq., to The Warden's Clerk, Cope's Creek.

Sir, Warden's Office, Armidale, 26 April, 1876.
In reply to your communication of the 12th instant, forwarding summonses in the case noted in the margin, and asking "How you are to act between this time and that of the hearing of the case," I have the honor to inform you that I have telegraphed to the Hon. the Minister for Mines informing him of disputes to be settled at Tingha and other parts of this district, who will no doubt appoint some other Warden to hear them in the absence of Mr. Warden Buchanan, of which you will be duly informed; in the meantime, I should recommend you to caution all parties to *cease work*, pending the hearing of the disputes.

I have, &c.,
EDWD. MARRIOTT,
Pro JAS. BUCHANAN,
Warden.

Brickwood v. Woods.

[Enclosure E to No. 15.]

E 5.

Mineral Lease Regulations.—Schedule 2.—Application for Mineral Leases.

To the Hon. the Secretary for Mines, Sydney,—

Sir, Inverell, February 29, 1876.
We hereby make application for a mineral lease of that piece or parcel of land situated in the county Hardinge, parish of Swinton, containing 20 acres, of which we took possession on the 26th day of February, at the hour of 11 o'clock in the forenoon, for the purpose of mining thereon and therein for twelve months by four stakes at each angle thereof, being portion No. 209, lease No. 4878, formerly owned by Wright, Clifford, and Parry, and cancelled.

Notice

Notice of our intention to make this application has been given in accordance with the Regulations in that behalf, and we also hand herewith £5, being the first year's rent in advance of the said land, and the sum of £1 to cover the cost of inspection.

We hereby acknowledge that this application is made upon the distinct understanding and condition that if we shall abandon or fail to proceed with it, or if it is refused, the Secretary of Mines for the time being may deduct from the sum of £6 deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted we shall and will commence mining operations upon or in connection with the demised land within one month from and after the granting thereof, and shall and will employ upon such land not less than four men during the first three months of the term thereby created, and not less than two men during the remainder of such term. And shall and will at any time when called upon in terms of the Regulations relating to mineral leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days after being so called upon we shall and will forfeit the said sum of £6 and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

We have, &c.,

GEORGE WOODS, Inverell.
RICHARD BRICKWOOD, Inverell.

This application was received by me this 29th day of February, 1876, at the hour of 10 o'clock in the forenoon, and is numbered 32.

W. CLARE CARDEW,

Land Agent.

Application No. 32 at Inverell for a mineral lease.

1. By whom application was received? Land Agent.
2. At what place? Inverell.
3. Date and hour when received? February 29th, 1876.
4. Receipt for first year's rent No. 32. Date? February 29th, 1876.
5. To whom receipt was issued? Woods and Brickwood.
6. Date when notice to survey was sent to Surveyor? April 7th, 1876.
7. Date when report and plan were received from the Surveyor? June 24th, 1876.
8. Names of objectors, and dates on which they lodged their objections?
9. Dates of inquiry?
10. Are the applicants holders of miners' rights?
11. Is the land applied for exempted from leasing under the 34th section of the "Mining Act, 1874?"

[Enclosure F to No. 15.]

E 6.

Mineral Lease 148.

Mr. Mining Surveyor Murray to The Chief Mining Surveyor.

Sir,

Inverell, 25 April, 1876.

In accordance with notices of survey from Mining Registrar, Inverell, of 7th inst., on application of George Woods and Richard Brickwood for 20 acres as a mineral lease, I have the honor to report that I inspected the land referred to on the 14th inst. and find that it has already been measured as portion No. 209, parish of Swinton, county Hardinge. It was originally taken up by Wright, Clifford, and Party as mineral lease No. 4878, but having been forfeited by them (see Gazette, 25th February, 1876) was applied for by the present applicants. Woods and Brickwood were the only parties in possession of the ground when I inspected it; they had complied with the Regulations, and were engaged in deep sinking for tin, but they showed me a notice from a person named John M. Legge, a copy of which I enclose, and I subsequently ascertained that the same person had applied for a summons against Woods and Brickwood to appear before the Warden's Court.

It appears that Mr. Legge was not an applicant for the land himself, but having discovered that Woods and Brickwood had not applied for the land at the nearest office—which is Tingha—but at Inverell, where Mr. Woods resides, he wished to have their claim disallowed and an application received from himself. The Warden's Clerk at Tingha refused to accept his notice of application on 4th April, being aware by a notice on the post office, and by a notice from the Mining Registrar at Inverell, that the land had been already applied for by George Woods and R. Brickwood.

I have the honor to suggest that this report be forwarded to the Acting Warden for the District of Armidale, in order to help him in dealing with the case.

I have, &c.,

R. L. MURRAY,
Mining Surveyor.

[Sub-Enclosure.]

Mr. J. Legge to Messrs. Brickwood and Woods.

Gentlemen,

Tingha, 10 April, 1876.

I beg to inform you that I have instituted proceedings in the matter of portions Nos. 209 and 210, mineral selections, county of Hardinge, parish of Swinton, now illegally held by you.

I am, &c.,

JOHN M. LEGGE.

[Enclosure G to No. 15.]

E 7.

Mineral Lease Regulations.—Schedule 2.—Application for Mineral Leases.

To the Honorable the Secretary for Mines, Sydney,—

Sir,

Inverell, 29 February, 1876.

We hereby make application for a mineral lease of that piece or parcel of land situated in the county Hardinge, parish Swinton, containing 20 acres, of which we took possession on the 26th day of February, at the hour of 11 o'clock in the forenoon, for the purpose of mining thereon and therein for twelve months, by four stakes at each angle thereof,—being portion No. 210, lease No. 4,879, formerly owned by Wright, Clifford, and party, and duly cancelled.

Notice of our intention to make this application has been given in accordance with the Regulations in that behalf. We also hand herewith £5, being the first year's rent in advance of the said land, and the sum of £1 to cover the cost of inspection.

We hereby acknowledge that this application is made upon the distinct understanding and condition that if we shall abandon or fail to proceed with it, or if it is refused, the Secretary of Mines for the time being may deduct from the sum of £6 deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted we shall and will commence mining operations upon or in connection with the demised land within one month from and after the granting thereof, and shall and will employ upon such land not less than four men during the first three months of the term thereby created, and not less than two men during the remainder of such term. And shall and will at any time when called upon in terms of the Regulations relating to mineral leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days after being so called upon we shall and will forfeit the said sum of £6 and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

We have, &c.,

GEORGE WOODS, Inverell.
RICHARD BRICKWOOD, Inverell.

This application was received by me this 29th day of February, 1876, at the hour of 10 o'clock in the forenoon, and is numbered 31.

W. CLARE CARDEW,

Land Agent.

Application

Application No. 31 at Inverell, for a mineral lease.

1. By whom application was received? Land Agent.
2. At what place? Inverell.
3. Date and hour when received? Feb. 29th, 1876, 10 a.m.
4. Receipt for 1st year's rent? No. 31. Date, Feb. 29th, 1876.
5. To whom receipt was issued? Woods and Brickwood.
6. Date when notice to survey was sent to surveyor? April 7th, 1876.
7. Date when report and plan were received from the surveyor? June 24th, 1876.
8. Names of objectors, and dates on which they lodged their objections?
9. Dates of inquiry?
10. Are the applicants holders of miners' rights?
11. Is the land applied for exempted from leasing under the 34th section of the "Mining Act, 1874"?

[Enclosure H to No. 15.]

Mr. Mining Surveyor Murray to The Chief Mining Surveyor.

E 8.

Mineral Lease, 147.

Sir,

Inverell, 25 April, 1876.

In accordance with notices to survey from Mining Registrar, Inverell, of 7th inst., on application of George Woods and Richard Brickwood for 20 acres as a mineral lease, I have the honor to report that I inspected the land referred to on the 14th inst., and find that it has already been measured as portion No. 210, parish of Swinton, county of Hardinge. It was originally taken by Wright, Clifford, and party as M.L. No. 4,878, but having been forfeited by them (see Gazette, 25 Feb., 1876), was applied for by the present applicants. Woods and Brickwood were the only parties in possession of the ground when I inspected it; they had complied with the Regulations, and were engaged in deep sinking for tin, but they showed me a notice from a person named John M. Legge, a copy of which I enclose, and I subsequently ascertained that the same person had applied for a summons against Woods and Brickwood to appear before the Warden's Court.

It appears that Mr. Legge was not an applicant for the land himself, but having discovered that Woods and Brickwood had not applied for the land at the nearest office, which is Tingha, but at Inverell, where Mr. Woods resides, he wished to have their claim disallowed, and an application received from himself.

The Warden's clerk at Tingha refused to accept his notice of application on 4th April, being aware, by a notice on the post office, and also by a notice from the Mining Registrar at Inverell, that the land had been already applied for by Geo. Woods and R. Brickwood.

I have the honor to suggest that this report be forwarded to the Acting Warden for the district of Armidale, in order to help him in dealing with the case.

I have, &c.,
R. L. MURRAY,
Mining Surveyor.

See letter No. 76/2.

(Copy of Notice.)

Mr. J. M. Legge to Messrs. Woods and Brickwood.

Gentlemen,

Tingha, 10 April, /76.

I beg to inform you that I have instituted proceedings in the matter of portions Nos. 209 and 210 mineral selections, county Hardinge, parish of Swinton, now illegally held by you.

I have, &c.,
JOHN M. LEGGE,
Tingha.

[Enclosure I to No. 15.]

Description:

Application No. 31, at Inverell, portion 210, parish of Swinton, county of Hardinge, 20 acres.

Commencing at a point bearing west, and distant 1 chain from the south-west corner of portion 230, and bounded on the east by a road 1 chain wide, bearing south 14 chains and 15 links; on the south by a line bearing west 14 chains and 15 links; on the west by a line bearing north 14 chains and 15 links; and on the north by a line bearing east 14 chains and 15 links, to the point of commencement.

Application No. 32, at Inverell, portion 209, parish of Swinton, county of Hardinge, 20 acres.

Commencing at the south-west corner of portion 230, and bounded thence on the west by a road 1 chain wide, bearing south 14 chains and 15 links; on the south by a line and part of the north boundary of portion 4, bearing east 14 chains and 15 links; on the east by the west boundary of portion 208, bearing north 14 chains and 15 links; and on the north by the south boundary-line of portion 230 aforesaid, bearing west 14 chains and 15 links, to the point of commencement.

No. 16.

The Under Secretary for Mines to The Under Secretary for Lands.

Sir,

Department of Mines, Sydney, 24 July, 1876.

I have the honor, by direction of the Secretary for Mines, to forward herewith a copy of a letter received by this Department from Mr. Robert Forster, M.P., respecting a certain application made by Messrs. Woods and Brickwood for a mineral lease.

2. It appears that the land applied for by the said application has been taken up under the 19th clause of the "Crown Lands Occupation Act, 1861," in the name of George Woods, as a conditional purchase.

3. As the above-mentioned application was not dealt with at the date of the conditional purchase, I am to request that such conditional purchase should be disallowed.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 17.

Messrs. Hoskins and Blomfield to The Minister for Mines.

Sir,

Sydney, 24 July, 1876.

In conformity with the provisions of the 58th section of the "Mining Act of 1874," we have been instructed by Messrs. Woods and Brickwood, who have applied for a mineral lease of portions 209 and 210, in the parish of Swinton, county of Hardinge, and who have been working the said portions of land for tin, and have raised tin ore from the said portions to the surface, estimated to be worth about £300,

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which

which is now ready for washing; and have also constructed dams, sunk shafts, formed water races, and have other property on these portions, to apply for an injunction to restrain John M. Legge, who has likewise applied for a lease of the aforesaid portions of land, from interfering with any of the tin ore raised to the surface by Messrs. Woods and Brickwood, or with the dams, shafts, or workings which have been undertaken by those parties on the aforesaid portions of land, or with any property belonging to Messrs. Woods and Brickwood which may be at the present time on the aforesaid portions, until you have decided after an investigation which of the aforesaid parties are entitled to hold and keep possession of the portions of land, numbers 209 and 210, parish of Swinton, county of Hardinge.

We have, &c.,
HOSKINS & BLOMFIELD.

Prepare an injunction and submit to the Crown Solicitor, and when approved of serve upon all the parties and post upon the land in dispute. Injunction prepared and forwarded to the Crown Solicitor.—24 July, 1876.

No. 18.

The Under Secretary for Mines to The Crown Solicitor.

Sir, Department of Mines, Sydney, 24 July, 1876.

I have the honor, by direction of the Secretary for Mines, to forward herewith a form of injunction under the 58th section of the "Mining Act 1874," for your approval.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 19.

J. Macintosh, Esq., to The Minister for Mines.

My dear Sir,

Sydney, 25 July, 1876.

I beg to hand you a letter from a Mr. Brickwood, a tin miner, in the district of Inverell, complaining of a grievance that he considers he has been subjected to by the Warden at Tingha. I may state that I have known Mr. Brickwood for several years as a highly respectable man, in good circumstances, and not at all a person that would do a wrong action, or make a false statement. He was at one time a hay and corn dealer at Newtown, and may be known to you. If you would kindly look into his case and see that he obtains justice it would oblige

Yours truly,

J. MACINTOSH.

[Enclosure A to No. 19.]

Mr. R. Brickwood to J. Macintosh, Esq.

Sir,

17 July, 1876.

I take the liberty to address you, knowing you are a lover of fair play, and to ask you to lay this matter before your colleague in Parliament. My complaint is this:—On the 26th day of February, 1876, myself and partner, Mr. G. Woods, made application to Mr. Cardew, Land Agent and Mining Registrar at Inverell, to select two 20-acre blocks, county of Hardinge, parish of Swinton, as a mineral lease, duly posted all notices required by the Mining Act, Mr. Cardew assuring us that applications for mineral leases applied for at his office, Inverell, was just as legal as any application made to the Warden's Clerk, Tingha, in whose district the land in question is. Mr. Surveyor Murry reported on this land, and found all pegs and notices required by the Mining Act had been complied with, so we naturally thought that the title would be good, and have since spent some £600 on the land in building puddling mill, horse pumps, sluicing plant, sinking shafts, and raising wash-dirt,—when I was served with a summons at 4 o'clock p.m. to attend the Warden's Court at Tingha at 10 o'clock the following morning, the 15th July, 1876, to answer the complaint of John Legge, which was a breach of the sixth clause of the "Mining Act of 1874,"—that I had applied at Inverell instead of Tingha for the land, and through so doing the Warden gave the case against me, and put the complainant, J. Legge, in possession of the land, who has never had any application posted anywhere concerning it. He is now in possession, and dares me to remove anything, or work on the land. So we are thus ousted from the land with eighteen hours notice. At the conclusion of the case my partner made an appeal against the decision of the Warden, and we are now carrying the case on to the best of our ability, which will be an expensive one to us, and all through the mistake of Mr. Cardew, Mining Registrar, Inverell. Now, if a Mining Registrar does not understand this Mining Act it will be very hard for me to do so. When other people have made application for mineral land at the Inverell office in the same way as I have done, and their lease is now prepared for them. This party is named H. Turner, and this land is in the same mining district as the land just taken from us.

Six weeks after we made our application (in February) this man Legge made application at the Tingha office, and was refused, on the ground that the land was already applied for; yet the Warden, on July the 15th, when giving decision, requested the Warden's Clerk at Tingha to date his refused application back to April 4th, time alleged when this man made application, although he never complied with the Act in posting notices, marking the land, or serving notice on parties in occupation.

Should Parliament be prorogued would you kindly confer with the Minister for Mines on this matter, as no doubt he will have all the depositions and decision of the Warden for his final consideration.

Yours, &c.,

RICHARD BRICKWOOD.

No. 20.

The Land Agent, Inverell, to The Under Secretary for Mines.

Sir,

Land Office, Inverell, 18 July, 1876.

I have the honor to state that applications made by Woods and Brickwood for mineral leases in the parish of Swinton were received by me on the 29th February last. All the required notices were posted up both here and at Tingha, and no objections were lodged against the said applications. My notices to Mr. Surveyor Murray were forwarded in due course, and his report, together with applications, are now with you.

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A short time ago John M. Legge lodged an objection with the Warden's Clerk at Tingha. The case Legge *versus* Woods and Brickwood was heard by Mr. Warden Buchanan on the 15th instant, at Tingha. The depositions in this case have, I believe, been forwarded to you for your consideration. You will see by Mr. Warden Buchanan's decision that he held that an application made to me at this office for mineral leases was illegal—the land being within a mining district. Should you confirm this decision I am afraid it will give rise to a great deal of confusion and injustice, for I have received several lease applications, believing that I was authorized to do so, and they have never been questioned till now.

Please instruct me for the future whether I am to receive mineral lease applications or not.

I have, &c.,
W. CARDEW.

Inform that as Land Agent he would be empowered to receive applications for mineral lease of land outside of a mining district if such land were within the district assigned to him as Land Agent, but applications to lease land for mining purposes within a mining district should be made either to a Warden or a Warden's Clerk.—J.L., 1 Aug., 1876.

No. 21.

The Under Secretary for Mines to The Land Agent, Inverell.

Sir,

Department of Mines, Sydney, 2 August, 1876.

In reference to the inquiry made in the concluding paragraph of your letter of the 18th ultimo, I am directed by the Secretary for Mines to inform you that as Land Agent you would be empowered to receive applications for mineral lease of land outside of a mining district, provided such land were within the district assigned to you as Land Agent.

2. Applications to lease land for mining purposes within a mining district should be made either to a Warden or a Warden's Clerk.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 22.

The Mining Registrar, Tingha, to The Under Secretary for Mines.

Sir,

Warden's Office, Tingha, 19 July, 1876.

Referring to the enclosed letter of G. Woods, I have the honor to inform you that Mr. Warden Buchanan, on the 15th inst., at the Warden's Court holden here decided the case against both defendants, and in favor of John M. Legge, the complainant. With regard to assertions contained in the enclosed letter of G. Woods against myself, I beg leave to say that they are without truth, and that I am now taking the opinion of counsel preparatory to entering an action against the said G. Woods for libel.

With this view I would respectfully request that the enclosed letter of G. Woods may be placed in my hands as evidence when the case may come on for hearing in the Supreme Court, Sydney.

I have, &c.,
JAMES LUCAS,
Mining Registrar.

Inform the writer the letter will be available if required in Court, and request him to forward the application of J. M. Legge through the Warden as speedily as possible.—J.L., 25/7/76. Telegram, 26 July, 1876.

Request the Warden to forward the depositions and all papers connected with the complaint of Legge against Woods and Brickwood at Tingha.—H.W., 26/7/76. Telegram, 27 July, 1876.

No. 23.

Telegram from Under Secretary for Mines to Mining Registrar, Tingha.

26 July, 1876.

PLEASE forward the application of J. M. Legge to this office through the Warden as speedily as possible. Woods' letter will be available if required in Court.

No. 24.

Telegram from Under Secretary for Mines to Mr. Warden Buchanan, Armidale.

27 July, 1876.

PLEASE to forward at once to this office the depositions and all papers connected therewith in the complaint of Legge against Woods and Brickwood, heard by you at Tingha on the 15th instant.

No. 25.

The Crown Solicitor to The Under Secretary for Mines.

Sir,

Crown Solicitor's Office, Sydney, 26 July, 1876.

I have the honor to return the form of injunction forwarded to me with your letter of the 24th instant, with such alterations as appear to me necessary made in red ink [*italics*].

Nothing to the contrary being said in your letter, I assume that there was only one application lodged by the disputing parties in respect of the two allotments of land.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

Prepare

Prepare injunction in the form annexed to be served upon the parties forthwith.—J.L. 26/7/76. Forward the injunctions to the Warden's Clerk at Tingha, and request him to instruct the bailiff to serve them on the persons respectively whose names are endorsed. Before serving them he should read them over and compare them with the copies, and then endorse upon such copies respectively an affidavit of service.—H.W., 27/7/76. Forwarded, 27 July, 1876.

[Enclosure A to 25.]

In the matter of the application of George Woods and Richard Brickwood, of Inverell, and of the application of John M. Legge, of Tingha, respectively, for a lease of certain parcels of land, being portions numbered 209 and 210, in the parish of Swinton, in the county of Hardinge, for the purpose of mining therein and thereon, for minerals other than gold.

Whereas a dispute has arisen as to the respective rights of the said George Woods and Richard Brickwood, and of the said John M. Legge, to a lease for mining purposes of the lands mentioned in the above applications; and I, the Honorable John Lucas, the Secretary for Mines for the time being, in the said Colony, under the powers in that behalf given to me by the "Mining Act 1874," have authorized and directed a competent officer to make inquiry into such dispute, and to take such other proceedings in relation thereto as are authorized by the 57th section of the said Act: And whereas it has been made to appear to me the said John Lucas, as such Secretary for Mines as aforesaid, that the property in dispute as aforesaid is liable to be prejudiced by the working of the minerals therein and thereon, pending the said inquiry into the said several applications for lease of the said land: Now therefore, I, the said John Lucas, the Secretary for Mines of the Colony of New South Wales, in virtue of the powers conferred upon me by the said "Mining Act 1874," do hereby order, command, and enjoin you, the said George Woods and Richard Brickwood, and also you, the said John M. Legge, that you and each of you absolutely desist from all mining operations or workings in or upon the parcels of land aforesaid, and that all mining operations and workings upon the said land be suspended until the rights of the several parties applicants to a lease of the said lands shall have been duly inquired into, and determined in favor of either party, as provided by the said Act, or until this injunction shall have been withdrawn, or otherwise lawfully set aside.

In witness whereof, I, the said John Lucas, so being such Secretary for Mines as aforesaid, have hereunto set my hand at Sydney, this day of 187
To George Woods and Richard Brickwood; and to John M. Legge.

No. 26.

The Under Secretary for Mines to The Warden's Clerk, Tingha.

Sir,

Department of Mines, Sydney, 27 July, 1876.

I am directed to forward herewith six copies of injunction for service, together with two copies for the bailiff, and I am to request you to be good enough to instruct the bailiff to serve the persons respectively whose names are endorsed.

2. Before serving them the bailiff should read them over and compare them with his copies, and then fill in upon such copies respectively affidavit of service.

I have, &c.,

GERARD E. HERRING.

(For the Under Secretary for Mines.)

[Enclosure A to No. 26.]

E 1.

To George Woods, Richard Brickwood, and John M. Legge,—

In the matter of the application of George Woods and Richard Brickwood, of Inverell, and of the application of John M. Legge, of Tingha respectively, for a lease of a certain parcel of land, being portion numbered 210, in the parish of Swinton, in the county of Hardinge, in the Colony of New South Wales, for the purpose of mining therein and thereon for minerals other than gold.

WHEREAS a dispute has arisen as to the respective rights of the said George Woods and Richard Brickwood, and of the said John M. Legge, to a lease for mining purposes of the land mentioned in the above applications and, I, the Honorable John Lucas, the Secretary for Mines for the time being in the said Colony, under the powers in that behalf given to me by the "Mining Act of 1874," have authorized and directed a competent officer to make inquiry into such dispute and to take such other proceedings in relation thereto as are authorized by the 57th section of the said Act:

And whereas it has been made to appear to me the said John Lucas, as such Secretary for Mines as aforesaid, that the property in dispute as aforesaid is liable to be prejudiced by the working of the minerals therein and thereon, pending the said inquiry into the said several applications for lease of the said land: Now therefore, I, the said John Lucas, the Secretary for Mines in the Colony of New South Wales, in virtue of the powers conferred upon me by the said "Mining Act of 1874," do hereby order, command, and enjoin you the said George Woods and Richard Brickwood, and also you the said John M. Legge, that you and each of you absolutely desist from all mining operations or workings in or upon the parcel of land aforesaid, and that all mining operations and workings upon the said land be suspended until the rights of the several parties applicants to a lease of the said land shall have been duly inquired into and determined in favor of either party as provided by the said Act, or until this injunction shall have been withdrawn or otherwise lawfully set aside.

In witness whereof I, the said John Lucas, so being such Secretary for Mines as aforesaid, have hereunto set my hand at Sydney, this day of 187

Affidavit of personal service.

I, E. MARKHAM, of Tingha, make oath and say, that on the 1st day of August, 1876, I served the within-named George Woods, Richard Brickwood, and John M. Legge, with the injunction, a true copy of which is at the opposite side hereof, by delivering it to each of them personally at Tingha.

E. MARKHAM,

Bailiff of Warden's Court.

[Enclosure B to No. 26.]

E 3.

To George Woods, Richard Brickwood, and John M. Legge,—

In the matter of the application of George Woods and Richard Brickwood, of Inverell, and of the application of John M. Legge, of Tingha respectively, for a lease of a certain parcel of land, being portion numbered 209, in the parish of Swinton, in the county of Hardinge, in the Colony of New South Wales, for the purpose of mining therein and thereon for minerals other than gold.

WHEREAS a dispute has arisen as to the respective rights of the said George Woods and Richard Brickwood, and of the said John M. Legge, to a lease for mining purposes of the land mentioned in the above applications, and I the Honorable John Lucas, the Secretary for Mines for the time being in the said Colony, under the powers in that behalf given to me by the "Mining Act of 1874," have authorized and directed a competent officer to make inquiry into such dispute, and to take such other proceedings in relation thereto as are authorized by the 57th section of the said Act:

And

And whereas it has been made to appear to me the said John Lucas, as such Secretary for Mines as aforesaid, that the property in dispute as aforesaid is liable to be prejudiced by the working of the minerals therein and thereon, pending the said inquiry into the said several applications for lease of the said land: Now therefore I, the said John Lucas, the Secretary for Mines of the Colony of New South Wales, in virtue of the powers conferred upon me by the said "Mining Act of 1874," do hereby order, command, and enjoin you the said George Woods and Richard Brickwood, and also you the said John M. Legge, that you and each of you absolutely desist from all mining operations or workings in or upon the parcel of land aforesaid, and that all mining operations and workings upon the said land be suspended until the rights of the parties applicants to a lease of the said land shall have been duly inquired into and determined in favour of either party as provided by the said Act or until this injunction shall have been withdrawn or otherwise lawfully set aside.

In witness whereof, I, the said John Lucas, so being such Secretary for Mines as aforesaid, have herunto set my hand at Sydney, this day of 187

Affidavit of personal service.

I, JAMES LUCAS, of Tingha, make oath and say, that on the 1st day of August, 1876, I served the within-named John M. Legge with the injunction, a true copy of which is at the opposite side hereof, by delivering it to him personally at my office at Tingha.

JAMES LUCAS.

No. 27.

Telegrams from Warden's Clerk, Armidale, to Under Secretary for Mines.

27 July, 1876.

MR. WARDEN BUCHANAN absent visiting Barrington Gold Field. Copies of minutes of evidence, papers, &c., in case Legge *versus* Woods and others will, however, be forwarded by next post.

July 27, 1876.

IN *re* dispute Legge *v.* Woods and others Woods has telegraphed to Mr. Warden Buchanan as follows: "Legge removing our wash-dirt raised. Could you prevent same by injunction until case appeal decided?" Please instruct me how I am to Act.

Instruct Warden's Clerk, Tingha, to notify Legge that injunction has been issued by the Minister, posted last night, and warn him not to remove any property from the land applied for by Woods and Brickwood.—H.W., 28/7/76. Telegram, 28 July, 1876.

Inform Warden, Armidale, of action taken.—H.W., 29/7/76. Telegram, 31 July, 1876.

No. 28.

Telegram from Under Secretary for Mines to Warden's Clerk, Tingha.

28 July, 1876.

NOTIFY to John M. Legge that an injunction has been issued by the Minister, and warn him not to remove any property from the land applied for by Woods and Brickwood.

The injunction was posted to you last night.

No. 29.

Telegram from Under Secretary for Mines to Mr. Warden Buchanan, Armidale.

31 July, 1876.

INJUNCTIONS to desist from work upon the land in dispute Legge *v.* Woods and another were forwarded to the Warden's Clerk, Tingha, on the 27th instant, for service on the parties concerned.

No. 30.

The Warden's Clerk, Armidale, to The Under Secretary for Mines.

(76-4,722.)

Memo.

Warden's Office, Armidale, 27 July, 1876.

No depositions were taken in the case Legge *v.* Brickwood and Woods. Minutes of evidence were, however, made by Mr. Warden Buchanan, copies of which are herewith forwarded, together with all papers which have been received at this office in connection with the case, in accordance with instructions conveyed in your telegram of this day's date.

The Warden's Clerk, Tingha, has, I believe, in his possession the "protest marked A" (lodged by Legge against Brickwood and Woods' application); also "letter marked B," and those marked "C," alluded to in minutes of evidence.

EDWD. MARRIOTT,

Warden's Clerk.

Refer to the Warden, with request that he inquire into the whole matter, both as to the rights of the parties alleged to have been in possession before Messrs. Woods and Brickwood, and into the applications made by the last-named persons and Mr. Legge. Report thereon fully for the information of the Department; also to obtain and transmit the exhibits in the case herein referred to.—J.L., 1 Aug., 1876. Mr. Warden Buchanan.—H.W., B.C., 3 Aug., 1876.

[Enclosure

[Enclosure A to No. 30.]

Mineral Lease Regulations.—Schedule 2.—Application for Mineral Leases.

To the Secretary for Mines, Sydney,—
Sir,

Tingha, 10 April, 1876.

I hereby make application for a mineral lease of that piece or parcel of land situated county of Hardinge, parish of Swinton, being measured portions Nos. 209 and 210, containing 40 acres, of which I took possession on the 3rd day of April, at the hour of about 11 o'clock in the forenoon, for the purpose of mining thereon and therein for tin ore, by taking the original blocks as surveyed at each angle thereof. The datum point is from tree 209 in a westerly direction from said tree.

Notice of my intention to make this application has been given in accordance with the regulations in that behalf, and I hand herewith a list of the persons who occupy or claim a right to the land aforesaid, or any part thereof, together with such consents as I have obtained. I also hand herewith the sum of £10, being the first year's rent in advance of the said land, and the sum of £2 to cover the cost of survey.

I hereby acknowledge that this application is made upon the distinct understanding and condition that if I shall abandon or fail to proceed with it, or if it is refused, the Secretary of Mines for the time being may deduct from the sum of £12, deposited as aforesaid, any costs to which in his opinion the Crown may have been put in or about or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted I shall and will commence mining operations upon or in connection with the demised land within one month from and after the granting thereof, and shall and will employ upon such land not less than three men during the first month of the term thereby created, and not less than four men during the remainder of such term. And shall and will at any time when called upon in terms of the regulations relating to mineral leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days, after being so called upon, I shall and will forfeit the said sum of £12, and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

I have, &c.,
JOHN M. LEGGE,
Tingha.

The original of this has this day been forwarded to Mr. Warden Buchanan on this date, viz., July 28, 1876, as per directions per telegram from Under Secretary for Mines, Sydney, dated 26 July, 1876, and received by me yesterday.—J.L.

This application was received by me this 10th day of April, 1876, at the hour of o'clock in the noon, and is numbered 63.

JAMES LUCAS,
Mining Registrar.

NOTE.—This application was granted to John M. Legge by order of the Warden, as per his decision of the 15th July, 1876, in the case of Legge v. Brickwood and Woods, and order given by the Warden to date it as first applied for by John M. Legge.—J.L.

[Enclosure B to No. 30.]

E 2.

Mr. G. Woods to The Warden's Clerk, Tingha.

Sir,

Tingha, Cope's Creek, 27 July, 1876.

Take notice, that in accordance with provisions of "Mining Act, 1874," and clause 15 of the regulations of the same, division 3, I, George Woods, of Inverell, hereby object that a lease be issued to John M. Legge, of Tingha, portions 209 and 210, county Hardinge, parish Swinton, applied for on July 15th, but ordered to be dated back to April 10th, 1876, on the following grounds, viz.:—That I, the said George Woods, had applied for the said land on April 13th, 1876, as a mineral conditional purchase, at which date the said Legge had not taken the land up; and further, for breach of clauses 2, 3, 4, 5, 6, 7, 9, 10, 12, 15, 16, 17, and 18 of the Regulations of said "Mining Act of 1874," division 3; and further, for breach of clause 25 of the said Act, division 1, and beg that the same may be inquired into according to the provisions of said Act.

GEORGE WOODS,
Inverell.

[Enclosure C to No. 30.]

E 3.

Mr. Warden Marriott to The Warden's Clerk, Tingha.

Warden's Office, Armidale, 1 May, 1876.

As it is very probable Mr. Warden Graham, of Tenterfield, will visit Cope's Creek very shortly, these papers are returned, in order that you may have an opportunity of placing them before that gentleman.

The papers should afterwards be returned to this office.

EDWD. MARRIOTT,
Pro JAS. BUCHANAN,
Warden.

B.C.

[Enclosure D to No. 30.]

E 4.

Telegram from Mr. G. Woods to Mr. Warden Buchanan.

Inverell, 27 July, 1876.

CASE Legge versus Woods: Legge removing our wash-dirt raised; could you prevent same by injunction until case appeal decided? Reply paid.

[Enclosure E to No. 30.]

E 5.

GOLD-MINING LEASES—RECEIPT OF OBJECTOR'S DEPOSIT.

IN the matter of the application for blocks 209 and 210 of the undermentioned person for a mineral lease under the "Mining Act, 1874," and of objections thereto, lodged by John M. Legge v. Brickwood and Woods.

RECEIVED from the abovenamed person (objector) the sum of £5 pursuant to the provisions of the said Act.

JAMES LUCAS,

Dated at Tingha, this 10th day of April, 1876.

Mining Registrar, Tingha.

Name and address of applicant—John M. Legge, Tingha.

	£	s.	d.	
Received	5	0	0	Objector's deposit.
Charges	1	3	0	
Balance.....	£3	17	0	

Received balance.....£3 17s.

JOHN M. LEGGE.

[Enclosure

[Enclosure F to No. 30.]

E 6.

"MINING ACT, 1874."—SIXTH SCHEDULE.

Warden's Court.—Summons.

To Richard Brickwood and George Woods, of Inverell,—

You are hereby summoned to appear before me, or some other Warden, at on the 15th day of July next, at 10 o'clock in the forenoon of the same day, precisely, to answer the complaint of John M. Legge, of Tingha, by which complaint he complains that the defendants have illegally, under the 6th clause of the "Mining Act of 1874," made application for two blocks of tin land at the Mining Registrar's Office, Inverell, instead of at the Mining Registrar's Office, Tingha, and hereby the complainant seeks to claim the land.

If you desire the said complaint to be heard before assessors you are entitled to have it so heard.

You may have a summons to compel the attendance of any witness, or for the production of any books or documents, on applying at my office.

Bring this summons with you when you come to my office.

Given under my hand this day of 18 .

J. BUCHANAN, Warden.

Affidavit of Service.

In the Warden's Court of the Mining District at

I, E. Markham, of Tingha, make oath, and say that on the 14th day of July, 1876, I served the defendant, Richard Brickwood, with the summons in this suit, a true copy of which is at the opposite side hereof, by delivering it to him personally. Sworn by the abovenamed deponent, at Tingha, }

this 14th day of July, before me,—

JAMES LUCAS, Mining Registrar.

Affidavit of ineffectual effort to serve.

In the Warden's Court of the Mining District at

I, E. Markham, of Tingha, make oath, and say that I was employed by the Warden to serve the defendant, Richard Brickwood, with the summons in this suit, a true copy of which is at the opposite side hereof, and that I have really and honestly endeavoured to serve the same, and for that purpose have served the same. And I did, on the 14th day of July, 1876, at mine, deliver to Richard Brickwood, being the defendant, another true copy thereof, requesting him to deliver the same to the said defendant that day.

Sworn by the abovenamed deponent, at Tingha, }
this 14th day of July, 1876, before me,—

JAMES LUCAS, Mining Registrar.

E. MARKHAM.

[Enclosure G to No. 30.]

Warden's Court, Tingha, 15 July, 1876.

Present:—The Warden only.

J. M. Legge, Tingha, versus Richd. Brickwood, Tingha, and George Wood, Inverell.

Application to be put in possession of mineral leases Nos. 209 and 210 (block numbers), declared forfeited in Gazette of 24th February, 1876.

John M. Legge, on oath:—I am complainant in this case, and the parties before the Court are those I complain of; I produce my mineral license, 3rd April last; I applied to Mining Registrar Tingha for forms "Schedule 1;" he advised me to wait for a day or two, as he believed the ground had been applied for before; on the 4th April I made direct application for these blocks to the Warden's Clerk, Mr. Lucas; he refused to receive the same on the ground he had been officially informed the land was taken up at Inverell; a few days afterwards I lodged a protest against the ground being taken up; I base my application for the land on the informality of the application for the defendants. Produced, 4878 and 4879. Wright, Clifford, & Co., cancelled. Marked A.

Cross-examined by defendant Woods: I never saw any notice of the taking up of this ground posted at this post-office.

By complainant Legge.—James Lucas, on oath: I am Warden's Clerk and Mining Registrar, Tingha; I remember 3rd April; you then applied for forms under Schedule 1—application for mineral leases; I refused you; you subsequently applied again, and I again refused you; I did so for reasons set forth in letter I now produce; a few days after that I received from you the protest marked A. Marked B.

Cross-examined by Woods: I heard you posted notices of application; I did not see them.

By Brickwood: I never told you I went to see notices on purpose, and did see them; I do not remember having told you I saw notices.

By Warden: I produce all the correspondence I have in connection with the case, marked C; no notice was ever posted by Brickwood or Woods at my office in Tingha; the blocks in dispute are situate within 2½ miles of Tingha, and within the district of which I am Mining Registrar and Warden's Clerk. Marked C; four papers.

Defences.

George Woods, on oath: I am one of the defendants in this case, and hold a mineral license; on the 26th February last, at Inverell, I put up notices, and also at Tingha, notifying I was an applicant for blocks 209 and 210, county Hardinge, parish Swinton, 29 February; I applied Mining Registrar, Inverell, for them, and produce his receipts for moneys paid, Nos. 31 and 32; the blocks are measured blocks, and have been forfeited; Mr. Cardew said it was perfectly legal to apply for the land at Inverell; I was prepared to apply at Tingha, but this for assurance.

Cross-examined by complainant: I posted up notice at post-office, Tingha, not at Warden's office; the two blocks are declared forfeited in the Government Gazette; they were so before I put up the notices; I am certain as to the dates. Produced, dated 24 Feb., 1876.

Richard Brickwood, on oath: On 26th February I received notices from Mr. Wood—one I posted on Tingha post-office; the other on the two blocks in question; I did so; I also re-pegged the ground; I did it that day in the presence of a witness.

Cross-examined by complainant: I only posted one notice in Tingha; it was on the 26th February, I am certain. This closed the case.

Decision.

I find that complainant Legge did make application for the two blocks in question to the proper officer, and at the proper place, before any other application had been made at said office; and, further, that defendants Brickwood & Woods did make a prior application to the Mining Registrar, Inverell, who was not the proper officer to receive the same. I therefore order that the said Brickwood and Woods do now leave the ground in question, and that possession be given to the complainant Legge. See 4, 5, 6, clauses, mineral lease reg., Div. III. See clauses 71, 87 Vic., 13.

I further order the £5 deposited by the complainant to be refunded, less costs of process and service, together with costs of complainant's witnesses.

Dated 15 July, 1876.

JOHN BUCHANAN,
Warden.

Defendants gave notice verbally of their intention to appeal.—J. BUCHANAN, Warden.

I hereby certify that the above is a true copy of the minutes of evidence made by Mr. Warden Buchanan in the recent case Legge v. Brickwood and Woods, Tingha. EDWD. MARRIOTT,
Warden's Clerk.

Armidale, 27 July, 1876.

[Enclosure

[Enclosure H to No. 30.]

In the Warden's Court of the Peel and Uralla Mining District, holden at Tingha.

Between John Murday Legge against George Woods and Richard Brickwood.

TAKE notice that the abovenamed George Woods and Richard Brickwood being dissatisfied with the decision of the Warden's Court, given herein, at Tingha, on the 15th day of July instant, whereby Mr. Warden Buchanan decided that the abovenamed John Murday Legge was entitled to a lease of certain mineral land, the subject of the inquiry at the said Warden's Court, as against the claim of the abovenamed George Woods and Richard Brickwood to a lease of the said land, intend to appeal to the District Court sitting as a Court of appeal in its mining jurisdiction, to be holden at Inverell on the twenty-eighth day of August next, against the said decision of the said Warden's Court, upon the following grounds:—

1. That the said decision is against evidence.
2. That the said decision is against law, and contrary to the provisions of the "Mining Act of 1874" in that behalf, and the Regulations thereunder.
3. That the said George Woods and Richard Brickwood, having duly taken possession of the said land, and complied with the provisions of the said Act in that behalf and the Regulations thereunder, in marking boundaries thereof, posting notices, making application to the Mining Registrar of the district for a lease of the said land, and paying deposit, &c.; and the said John Murday Legge having failed to lodge any objections to the issue of such lease to them, in pursuance of regulation No. 15 in that behalf, or otherwise to comply with the Act and Regulations in that behalf, the said inquiry before the Warden was erroneous and irregular, and unauthorized by the provisions of the said Act and the Regulations thereunder, and that therefore the decision of the said Warden's Court was illegal, and in excess of its jurisdiction.
4. That the said George Woods and Richard Brickwood having complied with the provisions of the said Act and the Regulations thereunder in applying for a lease of the said land as aforesaid, and the said John Murday Legge having failed to lodge any objection thereto, as provided for by the fifteenth regulation in that behalf, the right of the said George Woods and Richard Brickwood to a lease of the said land (subject to the Governor's decision only) is indisputable.
5. That the said John Murday Legge has no right whatever to a lease of the said land, inasmuch as he never was in possession of the said land in any way whatsoever, and there was no record of his having made any application for a lease of the said land, or otherwise of his having complied with the provisions of the said Act in that behalf, or the Regulations thereunder.
6. That the Warden in directing the Warden's clerk to date an alleged application for a lease of the said land by the said John Murday Legge, alleged to have been made on the 10th day of April, 1876, *nunc pro tunc*, was *ultra vires*.
7. That, inasmuch as the said alleged application for a lease of the said land by the said John Murday Legge was alleged to have been made on the said 10th of April, being more than one month after the said application by the said George Woods and Richard Brickwood, on the 29th day of February, 1876, was made as aforesaid, and was rejected by the Warden's Clerk, at Tingha aforesaid, because of the prior application of the said George Woods and Richard Brickwood for the same land, the said John Murday Legge can have no claim to a lease of the said land as against the said George Woods and Richard Brickwood.
8. That the map put in evidence at the said inquiry at the Warden's Court, and relied upon by the Warden in giving his decision as aforesaid, was not a map of the "Peel and Uralla Mining District," and therefore was wrongly admitted as evidence in that behalf.

And upon such other grounds as the said Judge of the said Mining Appeal Court, either before or at the hearing, shall allow to be added.

Dated this 17th day of July, A.D. 1876.

ROBERT PALMER ALLEN,
Attorney for the Appellants,
Inverell.

To the Warden of the Peel and Uralla Mining District.

No. 31.

The Mining Registrar, Tingha, to Mr. Warden Buchanan, Armidale.

Sir,

Warden's Office, Tingha, 28 July, 1876.

As directed by telegram from the Under Secretary for Mines, Sydney, received yesterday, I have the honor to enclose application of John M. Legge, which I am directed to forward through you to the Department of Mines, Sydney.

I also beg to enclose an objection made by George Woods which, together with objector's deposit, was handed by him to me yesterday, 27th inst.

I have, &c.,

JAMES LUCAS,
Mining Registrar.

Forwarded for the information of the Hon. the Minister.—EDWD. MARRIOTT, *per* JAS. BUCHANAN, Warden. The Under Secretary for Mines, B.C., 31/7/76. Place with papers *re* Brickwood and Woods' applications, and the complaint of Carney and another, and forward to Mr. Warden Buchanan with these papers for inquiry; the actual date of receipt of J. M. Legge's application should be noted on it.—H.W., 3/8/76. Mr. Warden Buchanan with other papers, 76-4,722, &c., B.C., 3 August, 1876.—G.E.H. (for U.S.)

[Enclosure A to No. 31.]

Mineral Lease Regulations.—Schedule 2.—Application for Mineral Leases.

To the Honorable the Secretary for Mines, Sydney,—

Sir,

Tingha, 10 April, 1876.

I hereby make application for a mineral lease of that piece or parcel of land situated county of Hardinge, parish of Swinton, being measured portions, Nos. 209 and 210, containing 40 acres, of which I took possession on the 3rd day of April, at the hour of about 11 o'clock in the forenoon, for the purpose of mining thereon and therein for tin ore by taking the original blocks as surveyed. The datum point is from tree 209 in a northerly direction from said tree.

Notice of my intention to make this application has been given, in accordance with the Regulations in that behalf, and I hand herewith a list of the persons who occupy or claim a right to the land aforesaid, or any part thereof, together with such consents as I have obtained. I also hand herewith the sum of £10 being the first year's rent in advance of the said land, and the sum of £2 to cover the cost of survey.

I hereby acknowledge that this application is made upon the distinct understanding and condition that if I shall abandon or fail to proceed with it, or if it is refused, the Secretary of Mines for the time being may deduct from the sum of £12 deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted I shall and will commence mining operations upon or in connection with the demised land within one month from and after the granting thereof, and shall and will employ upon such land not less than three men during the first month of the term thereby created, and not less than four men during the remainder of such term. And shall and will at any time when called upon in terms of the Regulations relating to mineral leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days, after being so called upon, I shall and will forfeit the said sum of £12, and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

I have, &c.,

JOHN M. LEGGE,
Tingha.
This

17

This application was received by me this 10th day of April, 1876, at the hour of o'clock in the noon, and is numbered 63. JAMES LUCAS,
Mining Registrar.

NOTE.—This application was granted to John M. Legge by order of the Warden as per his decision of 15th July, 1876, in the case of Legge *versus* Brickwood and Woods, and order given by the Warden to date it as first applied for by John M. Legge.—J.L.

No. 32.

Mr. Warden Buchanan to The Under Secretary for Mines.

Sir,

Warden's Office, Armidale, 7 August, 1876.

In returning these papers after a very careful perusal I do not think I have anything further to add; I exhausted the subject, both sides on oath, at my Court, Tingha.

I arrived at my decision on the grounds that the Mining Registrar, being Land Agent at Inverell, ought not to have received the application of Messrs. Brickwood and Wood, and that the Warden's clerk, Tingha, should, instead of refusing Legge's application, have received the same. I therefore directed the Warden's clerk to receive Legge's application, the same taking effect from the date of the clerk's first refusal, that is to say, on the 10th April last, and my decision was further as appears in the copy of my minutes.

2. Brickwood's letter to Mr. Macintosh appears to me to be a fair statement of the case, and I think he is taking the proper course laid down by the Act, in appealing to the District Court Judge; and this course, I submit, precludes any further action on my part.

I have, &c.,
J. BUCHANAN,
Warden.

P.S.—I have telegraphed to the Warden's clerk, Tingha, for the exhibits and all papers in connection with the case; on their receipt I will forward them.—J.B., W.

As notice of appeal has been lodged it is not deemed expedient to refer to the complaint Legge *v.* Brickwood and Woods, or to the Warden's decision therein. As between contending parties applicants to lease a certain piece of land for mining purposes, and as between such applicants and another person claiming a prior right to occupy such piece of land, the Governor and the Executive Council alone have the power to decide that either or neither of the applications shall be granted. In order that the Secretary for Mines may be in a position to submit his recommendation in terms of regulation 26, the Warden should hold a Court of Inquiry into the matter of the several applications, and also into the matter of the complaint of Messrs. Lock and Carney, and forward the evidence taken therein and his report thereon.—J.L., 14/8/76. Mr. Warden Buchanan, B.C., 14 August, 1876.—H.W.

No. 33.

Mr. Warden Buchanan to The Under Secretary for Mines.

Sir,

13 July, 1876.

Referring to my communication of the 7th instant herewith, I have the honor to forward exhibits and other papers in connection with the case Legge *v.* Brickwood and Wood, as these papers are likely to be wanted in other and fresh cases. Perhaps after perusal the Minister will have the goodness to return them.

I have, &c.,
J. BUCHANAN,
Warden.

Refer to Mr. Warden Buchanan to be placed with the papers referred to him on the 14th inst.—J.L., 16/8/76. Mr. Warden Buchanan, B.C., 16 August, 1876.—G.E.H. (for U.S.)

Memo.—Mr. Lucas will be very careful of these papers, not letting them out of his custody; at the conclusion of the appeal he will without delay return them to me.—J. BUCHANAN, Warden, B.C., 21/8/76.

No. 34.

Telegram from Mr. Warden Buchanan to The Under Secretary for Mines.

21 August, 1876.

In re Legge *v.* Brickwood and Woods, and your B.C. minute of 14th instant, my last Court exhausted the subject; no fresh inquiry would, I think, throw any further light on the matter. I will, however, reinvestigate if still desired. I now formally recommend that Legge's application be approved, all particulars will be returned immediately after the hearing at Appeal Court. Please reply if satisfactory.

It is understood that no Court of Inquiry under the leasing provisions of the Act has been held. Until such has been held and the result transmitted the Minister is not prepared to deal with the applications to lease and the objections thereto. Neither the Warden's Court nor the District Court can grant a lease or deal with applications to lease; it is therefore assumed that the proceedings in the Warden's Court at Tingha had reference to some matter within the jurisdiction of such Court. The complaint could not be heard under the 71st section of the Act, unless all the parties consented, which consent should appear on the face of the proceedings, and then there would have been no appeal from the decision of the Warden's Court.—J.L., 22/8/76.

No. 35.

Telegram from The Under Secretary for Mines to Mr. Warden Buchanan.

22 August, 1876.

In re Legge versus Brickwood and Woods it is understood that no Court of Inquiry under the leasing provisions of the Act has been held. Until such Court has been held and the result transmitted, the Minister is not prepared to deal with the applications to lease and the objections thereto. Neither the Warden's Court nor the District Court can grant a lease or deal with applications; therefore it is accordingly assumed that the proceedings in the Warden's Court at Tingha had reference to some matter within the jurisdiction of such Court. The complaint could not be heard under the 71st section of the Act, unless all the parties consented, and such consent should appear on the face of the proceedings; then there would have been no appeal from the decision of the Warden's Court.

No. 36.

Precis of the Case.

Application to lease portions 209 and 210, parish Swinton, county Hardinge.

It appears that these two blocks of land were held under mineral lease by Messrs. Wright, Clifford, and party. That these leases were cancelled and notice thereof published in the *Gazette* of the 25th February, 1876.

Mr. Brickwood in his evidence says he has been working the land since about March, 1875.

Mr. Forster, M.P., writing on behalf of one George Lock, says, Lock and Carney, believing the leases had been abandoned and forfeited, took up the land about April, 1875, in virtue of their mineral licenses, expended money in prospecting, found tin, and then some person who represented that he was a partner of Wright, Clifford & Co., induced them to give up the claim.

Further, that Mr. Brickwood (in whom Carney had confidence) came on the ground, congratulated them on their success, and promised to use his influence to secure the land for them; shortly afterwards, Brickwood appeared again, said he represented a Sydney gentleman, that the land belonged to him, and posted notices warning persons not to trespass.

Lock and Carney clearly had no legal right to the land, and there is no evidence in support of the allegations against Brickwood. It does not appear that Lock and Carney had notice to attend the inquiry.

The matter as between Brickwood and Woods *v.* Legge appears to be that Brickwood and Woods on the 26th February, 1876, took possession (it is not stated how—but the surveyor in his report says they complied with the Regulations) of these two blocks—posted notice in the proper form in the Mining Registrar's Office at Inverell, and on the post office at Tingha (evidence to the effect that the land is nearer Tingha than Inverell). On the 29th lodged an application with the Mining Registrar and Land Agent at Inverell (the land is within a mining district) and proceeded to work upon the land, built huts, &c., and worked continuously up to the 15th July last. Would not have lodged the application at Inverell but was assured by the Mining Registrar it was quite legal to lodge the application in his office.

On the 3rd and 4th April, 1876, Mr. J. M. Legge appears to have applied to the Warden's Clerk at Tingha for forms of "notice of intention to apply," stating that it was his intention to apply to lease blocks 209 and 210; the Warden's Clerk thereupon refused to supply the forms as the land had been already applied for at Inverell. Mr. Legge appears to have taken possession on the 3rd April, but no evidence is tendered as to how it was taken. On the 4th Mr. Legge says the Warden's Clerk, Tingha, again refused to receive my application and speaks of the 3rd or 4th as the date of his application; and the Warden's Clerk says, "on the 4th April Legge again came to me"; he again made application for these two blocks and I refused him. Now the application bears date the 10th April (possession taken on the 3rd), and upon it is the following note by the Warden's Clerk:—"Note.—This application was granted to John M. Legge by order of the Warden as per his decision of the 15th July, 1876, in the case of Legge *versus* Brickwood and Woods, and order given by the Warden to date it as first applied for by John M. Legge," and he certified that it was received on the 10th April.

On the 10th April Legge lodged a protest against Brickwood and Woods having the right to the land, and served a notice (not in form, schedule 1) upon Brickwood that he (Legge) was an applicant for the land.

Mr. Legge says when he took possession on the 3rd he saw people and buildings on the ground. Mr. Legge says he served no other notice except that addressed to Brickwood and Woods; he posted none on the Warden's office (the necessary forms were refused to him). There is no direct evidence that he posted any notices, but he says he cannot recollect the date when he posted notices.

Messrs. Brickwood and Woods appear to have erred in that they did not post the notice (schedule 1) on the nearest Warden's Court, Court of Petty Sessions, or Mining Registrar's Office, and they lodged their application to lease with the Mining Registrar at Inverell instead of the Warden's Clerk at Tingha. They appear however to have put buildings on the land, and to have occupied and worked it so that there was ample notice that they claimed the land.

Mr. Legge did not attempt to take possession of the land till more than one month after Brickwood and Woods took possession. He does not allege that he was either misled or injured by reason of the errors committed by Brickwood and Woods in respect to their notice or application. He does not make out any case to entitle him to possession of the property on the land claimed by Messrs. Brickwood and Woods. He does not even prove that he complied with the Act and Regulations in respect to his own possession, notices, &c. So that if Messrs. Brickwood and Woods' application were refused on the score of informality, Mr. Legge's would have to be refused on the same grounds.

The Mining Registrar at Inverell is greatly to blame for neglecting to read the Regulations carefully. The Warden's Clerk at Tingha is to blame for refusing to supply forms or to receive any application tendered to him.

No. 37.

Mr. Warden Buchanan to The Under Secretary for Mines.

Warden's Office, Armidale, 5 September, 1876.

Sir,

Herewith I have the honor to transmit the depositions on oath taken by me at an inquiry held at Tingha, as also other papers touching the merits of applications made by "Messrs. Brickwood and Woods" on the one hand, and "Mr. J. M. Legge" on the other, for the right of leases to the several applicants of blocks Nos. 209 and 210, Cope's Creek.

This case formed the subject of a Court held by me on the 15th July last. I then held, as I believe, in terms of the Act, a Court, and I decided that the possession of the blocks in question should be given to Legge. This in no way affected the question as to who should obtain the lease, that being a matter entirely beyond my jurisdiction. In thus giving possession to Legge I am of opinion I in no way exceeded my powers as a Warden, but on the contrary acted according to law. It is patent that every one applying for a lease takes possession of the ground applied for before the lease is granted; often the ground is worked out before that operation is effected. The authority I exercised was merely to give possession.

The proceedings in both hearings being now before the Hon. the Minister, I trust he will find no difficulty in arriving at a conclusion; from my point of view it seems that Legge complied with what was required by the Regulations, but that Brickwood and Woods did not. In thus putting it in a strictly legal point of view, I would add that the case is a hard one for Messrs. Brickwood and Woods, as from the evidence they were clearly led astray by the Mining Registrar, Inverell.

I have, &c.,
J. BUCHANAN,
Warden.

It is thought that notwithstanding the technical defects in Messrs. Brickwood and Woods' application (the most serious of which is due to a misconception of his duties by the Mining Registrar at Inverell) it should be granted, and that Mr. Legge's application, which has defects without merits, should be refused. Minutes may be prepared accordingly.—J.L., 20/9/76.

[Enclosure A to No. 37.]

Warden's Office, Cope's Creek, 30 August, 1876.

Present: The Warden only.

An inquiry as to applications for the granting of leases for two blocks of land each of 20 acres, gazetted as forfeited by Messrs. Wright, Clifford, and party on the 24th February last,—said blocks being numbered 209 and 210, parish Swinton, county Hardinge.

This deponent, *George Woods*, on oath saith:—I am a partner with Brickwood in the two blocks the subject of this inquiry; I produce the Gazette dated 24 February, 1876, declaring blocks 209 and 210—Wright, Clifford, and others—as forfeited; on the 26th of the same month I made application for two forms under Schedule 1 of the Mining Act to Mr. Cardew, the Mining Registrar, Inverell; I obtained the forms and filled them in, applying for the two blocks I have previously mentioned; I posted one notice on the Mining Registrar's Office, Inverell, and sent the other to Mr. Brickwood on the claim; I told Mr. Cardew the position of the land—its distance from Tingha; he told me it was quite legal to take the ground up in his office; but for this assurance I would have gone to Tingha and applied there; on the 29th February I again saw Mr. Cardew and paid him £12 for the rent and survey fees of these two blocks; I produce the receipts; they are numbered 31 and 32; I also filled in the necessary forms of application for myself and partner, and handed them to Mr. Cardew; I then employed a man named Savery to work the land on my behalf; he with other men and Mr. Brickwood did work on the land; they erected buildings and occupied the land; these men are still in possession on behalf of self and partner; when I went on the 29th to see Mr. Cardew, the Mining Registrar, it was within the three days laid down by the Mining Regulations; early in March I visited the ground; Brickwood and our men were then in possession.

By *Mr. Ferguson*, on behalf of *J. M. Legge*:—I received no notice of objection before the 15th April; I applied at Inverell because I had done so previously in a similar case for another party, and the application was approved of; the case I refer to was that of Henry George Turner, *cide* Gazette, 18th January, 1876; I solemnly swear I would have come to Tingha for the land if I thought it was not right to apply in Inverell; I put no notices on the ground.

Sworn before me, at Tingha, the 30th August, 1876,—

J. BUCHANAN, Warden.

G. WOODS.

And this deponent, *Richard Brickwood*, on oath saith: I took possession of blocks 209 and 210 on the 26th February last, on behalf of myself and partner, Mr. Woods; I built huts and erected machinery; on the 26th February I received from Mr. Woods' messenger in a letter notices which I posted, one on the Tingha post office; I wrote a second notice and posted it on the ground—the notice on the ground was posted a day or two afterwards; I re-pegged the ground on the 26th, as I thought it was necessary; no one was in possession at the time I posted the notice and took up the ground; I commenced working the ground; I continued to do so until the Warden gave the ground to Legge, about 11th or 12th April; I received the letter produced; it is dated 10th April, 1876; from the 26th February to the 15th July we held undisturbed possession; I am still in possession, but not working; I did not receive any other notice of objection, except the letter I have referred to, dated 10 April. Marked A.

By *Mr. Ferguson*: I have been working the mines since about March, 1875, on behalf of Wright, Clifford, & Co.; I did put up a notice on a board against the brace of the shaft; I won't swear the letter was not left at my place on the 10th; the bailiff of the Warden's Court and Legge told me that Legge was to have possession of the land on the 15th July last.

Sworn before me, at Tingha, this 30th day of August, 1876,—

J. BUCHANAN, Warden.

RICHARD BRICKWOOD.

And this deponent, *James Lucas*, on oath saith: I am Warden's Clerk and Mining Registrar, Tingha; I remember on the 3rd April last Mr. Legge asking me for forms under Schedule 1; I asked him to wait, as the land had been applied for at Inverell; I heard this as a rumour; Legge told me the blocks 209 and 210, county Hardinge, parish of Swinton, I can't say; I absolutely refused him the forms; I may have done so on the 4th April; Legge again came to me; he again made application for these two blocks, and I refused him, upon the ground of a letter from Mr. Cardew, of Inverell, stating he had taken an application for them at Inverell; I know these two blocks and where they are situated; they are within the Cope's Creek division of the Peel and Uralla Mining District; the Warden's Office, Tingha, is the nearest office to the land; I got a notice of objection from J. M. Legge on the 10th April last.

By

By Mr. Allen: I keep a record of all applications received, the number is sixty-three, dated 10th April last; I did not receive it on that date; it was ordered by the Warden to be received as from that date; I never saw any notice on my office or on the post office that I remember from Mr. Brickwood; it might have been at the post office, but not on my office, without my knowledge as a matter of fact; I did hear there was a notice from Brickwood up at the post office.
Sworn before me, at Tingha, this 30th August, 1876,—
JAMES LUCAS.

J. BUCHANAN, Warden.

And this deponent, *John M. Legge*, on oath saith: I am applicant for mineral blocks 209 and 210; I remember on the 3rd April going to the office of the Warden's Clerk at Tingha; I applied to the Warden's Clerk for forms under Schedule 1, stating that I wished to post notices up as an applicant for blocks 209 and 210; he stated that he believed the ground had been applied for, and refused to give me the necessary forms; I then looked at the register and found no application had been made for these blocks; on the 4th April I again made application to the Warden's Clerk; he again refused to receive my application, stating he had received a communication from the Mining Registrar, Inverell, directing him not to receive applications for these two blocks of land, having failed to get the necessary forms; on the 10th April I lodged a protest against Brickwood and Woods having a right to the land; on the same day (the 10th April) I left a notice on Mr. Brickwood, that is at his residence, saying I was an applicant for the land; Tingha is within a mining district, Inverell is not, that I am aware of; Tingha is the nearest Warden's Office to the land applied for; the two blocks of land applied for are within a mining district, and Cope's Creek Warden's Office is the nearest to the land; on the 15th July I got possession of these two blocks through the bailiff of the Warden's Court; I never saw any notice posted by Brickwood and Woods at the post office, Tingha.

By Mr. Allen, on behalf of Brickwood and Woods: I was not in possession of these blocks prior to the 3rd and 4th April last; that is the date of my application; I did not post any notices on the ground previous to or on the 3rd and 4th April; I can't recollect the date when I posted notices; I took possession of the ground on the 3rd April; I went on to the ground that day; I did no work on the ground previous to the 15th of July; I can't say how long I remained in possession; on the 3rd I took possession; I put no one in for me; I saw people on the ground; there were buildings on the ground; I served notices on the 10th April, but not on the 3rd—the notice is the one marked A; I served no other notice; on the 3rd April I don't know who was in possession; my application was received by the Warden's Clerk on the 15th July last, either that or the 16th or 17th, I am not quite sure; I never posted on the Warden's Office; the necessary forms were refused to me, I mean as regards Schedule 1.

Sworn before me, at Tingha, this 30th August, 1876,—

J. BUCHANAN, Warden.

JOHN M. LEGGE.

No. 38.

Minute for The Executive Council.

Department of Mines, Sydney, 25 September, 1876.

THE applications for mineral leases of Crown lands specified in the accompanying schedule are submitted for the approval of His Excellency the Governor and the Executive Council, in terms of the "Mining Act, 1874."

JOHN LUCAS.

THE Executive Council advise that the applications for the mineral leases specified in Schedule be approved.—Wm. GOODMAN, Acting Clerk of the Council. Min. 76/46, 26/9/76. Confirmed.—2/10/76. Approved.—H.R., 26/9/76.

[Enclosure A to No. 38.]

No.	Name.	Locality.	Area.	Period.
31	George Woods and Richard Brickwood.	County of Hardinge, parish of Swinton.....	Acres. 20	Years. 20
32	Do. do.	Do. do.	20	20

Dealt with. For diagrams.—W.S.C., 18 Oct., /76. Leases prepared. Mineral leases, 147-8.—P.A. Gazette Notice, 23/10/76.—P.A. Mr. Hoskins, M.P., informed.—24 Oct., /76. Woods and Brickwood and Legge informed.—24 Oct., /76. Mr. Brennan informed.—24 Oct., /76. Memo. to Warden re objector's deposit.—28 Oct., /76.

No. 39.

Minute for The Executive Council.

Department of Mines, Sydney, 25 September, 1876.

It is recommended to His Excellency the Governor and the Executive Council that the application for a mineral lease of Crown lands particularized in the accompanying schedule be refused.

JOHN LUCAS.

THE Executive Council advise that the application for a mineral lease specified in schedule be refused.—Wm. GOODMAN, Acting Clerk of the Council. Min. 76-46, 25/9/76. Confirmed.—2/10/76. Approved.—H.R., 26/9/76.

[Enclosure A to No. 39.]

No.	Name.	Locality.	Area.	Period.
63	John M. Legge.....	County of Hardinge, parish of Swinton, portions Nos. 209 and 210.	Acres. 40	Years. 20

Gazette notice, 23/10/76.—P.A.

21

No. 40.

The Under Secretary for Mines to J. Hoskins, Esq., M.L.A.

Sir,

Department of Mines, Sydney, 24 October, 1876.

I do myself the honor to inform you that the application made by Messrs. George Woods and Richard Brickwood for the mineral leases noted in the margin has been approved.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

Nos. 31 and 32 ;
area 20 acres
each, county of
Hardinge, parish
of Swinton.

No. 41.

The Under Secretary for Mines to Messrs. Woods and Brickwood.

Gentlemen,

Department of Mines, Sydney, 24 October, 1876.

I am directed by the Secretary for Mines to inform you that your applications for the mineral leases noted in the margin have been approved.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

Nos. 31 and 3
area 20 acres
each, county of
Hardinge, parish
of Swinton.

No. 42.

The Under Secretary for Mines to Mr. J. M. Legge.

Sir,

Department of Mines, Sydney, 24 October, 1876.

I am directed by the Secretary for Mines to inform you that your application for the mineral lease noted in the margin has been refused.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

No. 63, area 40
acres, portions
209 and 210,
county of Hard-
inge, parish of
Swinton.

No. 43.

Mr. W. Brennan to The Minister for Mines.

Legge, Woods, and Brickwood's injunction case *re* lands, parish Swinton, county Hardinge.

Sir,

84, King-street, Sydney, 26 September, 1876.

I do myself the honor to request that you will be kind enough to acquaint me with the Minister's decision in this case so soon as the same is officially made known to you.

Yours, &c.,

WM. H. BRENNAN.

The papers in this case were sent on to the Ex. Co. on 25th instant, with minutes recommending the approval of Wood and Brickwood's applications, and the refusal of J. M. Legge's application.—P.A., 23/9/76. Inform as soon as the action of the Executive Council shall be complete.—J.L., 28/9/76.

No. 44.

The Under Secretary for Mines to Mr. W. Brennan.

Sir,

Department of Mines, Sydney, 26 October, 1876.

In reference to the request contained in your letter of the 26th ultimo, I am directed to inform you that the applications (Nos. 31 and 32) made by Messrs. Woods and Brickwood for mineral leases of the portions of land noted in the margin, have been approved, and Mr. John M. Legge's application (No. 63) for a mineral lease of the same portions of land has been refused.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

20 acres each,
county of
Hardinge, parish
of Swinton.

No. 45.

The Under Secretary for Mines to Mr. Warden Buchanan.

Memo.

Department of Mines, Sydney, 28 October, 1876.

In *re* objection by Mr. John M. Legge to Messrs. Brickwood and Woods' applications (Nos. 31 and 32) for mineral leases of blocks 209 and 210, parish of Swinton, county of Hardinge.

Your report, dated 27 July, 1876, has an order attached for the £5 deposited by the objector, to be refunded less costs. Please state whether such refund has been made, or whether any of the money is in your hands, or at the Treasury, which is available for refund.

H.W., B.C., 28 Oct., 1876.

J. M. Legge's objection to Messrs. Brickwood and Woods' mineral lease applications, Nos. 31 and 32. Warden's clerk report as to disposal of £5, objector's deposit, forwarded herewith for the information of the Honorable the Minister.—J. BUCHANAN, Warden. The Under Secretary for Mines.—B.C., 14/11/76. Put by till further application for refund.—H.W., 17/11/76.

[Enclosure

[Enclosure A to No. 45.]

Sir,

Warden's Office, Tingha, 6 November, 1876.
In reply to your telegram, received by me on Friday, and replied to by wire *via* Inverell, I have the honor to forward you more detailed particulars. The register of complaints affords no information respecting the refund, but I learn from personal inquiry that certain costs or Court fees were deducted by my predecessor to amount of £1 3s. Legge gave receipt for same, but such receipt is not filed; hence my inability to furnish you with additional particulars.

Under date August 30th there is a receipt filed for £5, signed by G. Woods, for objectors deposit. This may have no reference to your telegram; but I simply quote the circumstance of observing it. The numbers quoted by telegram are 81 and 2. Brickwood and Woods' application having been made in Inverell does not show in my "Register for lease applications" the number referred to.

Finally, I beg to report that Legge's application is No. 63, and that no money remains in my hands whatever respecting objector's deposit.

I have, &c.,
THOMAS JONES,
Mining Registrar.

[Enclosure B to No. 45.]

Telegram from Warden's Clerk, Inverell, to Mr. Warden Buchanan, Armidale.

November 4, 1876.

TELEGRAM Postmaster mislaid—requires give no record. Upon personal inquiry Legge received £3 17s.—Lucas retaining balance. Woods also received refund £5. Telegram numbers fail to correspond. Two objectors deposits.

No. 46.

Mr. J. M. Legge to The Under Secretary for Mines.

Sir,

Tingha, 15 November, 1876.
In the matter of my application for a lease of portions 209 and 210, county of Hardinge, parish of Swinton, refused by the Honorable the Minister for Mines, I have the honor to request that the deposit paid by me, namely, £12, be refunded.

I have, &c.,
JOHN M. LEGGE.

Forward voucher for refund.—H.W., 20/11/76.

The Voucher (J. M. Legge) has been returned to the Warden's Clerk, Tingha, for insertion of particulars as to payment into the Treasury under B.C. this day.—1/12/76.

No. 47.

The Under Secretary for Mines to Mr. J. M. Legge.

Sir,

Department of Mines, Sydney, 22 November, 1876.
Referring to your letter of the 15th instant, I am directed to inform you that a voucher form for the refund of the deposit and survey fee lodged with your application, No. 63, for the lease of mineral portions 209 and 210, parish of Swinton, county of Hardinge, has been forwarded to the Warden's Clerk at Tingha, for the purpose of being duly filled up, and that upon the return of the same to this office it will be sent on to the Treasury for payment in the usual course.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

P.S.—Please call at the Warden's Office and sign the voucher.

No. 48.

The Under Secretary for Mines to The Warden's Clerk, Tingha.

Department of Mines, Sydney, 22 November, 1876.

THE accompanying voucher form, in respect of the refund of the deposit and survey fees lodged with application No. 63, made by Mr. J. M. Legge, of Tingha, for mineral portions 209 and 210, is forwarded to the Warden's Clerk at Tingha, who will be good enough to see that it is properly filled up, and signed by Mr. J. M. Legge, and afterwards returned to this office.

HARRIE WOOD,
Under Secretary.

No. 49.

Mr. J. M. Legge to D. Buchanan, Esq., M.L.A.

Sir,

Tingha, 20 January, 1877.

I write to express to you my thanks for bringing under the notice of Parliament the case of mineral selections 209 and 210 in *re* Legge and Brickwood and Woods. Mr. Lucas's reply to you in the House on the 10th instant, as reported in the newspaper, is not correct as to actual facts. My application was the first legally made, and so decided by the Warden. Messrs. Brickwood and Woods were perfectly aware at the time they made their application at Inverell that they were acting wrong, as did also the officer of the Department who received it, and their motive was to deprive a couple of working miners who prospected the ground of any interest therein. In making the application at Inverell they knew that it was a chance if any of us diggers here would know of it until it was too late to lodge objections. The facts of the case are these:—The two blocks in question were selected for mineral purposes in the year 1872 by Wright, Clifford, & Co., who paid one year's rent, since which no rent has been paid nor labour done, so to all intents the ground was abandoned, Messrs. W., C., & Co. probably not thinking it worth risking money on in prospecting, nor did Brickwood and Woods, until a prospector (a friend of mine, named Carney) who spent some weeks sinking on block 210 found the tin. Both Mr. Brickwood (who since has said he was agent for W., C., & Co.) and Mr. Woods (who, by the way, is a storekeeper at Inverell) saw him prospecting the ground, and encouraged him to persevere, Mr. Woods offering to act

as

as his agent, as he (Mr. W.) had great influence in Sydney, to procure him a lease. Now, mark the nice little arrangement: As soon as the poor fellow finds the tin Mr. Brickwood comes forward and claims the ground for Wright, Clifford, & Co., and threatens the terrors of the law, so that the poor devil was glad to clear out after making an ineffectual appeal to be allowed something for his labour. Now, it might reasonably be inferred, seeing the ground was likely to prove valuable, that Wright, Clifford, & Co. would have paid up the back rent and resumed the land, but they were not allowed to know that tin had been found on it, and Mr. Woods sets to work to get the ground forfeited. Meantime Brickwood keeps possession ostensibly for W., C., & Co., and as soon as that is accomplished the two (B. and W.) apply for a lease; they knew if they applied at the proper office they ran the risk of having to contest simultaneous applications, for their treatment of Carney was considered very bad and many were on the look out to try to defeat their object. It was very well and no doubt very convenient for Messrs. B. and W. to plead ignorance of the Regulations when they are pretty sure of an officer of the Department to pull them through, and this officer certainly coerced the Warden's Clerk at Tingha into refusing me the necessary forms to enable me to comply with all the Regulations, for he wrote to him cautioning him not to receive any applications for the said ground, and the Warden told the Clerk in Court on the 15th July that he was wrong not to receive my application and afford me the necessary means (which any applicant is entitled to) of complying with the Regulations. The Warden also said that the officer at Inverell was wrong in receiving an application for mineral leases within a mining district and was equally wrong in cautioning the Warden's Clerk not to receive mine. We badly want the Mineral Leases Act amended. Under the present Regulations, which gives the Minister for Mines individual power from which there is no appeal, there is very little chance of obtaining justice by the *bona fide* miner who cannot command influence at head quarters. In this case the Warden is clearly of opinion that I have legally complied with the Regulations, and he heard the case twice. If the Minister for Mines' decision was based on the sworn evidence alone one would feel a little more confidence in submitting ones case to such a tribunal, but I know in my case that after the evidence was in Sydney the Minister was interviewed by agents for the other side, and in correspondence with the Minister many statements were made that ought to have been put in evidence.

The Minister says there is no evidence that any person has been prejudiced or misled by the error of Messrs. B. and W.—decidedly I have been both. I apply in the regular course at the proper office to know if certain land has been applied for. I pay my fee, and am told that it has not. I then give notice of my intention to apply for the same, and three days after tender my application, which is refused although perfectly legal. The Warden decides so, and places me in possession; he again hears the case, and again decides I am the legal applicant; and it is not until over two months after the Warden sends his report that the Minister decides that I am not. Consequently I am turned out after losing six months (from April to November) of my time, which of course is my capital.

I must apologize for troubling you with this rigmarole; but in thanking you for bringing the matter forward, I wished to show you that even if justice only has been given to Brickwood and Woods an injustice has been done to me and Carney.

I have, &c.,

JOHN M. LEGGE,
Miner, Tingha.

This letter was handed in by Mr. Buchanan, M.P., who wishes the answer to go to the writer.—
H.W., 5/2/77. Seen.—J.L., 6/2/77.

[One plan.]

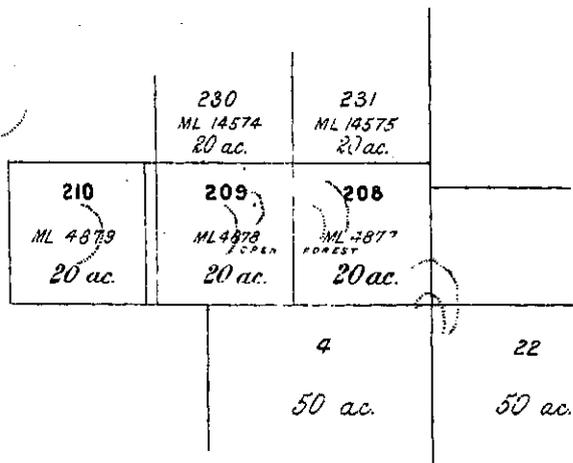
PLAN

of 3 portions of land

Parish of Swinton, County of Hardinge.

Applied for under the 22nd clause of the Crown Lands Occupation Act of 1861,

by Wright, Clifford, and party, for working Tin



Scale, 20 Chains to an Inch.

Marked in accordance with regulations.

Instrument used in Survey, Theodolite.

Date of Survey, 12th November, 1872.

Situated in the Copes Creek Rivr.

Transmitted to the Surveyor General with my letter of the 6 Jan^y, No 19/3

H. C. Allport.

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MINING LEASE, HAWKINS HILL.

No. 1.

Mr. Warden Sharpe to The Under Secretary for Mines.

Sir, I have the honor to return herewith lease No. 1,741; it has been duly executed by three of the lessees, and at their request I return it to the department in order that the others may execute and take delivery.

Warden's Office, Hill End, 14 October, 1875.
I have, &c.,
ERNEST SHARPE,
Warden.

[Enclosure A to No. 1.]

WILL Mr. Warden Johnson be good enough to inform me what rent is due on lease No. 1,741 in the names of T. Paten, J. Rossiter, W. Hezlett, T. Cadell, Moses Bell, and R. G. Reading.

B.C., 27/9/75. To be returned.

ERNEST SHARPE,
Warden.

Mr. Farr, can you afford this information?—W.J., 28/9/75. The rent for the current year is fully paid.—E. FARR,
28/9/75. Whittingdale Johnson, Warden.—B.C., 29/9/75.

No. 2.

Mr. J. Jackson to The Under Secretary for Mines.

Lease 1,741.

Sir, This lease has been in the Sydney office some five weeks and is not yet signed. Will you please have the thirty days notice of forfeiture inserted in Gazette.

267, George-street, 27 November, 1875.

The lease is situate in the Bathurst and Turon Mining Districts.

I am, &c.,
JAMES JACKSON.

Mr. Binny, how does this stand? G.L. 1,741 awaits signature of T. Cadell, one of the lessees, all the others having executed.—T.C.B., 27/11/75. The thirty days notice may be published, and the writer so informed.—J.L., 29/11/75. Informed.—4 Dec., 1875. Thirty days notice published, 2/12/75.—P.A. Lease cancelled, 31/1/76.—P.A.

No. 3.

The Under Secretary for Mines to Mr. J. Jackson.

Sir, In reference to your letter of the 27th ultimo respecting gold-mining lease No. 1,741, I am directed by the Secretary for Mines to inform you that the thirty days notice of intention to cancel the said lease was published on the 2nd instant.

Department of Mines, Sydney, 4 December, 1875.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 4.

Mr. G. A. Russell to The Minister for Mines.

Re gold lease No. 1,741—T. Paten and others.

Sir, I have the honor to bring under your notice the circumstances connected with the cancellation of gold lease No. 1,741—T. Paten and others, and to request that such cancellation may be revoked.

129, Pitt-street, Sydney, 11 February, 1876.

The reason for cancellation was the non-execution of the lease by the applicants.

Now the applicants for this lease were six in number, and five of the six had duly executed; the one whose signature was wanting, namely Mr. Thomas Cadell, was quite ready to execute but had been in Queensland for a couple of months; he was not aware that there was any urgency, and so it happened that he failed to add his signature to the document. No notice was ever given to him, and in the printed notice his name does not occur.

Rent has been paid on the lease in advance to the 1st July, 1877.

Miners' rights for the current year are duly held by the six applicants, who are in fact trustees for Johnson's Gold Mining Company (Limited).

I may mention that the lease was taken up under the old Regulations, and appears therefore to be subject thereto as regards forfeiture and labour conditions, see section 133, third clause.

Now

Now the 138th section provides that a lease shall not be cancelled without notice being first served on the lessees, and the question arises whether even in law the cancellation is not altogether illegal.

Taking all the facts of the case into consideration, and having regard also to the equity of the case, the applicants having spent many thousand pounds on this property, and having proved their *bonâ fides* by the almost complete execution of the lease by the payment of rent, &c., &c., I trust that you will reconsider the matter, and see the propriety of revoking the cancellation.

I have, &c.,
GEO. A. RUSSELL,
Manager of Johnson's G. M. Coy. (L.)

Place with papers *re* application recently made for this land as soon as they shall reach this office.—H.W., 11/2/76.

No. 5.

Messrs. Ackermann and Helsby to The Secretary for Mines.

Gold-mining Lease Regulations.—Schedule 2.—Application for gold-mining lease.

Sir,

Hill End, 4 February, 1876.

We hereby make application for a gold-mining lease of that piece or parcel of land situated at Hawkins Hill, Hill End, being cancelled lease No. 1,741, in Gazette of 1st February instant, containing 1 acre 3 roods 3 perches, of which we took possession on the first day of February, 1876, at the hour of two hours and thirty minutes in the afternoon, for the purpose of mining thereon and therein for gold, for a period of fifteen years, by erecting posts and cutting trenches at each angle thereof. The datum post is at south-east corner, about ten feet west of Petersen's tramway.

Notice of our intention to make this application has been given in accordance with the Regulations in that behalf. We also hand herewith two pounds sterling, being the first year's rent in advance of the said land, and one pound ten shillings to cover the cost of survey. And we hereby request that survey may forthwith be made of the said piece or parcel of land.

We hereby acknowledge that this application is made upon the distinct understanding and condition that if we shall abandon or fail to proceed with it, or if it is refused, the Secretary of Mines for the time being may deduct from the sum of two pounds deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted, we shall and will commence mining operations upon or in connection with the demised land within seven days from and after the granting thereof, and shall and will employ upon such land not less than two men during the first six months of the term thereby created, and not less than four men during the remainder of such term; and shall and will at any time when called upon in terms of the Regulations relating to Gold-mining Leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days after being so called upon, we shall and will forfeit the said sum of two pounds sterling, and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

We have, &c.,

JOHN ACKERMANN,
THOMAS HELSBY,
Hill End.

This application was received by me this fourth day of February, 1876, at the hour of ten o'clock in the forenoon, and is numbered 1,223.—F. CAMERON. MACARTHUR.

[Enclosure A to No. 5.]

Application No. 1,223 at Hill End, for a gold-mining lease.

1. By whom application was received? Warden's Clerk.
2. At what place? Hill End.
3. Date and hour when received? 4th February, 10 a.m.
4. Receipt for first year's rent, No. Date
5. To whom receipt was issued? Thomas Helsby.
6. Date when notice to survey was sent to surveyor? 5th February, 1876.
7. Date when report and plan were received from the surveyor? 6/3/76.
8. Names of objectors, and dates on which they lodged their objections? Thomas Paten, John Rossiter, Moses Bell, Richard Reading, William Hezlett, Thomas Cadell, and James Barrie, 16th February, 1876.
9. Dates of inquiry? March 27th, 1876. Adjourned to April 10th.
10. Are the applicants holders of miners' rights? Yes.
11. Is the land applied for exempted from leasing under the 34th section of the Mining Act, 1874? Not that I am aware of.

[Enclosure B to No. 5.]

NOTICE of objections to the granting of a lease to Thomas Helsby and John Ackermann, of Hill End, of the land known as lease No. 1,741, applied for by them on the 4th day of February, 1876, application 1,223.

- 1st. That the said lease has not been forfeited under the Regulations of 1872.
- 2nd. That the rent of the said lease has been paid up to the 1st day of July, 1877.
- 3rd. That the estimated value of the shafts, tunnels, and mining plant on the said lease has not been paid to the original holders by the said Thomas Helsby and John Ackermann, nor have they sought to have such improvements valued, as required by the Regulations of 1872.
- 4th. That the said land was not open for lease when the said Thomas Helsby and John Ackermann applied for it, through being exempted under the 34th section, clause 1, of the Gold Fields Act of 1874.
- 5th. That the cancellation of the said lease had not taken effect when the ground was marked out by the said Thomas Helsby and John Ackermann—twenty-four hours had not elapsed from the time the Gazette was published.
- 6th. That the marking out of the ground was not done in accordance with the requirements of the Regulations relating to Gold-mining Leases.

7th.

7th. That the application of the said Thomas Helsby and John Ackermann is void through their not having allowed three days to elapse between the time of marking out and making application for the said land.

The foregoing objections are on behalf of—

Moses Bell, Sydney,
 Thomas Paten, Tambaroora,
 John Rossiter, do.
 Richard G. Reading, Sydney,
 William Hezlett, do.
 Thomas Cadell, do.
 and
 James Barrie, Hill End.
 Signed by James Barrie, Hill End.

[Enclosure C to No. 5.]

Mr. W. M'Pherson to The Warden, Gold-mining District, Hill End.

Sir,

I, William M'Pherson, hereby object to granting of lease application 1,223, to Thomas Helsby and John Ackermann, for the following reasons:—

1. That I was in legal possession and occupation of the said land prior to the time of their marking out and making application for the same, and have been in possession and occupation ever since.
2. That their application was obviously and clearly illegal, and contrary to the express provisions of Regulation 6 referring to Gold-mining Leases, dated the 13th day of July, 1874, which said regulation provides that application shall be made after the expiration of not less than three days from taking possession of the said land, whereas said applicants applied within the three days so named.
3. That the said land was marked out by me on the 1st day of February last, at a time previous to the said marking out by them, and subsequently to the legal cancellation of the lease thereof; and that consequently my application is entitled to priority over their application.
4. That the said lease was marked out by me subsequent to the cancellation thereof by the Government, and when consequently the land was open to be taken up.

I herewith deposit the sum of (£5) five pounds, according to Gold-mining Lease Regulations—Mining Act, 1874.

I am, &c.,
 WILLIAM M'PHERSON.

[Enclosure D to No. 5.]

Telegram from Mr. W. M'Pherson, Bathurst, to Mr. Warden Sharpe, Hill End.

9h. 43m., 27 March, 1876.

BROKEN my leg; kindly adjourn case *versus* Helsby.

No. 6.

Mr. W. M'Pherson to The Secretary for Mines.

Gold-mining Lease Regulations—Schedule 2.—Application for gold-mining lease.

Sir,

Hill End, 5 February, 1876.

I hereby make application for a gold-mining lease of that piece or parcel of land situated at Hawkins Hill, Hill End, being lease area No. 1,741, cancelled in Government Gazette of the first (1st) day of February, 1876, containing about 2 acres, of which I took possession on the first day of February, 1876, at the hour of 2h. 25m. o'clock in the afternoon, for the purpose of mining thereon and therein for gold, for a period of fifteen years, by erecting posts and cutting trenches at each angle thereof. The datum post is distant about 12 inches in a northerly direction from the north-east corner post of Rose of England Company's Lease No.

Notice of my intention to make this application has been given in accordance with the Regulations in that behalf. I also hand herewith the sum of £2 sterling, being the first year's rent in advance of the said land, and £1 10s. to cover the cost of survey; and I hereby request that survey may forthwith be made of the said piece or parcel of land.

I hereby acknowledge that this application is made upon the distinct understanding and condition that if I shall abandon or fail to proceed with it, or if it is refused, the Secretary for Mines for the time being may deduct from the sum of £2 deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted, I shall and will commence mining operations upon or in connection with the demised land within seven days from and after the granting thereof, and shall and will employ upon such land not less than three men during the first three months of the term thereby created, and not less than eight men during the remainder of such term; and shall and will at any time when called upon in terms of the Regulations relating to Gold-mining Leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days after being so called upon, I shall and will forfeit the said sum of £2, and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

I have, &c.,

WILLIAM M'PHERSON,

This application was received by me this fifth day of February, 1876, at the hour of ten o'clock in the forenoon, and is numbered 1,224.—F. CAMERON MACARTHUR.

[Enclosure A to No. 6.]

Application No. 1,224 at Hill End for a gold-mining lease.

1. By whom application was received? Warden's Clerk.
2. At what place? Hill End.
3. Date and hour when received? 5th February, 10 a.m.
4. Receipt for first year's rent, No. Date
5. To whom receipt was issued? William M'Pherson.
6. Date when notice to survey was sent to surveyor? 5th February, 1876.

7. Date when report and plan were received from the surveyor? 6/3/76.
 8. Names of objectors, and dates on which they lodged their objections? Thomas Paten, John Rossiter, Moses Bell, Richard Reading, William Hezlett, Thomas Cadell, and James Barrie.
 9. Dates of inquiry? March 27th, 1876. Adjourned to April 10th.
 10. Is the applicant holder of miner's right? Yes.
 11. Is the land applied for exempted from leasing under the 34th section of the Mining Act, 1874? Not that I am aware of.

[Enclosure B to No. 6.]

NOTICE of objections to the granting of a lease to William M'Pherson of Hill End, of the land known as lease No. 1,741, as applied for by him on the 5th day of February, 1876.

- 1st. That the said lease has not been forfeited under the Regulations of 1872.
 2nd. That the rent of the said lease has been paid up to the first day of July, 1877.
 3rd. That the mode of cancelling leases has not been complied with by the said William M'Pherson.
 4th. That the estimated value of the shafts, tunnel and mining plant on the said lease has not been paid to the original holders by the said William M'Pherson, nor has he sought to have them valued as required by the Regulations of 1872.
 5th. That the said land was not open for lease when the said William M'Pherson applied for it through being exempted under the 34th section, clause 1st, of the Gold Fields Act of 1874.
 6th. That the cancellation of the said lease had not taken effect when the ground was marked out by the said William M'Pherson.
 7th. That the marking out of the ground was not in accordance with the requirements of the Regulations now in force for the marking out and taking possession of Crown Lands open for gold-mining purposes.

The foregoing objections are on behalf of—

Thomas Paten, Tambaroora,
 John Rossiter, do.
 Moses Bell, North Shore, Sydney,
 Richard Grant Reading, do.
 William Hezlett, do.
 Thomas Cadell, do.
 and
 James Barrie, Hill End.
 Signed by James Barrie, Hill End.

[Enclosure C to No. 6.]

Mr. M. Ackermann to The Warden, Western Gold Fields.

Sir, Hill End, 19 February, 1876.
 Take notice that I object to your application, No. 1,224, of the 5th February instant, on the ground that cancelled lease No. 1,741 was not legally cancelled on the day you took possession of it, namely, the first day of February, 1876.

I am, &c.,
 MICHAEL ACKERMANN,
 Hill End.

[Enclosure D to No. 6.]

A. Margoschis, Esq., to The Warden, Western Gold Fields.

Dear Sir, Hill End, 27 March, 1876.
 I herewith apply that all cases in which Mr. William M'Pherson is interested in your Court may be postponed, as he has broken his leg, therefore cannot attend the Court.

Yours respectfully,
 A. MARGOSCHIS,
 Agent for the said William M'Pherson.

[Enclosure E to No. 6.]

Mr. W. M'Pherson to The Under Secretary for Mines.

Gold-mining Lease Regulations.—Schedule 6.—Notice of application and deposit.

Sir, Hill End, 5 February, 1876.
 I have the honor to inform you that I have this day deposited with the Warden's Clerk, at Hill End, the sum of two pounds, being the first year's rent in advance, of about two acres of land at Hawkins Hill, Hill End, for the purpose of gold-mining, and the sum of one pound ten shillings, being the fees for survey of the said land. The number of my application is 1,224.

I have, &c.,
 WILLIAM M'PHERSON,
 Of Hill End.

No. 7.

Mr. M. Ackermann to The Secretary for Mines.

Gold-mining Lease Regulations.—Schedule 2.—Application for gold-mining lease.

Sir, Hill End, 5 February, 1876.

I hereby make application for a gold-mining lease of that piece or parcel of land situated at Hawkins Hill, Hill End, being cancelled lease No. 1,741 in Gazette of 1st February, containing 1 acre 3 roods 3 perches, of which I took possession on the second day of February, at the hour of five o'clock in the forenoon, for the purpose of mining thereon and therein for gold, for a period of fifteen years, by erecting posts and cutting trenches at each angle thereof. The datum post is at north-east corner, about fifteen feet east of Petersen's tramway.

Notice of my intention to make this application has been given in accordance with the Regulations in that behalf. I also hand herewith two pounds, being the first year's rent in advance of the said land, and one pound ten shillings to cover the cost of survey; and I hereby request that survey may forthwith be made of the said piece or parcel of land.

I hereby acknowledge that this application is made upon the distinct understanding and condition that if I shall abandon or fail to proceed with it, or if it is refused, the Secretary of Mines for the time being may deduct from the sum of two pounds deposited as aforesaid any cost to which in his opinion the Crown may have been put in or about or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted, I shall and will commence mining operations upon or in connection with the demised land within seven days from and after the granting thereof, and shall and will employ upon such land not less than two men during the first six months of the term thereby created, and not less than four men during the remainder of such term; and shall and will at any time when called upon in terms of the Regulations relating to Gold-mining Leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days after being so called upon, I shall and will forfeit the said sum of two pounds sterling, and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

I have, &c.,

MICHAEL ACKERMANN,
Hill End.

This application was received by me this fifth day of February, 1876, at the hour of 10·7 o'clock in the forenoon, and is numbered 1,225.

F. CAMERON MACARTHUR.

[Enclosure A to No. 7.]

Application, No. 1,225, at Hill End, for a gold-mining lease.

1. By whom application was received? Warden's Clerk.
2. At what place? Hill End.
3. Date and hour when received? 5 February, 1876, 10·7 a.m.
4. Receipt for first year's rent, No. Date
5. To whom receipt was issued? Michael Ackermann.
6. Date when notice to survey was sent to surveyor? 5 February, 1876.
7. Date when report and plan were received from the surveyor? 6/3/76.
8. Names of objectors, and dates on which they lodged their objections? Thomas Paten, John Rossiter, Moses Bell, Richard Reading, William Hezlett, Thomas Cadell, and James Barrie. 16 February, 1876.
9. Dates of inquiry? March 27th, 1876. Adjourned to April 10th.
10. Is the applicant holder of miners' rights? Yes.
11. Is the land applied for exempted from leasing under the 34th section of the Mining Act, 1874? Not that I am aware of.

[Enclosure B to No. 7.]

NOTICE of objections to the granting of a lease to Michael Ackermann, of Hill End, of the land known as lease No. 1,741, applied for by him on the 5th day of February, 1876. Application 1,225:—

- 1st. That the said lease has not been forfeited under the Regulations of 1872.
- 2nd. That the rent of the said lease has been paid up to the 1st day of July, 1877.
- 3rd. That the estimated value of the shafts, tunnels, and mining plant on the said lease has not been paid to the original holders by the said Michael Ackermann, nor has he sought to have such improvements valued as required by the Regulations of 1872.
- 4th. That the said land was not open for lease when the said Michael Ackermann applied for it, through being exempted under the 34th section, clause 1st, of the Gold Fields Act of 1874.
- 5th. That the marking out of the ground was not done in accordance with the requirements of the Regulations relating to Gold-mining leases now in force.
- 6th. That the application of the said Michael Ackermann is void, through his not having allowed three days to elapse between the time of marking out and making application for the said land.

The foregoing objections are on behalf of—

Thomas Paten, Tamborora,
John Rossiter, do.
Moses Bell, North Shore, Sydney,
Richard G. Reading, do.
William Hezlett, do.
Thomas Cadell, do.
and
James Barrie, Hill End.
Signed by James Barrie, do.

No. 8.

Mr. T. Paten and others to The Secretary for Mines.

Gold-mining Lease Regulations.—Schedule 2.—Application for gold-mining lease.

Sir,

Hill End, 18 February, 1876.

We hereby make application for a gold-mining lease of that piece or parcel of land situated on the western slope of Hawkins Hill, and known as lease 1,741, containing 1 acre 3 roods 3 perches, of which we took possession on the fourteenth day of February, at the hour of 6·30 o'clock in the forenoon, for the purpose of mining thereon and therein for gold, for a period of fifteen years, by erecting posts and cutting L trenches at each angle thereof. The datum post is distant about one foot in a northerly direction from the north-east corner-post.

Notice of our intention to make this application has been given in accordance with the Regulations in that behalf; and we hand herewith the sum of £2, being the first year's rent in advance of the said land, and £1 10s. to cover the cost of survey; and we hereby request that survey may forthwith be made of the said piece or parcel of land.

We hereby acknowledge that this application is made upon the distinct understanding and condition that if we shall abandon or fail to proceed with it, or if it is refused, the Secretary of Mines for the time being may deduct from the sum of £2 deposited as aforesaid any cost to which in his opinion the Crown may

may have been put in, or about, or in respect of this application; and this application shall thereupon become and be void, and the possession aforesaid shall cease and determine. And if the lease shall be granted, we shall and will commence mining operations upon or in connection with the demised land within one month from and after the granting thereof, and shall and will employ upon such land not less than four men during the first half of the term thereby created, and not less than eight men during the remainder of such term; and shall and will at any time when called upon in terms of the Regulations relating to Gold-mining Leases to do so, execute and take delivery of such lease, or failing therein for a period of fourteen days after being so called upon, we shall and will forfeit the said sum of £2, and all right, title, or interest in and to the said land and the possession thereof, and the said lease shall be forthwith cancelled.

We have, &c.,

Signed on behalf of the within applicants by their agent, James Barrie.

THOMAS PATEN, Tambaroora.
JOHN ROSSITER, Tambaroora.
MOSES BELL, Sydney.
RICHARD G. READING, Sydney.
WILLIAM HEZLETT, Sydney.
THOMAS CADELL, Sydney, and
JAMES BARRIE, Hill End.

This application was received by me this 18th day of February, 1876, at the hour of 3:15 o'clock in the afternoon, and is numbered 1,227.—F. CAMERON MACARTHUR, Warden's Clerk.

[Enclosure A to No. 8.]

Application No. 1,227, at Hill End, for a gold-mining lease.

1. By whom application was received? Warden's Clerk.
2. At what place? Hill End.
3. Date and hour when received? 18 February, 1876, 3:15 p.m.
4. Receipt for first year's rent, No. 76-8. Date, 18/2/76.
5. To whom receipt was issued? James Barrie.
6. Date when notice to survey was sent to surveyor? 18 February, /76.
7. Date when report and plan were received from the surveyor? 6/3/76.
8. Names of objectors, and dates on which they lodged their objections? None.
9. Dates of inquiry? None.
10. Are the applicants holders of miners' rights? Yes.
11. Is the land applied for exempted from leasing under the 34th section of the Mining Act, 1874?

No. 9.

Mr. Licensed Surveyor Robertson to Mr. Warden Sharpe.

Sir,

Hill End, 4 March, 1876.

* Appendix A.

In compliance with instructions of 4th February, 76/4, 5th February, 76/5, 5th February, 76/6, and 18th February, 76/8, I have the honor to transmit herewith a plan* of 1 acre 3 roods 4 perches, No. 1,041, parish of Tambaroora, county of Wellington, applied for by Thos. Helsby and party, also by Wm. M'Pherson, also by Michael Ackermann, also by Thos. Paten and party, under the Mining Act of 1874.

The boundaries have been marked, and notices posted by each party, and trenches cut in accordance with the Regulations now in force.

This ground is identical with lease 1,741 (survey No. 354).

Instructions, plan, and tracing herewith.

I have, &c.,

J. J. ROBERTSON, L.-S.

Dealt with for diagrams.—W.S.C., 31/5/77.

[Enclosure A to No. 9.]

Mr. Acting Warden Macarthur to Mr. Mining Surveyor Robertson.

No. 76-4.

NOTICE TO MAKE SURVEY.

Sir,

Hill End, Warden's Office, 4 February, 1876.

No. of application, 1,223.

Locality, Hawkins Hill; cancelled lease, 1,741.

Area, 1 acre 3 roods 3 perches.

Names and addresses of applicants:—

Thomas Helsby, Hill End.
John Ackermann, Hill End.

An application for a gold-mining lease, particulars as per margin, having been lodged in this office, I request you will be good enough to survey, in accordance with the Regulations relating to Gold-mining Leases, the area so applied for, and to furnish me at your earliest convenience with a plan and report.

Your attention is particularly directed to the Regulations relating to Gold-mining Leases, numbered respectively, 1, 2, 3, 4, 5, 14, and 15.

I have, &c.,

F. CAMERON MACARTHUR,

For Warden.

The datum post is at the south-east corner, about 10 feet from Petersen's tramway.

[Enclosure B to No. 9.]

Mr. Warden Sharpe to Mr. Mining Surveyor Robertson.

No. 76-5.

NOTICE TO MAKE SURVEY.

Sir,

Hill End, Warden's Office, 5 February, 1876.

No. of application, 1,224.

Locality, Hawkins Hill being lease 1,741 (cancelled).

Area, 2 acres.

Name and address of applicant:—
William M'Pherson, Hill End.

An application for a gold-mining lease, particulars as per margin, having been lodged in this office, I request you will be good enough to survey, in accordance with the Regulations relating to Gold-mining Leases, the area so applied for, and to furnish me at your earliest convenience with a plan and report.

Your attention is particularly directed to the Regulations relating to Gold-mining Leases, numbered respectively, 1, 2, 3, 4, 5, 14, and 15.

I have, &c.,

ERNEST SHARPE,

Warden.

[Enclosure

[Enclosure C to No. 9.]

Mr. Acting Warden Macarthur to Mr. Mining Surveyor Robertson.

No. 76-6.

NOTICE TO MAKE SURVEY.

No. of application, 1,225.
 Locality, Hawkins Hill; cancelled lease,
 1,741.
 Area, 1 acre 3 roods 3 perches.
 Name and address of applicant:—
 Michael Ackermann, Hill End.

Sir, Warden's Office, Hill End, 5 February, 1876.
 An application for a gold-mining lease, particulars as per margin, having
 been lodged in this office, I request you will be good enough to survey, in accord-
 ance with the Regulations relating to Gold-mining Leases, the area so applied for,
 and to furnish me at your earliest convenience with a plan and report.
 Your attention is particularly directed to the Regulations relating to Gold-
 mining Leases numbered respectively 1, 2, 3, 4, 5, 14, and 15.

I have, &c.,
 F. CAMERON MACARTHUR,
 For Warden.

[Enclosure D to No. 9.]

Mr. Acting Warden Macarthur to Mr. Mining Surveyor Robertson.

No. 76-8.

NOTICE TO MAKE SURVEY.

No. of application, 1,227.
 Locality, Hawkins Hill, Hill End, formerly
 lease 1,741.
 Area, 1 acre 3 roods 3 perches.
 Names and addresses of applicants:—
 Thomas Paten, } Tambaroora.
 John Rossiter, }
 Moses Bell, }
 Richard G. Reading, }
 William Hezlett, } Sydney.
 Thomas Cadell, }
 James Barrie, Hill End.

Sir, Warden's Office, Hill End, 18 February, 1876.
 An application for a gold-mining lease, particulars as per margin, having
 been lodged in this office, I request you will be good enough to survey, in accord-
 ance with the Regulations relating to Gold-mining Leases, the area so applied for,
 and to furnish me at your earliest convenience with a plan and report.
 Your attention is particularly directed to the Regulations relating to Gold-
 mining Leases numbered respectively 1, 2, 3, 4, 5, 14, and 15.

I have, &c.,
 F. CAMERON MACARTHUR,
 Warden's Clerk.

[Enclosure F to No. 9.]

Paten and others.—Application 1,227, at Hill End.

Portion 1,041, parish of Tambaroora, county of Wellington; containing 1 acre 3 roods and 4 perches. Commencing at
 the south-western corner of portion 1,043, parish Tambaroora; and bounded thence on the north by the southern boundary
 lines of that portion bearing N. 65° 45' E. 442 links, and N. 66° 33' E. 454 links; thence on the east by part of the western
 boundary line of portion 117 bearing south 12° 45' E., 240 links; on the south by the northern boundary lines of portion 355,
 parish Tambaroora, bearing south 67° 35' W., 440 links, and south 82° 15' W., 470 links; and on the west by a line bearing
 northerly 103 links to the point of commencement.

No. 10.

Telegram from Mr. Warden Sharpe to Under Secretary for Mines.

Hill End, 7 April, 1876.

REFERENCE to Regulation 20 relating to Gold Leases, I adjourned inquiry for fourteen days from 27th
 ultimo till 10th instant, because one of the applicants had broken his leg in Bathurst. I am informed by
 him that he cannot appear before 15th of June at the earliest. It does not appear that I have power
 to grant further adjournment. What course should I pursue? Please reply at once.

Ask the parties to consent to an adjournment, and if they will not consent, the Minister can, if he
 think fit, order another Court of Inquiry to be held. (*Vide* Regulation No. 24.) Telegram, 8 April,
 1876.

No. 11.

Telegram from Under Secretary for Mines to Mr. Warden Sharpe.

Sydney, 8 April, 1876.

In reply to your telegram of yesterday, ask the parties to consent to an adjournment, and if they will not
 consent, the Minister can, if he think fit, order another Court of Inquiry to be held. (*Vide* Regulation
 No. 24.)

No. 12.

Mr. Warden Sharpe to The Under Secretary for Mines.

Sir,

Warden's Office, Hill End, 11 April, 1876.

I have the honor to transmit herewith gold lease application, Nos. 1,223, 1,224, and 1,225,
 and the objections thereto, and lease application 1,227, the evidence taken by me, and the report and plan
 of the mining surveyor,—and to state, for the information of the Honorable the Secretary for Mines, that
 I am unable to complete the evidence because Mr. William M'Pherson, the applicant for No. 1,224, and
 an objector to No. 1,223, met with a serious accident which prevented him attending the Court of Inquiry
 held on the 27th of March last. The evidence available at that date was taken, and Mr. M'Pherson's applica-
 tion for an adjournment till April the 10th instant granted. On that date another application was made
 by him for a further adjournment. I then asked Messrs. Michael and John Ackermann and Thomas
 Heelsby if they would consent that the case should be adjourned till the 15th of June next, that being the
 earliest

earliest date at which Mr. M'Pherson is advised by his medical attendant that he can undertake to appear. They refused, saying that they did not think Mr. M'Pherson had any chance of getting the lease in dispute; the other objectors did not appear, but I am informed that they did not object to the adjournment. Under these circumstances I have deemed it advisable to forward the papers for the consideration of the Honorable the Secretary for Mines.

2. I may add that lease application No. 1,227 is for the same portion of land as the other applications, and that no objection was lodged against it.

I have, &c.,
ERNEST SHARPE.

Let Mr. Russell have a copy of this report and the depositions.—H.W., 1/5/76.

[Enclosure A to No. 12.]

No. 44,407.

New South Wales.

Bathurst, 22 April, 1874.

RECEIVED from J. Barrie the sum of one pound shillings and pence sterling, on account of rent of lease 1,741, to 1st July, 1877.
£1 : 0 : 0

E. FARR,
(Office) Western Gold Fields.

[Enclosure B to No. 12.]

No. 4,910.

Exhibit A.

Warden's Court, 27/3/76.

GOLD-MINING LEASES.—RECEIPT OF OBJECTORS' DEPOSIT.

IN the matter of the application of the undermentioned person for a lease under "The Mining Act, 1874," and of objections thereto lodged by—

Thomas Paten, John Rossiter, Moses Bell, Richard Reading, William Hezlett, Thomas Cadell, and James Barrie.

RECEIVED from the above-named persons (objectors) the sum of £5, pursuant to the provisions of the said Act.

Dated 16 February, 1876.

F. CAMERON MACARTHUR,
Warden's Clerk.

Name and address of applicant—
Michael Ackermann, Hill End.
Application 1,225.

[Enclosure C to No. 12.]

No. 4,911.

Exhibit A.

Warden's Court, 27/3/76.

GOLD-MINING LEASES.—RECEIPT OF OBJECTORS' DEPOSIT.

IN the matter of the application of the undermentioned persons for a lease under "The Mining Act, 1874," and of objections thereto lodged by—

Thomas Paten, John Rossiter, Moses Bell, Richard Reading, William Hezlett, Thomas Cadell, and James Barrie.

RECEIVED from the above-named persons (objectors) the sum of £5, pursuant to the provisions of the said Act.

Dated 16 February, 1876.

F. CAMERON MACARTHUR,
Warden's Clerk, Hill End.

Names and addresses of applicants—
Thomas Helsby, } Hill End.
John Ackermann, }

Application 1,223.

[Enclosure D to No. 12.]

No. 4,913.

Exhibit D.

Warden's Court, 24/7/76.

GOLD-MINING LEASES.—RECEIPT OF OBJECTOR'S DEPOSIT.

IN the matter of the application of the undermentioned persons for a lease under "The Mining Act, 1874," and of objections thereto lodged by—

William M'Pherson, Hill End.

RECEIVED from the above-named person (objector) the sum of £5, pursuant to the provisions of the said Act.

Dated 18 February, 1876.

F. CAMERON MACARTHUR,
Warden's Clerk, Hill End.

Names and addresses of applicants—
Thomas Helsby, } Hill End.
Michael Ackermann, }

[Enclosure E to No. 12.]

No. 4,914.

Exhibit F.

GOLD-MINING LEASES.—RECEIPT OF OBJECTOR'S DEPOSIT.

IN the matter of the application of the undermentioned person for a lease under "The Mining Act, 1874," and of objections thereto lodged by—

W. M'Pherson.

RECEIVED from the above-named person (objector) the sum of £5, pursuant to the provisions of the said Act.

Dated 19 February, 1876.

F. CAMERON MACARTHUR,
Warden's Clerk, Hill End.

Name and address of applicant—
W. M'Pherson, Hill End.

[Enclosure F to No. 12.]

Telegram from Dr. Cortis to Mr. Warden Sharpe.

Bathurst, 28 March, 1876.

WILLIAM M'Pherson broke his leg on Sunday; unable to attend your Court.

[Enclosure

[Enclosure G to No. 12.]

Mr. W. M'Pherson to Mr. Warden Sharpe.

Sir,

Cashman's Hotel, Bathurst, 5 April, 1876.

In reply to your letter of 28th ultimo, requesting me to state the earliest time at which I may be sufficiently recovered to attend your Court at Hill End, I do myself the honor to state, after consulting with Dr. Cortis on the matter, that I am directed by that gentleman to inform you that the middle (say about 15th) of June proximo is the earliest period at which, under favourable circumstances, I could undertake the journey.

With reference to giving a week's notice, I shall not omit to comply with your request when the time arrives.

I remain, &c.,

W. M'PHERSON.

[Enclosure H to No. 12.]

Minutes of Evidence taken at inquiry.

Court House, Hill End, 27 March, 1876.

Lease application 1,223, and Messrs. Barrie and others' objections thereto.

Thomas Helsby, being duly sworn, saith:—I am a miner, and produce my miner's right, No. 141, for the current year, dated 7th January, 1876; on the 1st February last, gold-mining lease No. 1,741 was cancelled; I produce Gazette showing cancellation, and on that day I marked the land I have applied for, application No. 1,223; I cut the trenches the length and depth required by the Regulations and erected the requisite posts; I put a board on one of the posts, the datum post, with the words "Applied for gold-mining lease, John Ackermann and Thomas Helsby"; there was no person in occupation of the lease when I marked my lease out; the next morning before breakfast I put up notices, "Schedule 1," on the Court House; on the 4th February, at 10 o'clock in the morning, I paid the deposit on my application, and produce receipt; I also produce receipt for survey fees; I received Schedule 6 from the Warden's Clerk, and forwarded it to the mines.

Mr. Barrie: I marked out the lease in dispute on the 1st of February, at 2 o'clock, p.m.; I came to know that the land was cancelled because I knew it was returned for cancellation and I got a telegram to say it was cancelled; on the same day I marked it; the posts were each over 3 ft. 6 in. long and were out of the ground quite 3 ft.; I erected a post at the south-east corner—it is my datum post; I put it against the surveyor's peg; I did not put it in where the old survey peg stands, but about 2 ft. west of the broad-arrow; the south-west corner I marked with a log to show where the trench should be; a shaft prevented me cutting the trench; the north-west corner I marked with stones on account of the rocky nature of the ground.

Taken and sworn before me, the 27th day of March, 1876,—

THOMAS HELSBY.

ERNEST SHARPE, Warden.

John Ackermann, being duly sworn, saith:—I am a miner, and produce my miner's right for the current year, dated 7th January; on the 1st February last I went down to the lease we have applied for, about half-past 4 o'clock in the afternoon; I went round the pegs my partner had put in, and saw the ground was marked in accordance with Regulations.

By Mr. Barrie: As far as could be done, there was a peg put up on the south-west corner, and at the south-west; I was aware that Johnson's Company held the ground in dispute before we applied for the lease; I was a shareholder in Johnson's Company—I held scrip in it; I claim so many shares, 650, if the Company does exist.

Taken and sworn before me, this 27th day of March, 1876,—

JOHN ACKERMANN.

ERNEST SHARPE, Warden.

James Barrie, being duly sworn, saith:—I am a miner and commission agent, resident at Hill End; I produce my miner's right for the current year, and the miners' rights of all the objectors to application 1,223; I produce my objectors' receipt, marked A; I and my partners, whose names appear as the objectors to application No. 1,223 took up the ground in dispute under the Regulations of 1872, and have complied with all the conditions relating to leases taken up under that Act; the names of the applicants were Thomas Paton, John Rossiter, Moses Bell, Richard G. Reading, William Hezlett, and Thomas Cadell; the lease was executed by three of the applicants and then forwarded to Sydney for execution by Mr. Cadell, Mr. Hezlett, and Mr. Reading; the last two executed, the first was absent in Queensland and did not execute; I produce receipt marked B showing that rent is paid up to 1st July, 1877; the applicants for No. 1,223 lease application have not complied with Exhibit B, Regulation No. 189 of the Gold Fields Act of 1866; with regard to the marking out of cancelled lease No. 1,741, there was no peg erected at the south-east corner of what was the Company's ground, nor on the south-west, nor was there any trench at those corners the size on the south-west corner.

Taken and sworn before me, this 27th day of March, 1876,—

JAMES BARRIE.

ERNEST SHARPE, Warden.

Thomas Paton, being duly sworn, saith:—I am a storekeeper at Tambaroora, and resident there; I was one of the original applicants for the lease in question, cancelled lease 1,741; I executed the lease when it was sent up; the Company expended about £2,700 on the lease.

By Mr. Helsby: I heard by report that the lease No. 1,741 was cancelled; you asked me about the ground how it had been worked; you said you were going to leave the district; I told Mr. Michael Ackermann that if the lease No. 1,741 was cancelled and I could get an interest in it I would do so, but I said I did not believe the lease was cancelled.

Taken and sworn before me, this 27th day of March, 1876,—

THOMAS PATEN.

ERNEST SHARPE, Warden.

John Rossiter, being duly sworn, saith:—I am a mining manager, resident at Tambaroora; I was one of the applicants for gold-mining lease 1,741, and executed it, and was led to believe that it had been executed by the others; I was also a shareholder when it was a claim; the Company bought the claim and tunnel from the claimholders; I and Mr. John Ackermann were in the original claim, and sold the claim to the Company.

By Mr. Helsby: I am not one of the directors in the Company; the lease was standing idle about two years.

By Warden: The whole claim was sold.

By Mr. Ackermann: I never received any notice under the 138th section of the Regulations of 1872.

Taken and sworn before me, this 27th day of March, 1876,—

JOHN ROSSITER.

ERNEST SHARPE, Warden.

The applicants for lease application No. 1,223 claim 30s. expenses if their application is refused.

The hearing of Mr. M'Pherson's objections to this lease application, and the objections to his application No. 1,224, stand adjourned till the 10th proximo.

ERNEST SHARPE,

Warden.

On being asked if they would consent to a further adjournment till the 15th June, that being the earliest period at which Mr. M'Pherson's medical attendant considers it would be safe for him to travel to Hill End, Messrs. Ackermann and Helsby refused. Mr. Barrie was not present.

ERNEST SHARPE,

Warden.

Court House, Hill End, 10 April, 1876.

[Enclosure

[Enclosure I to No. 12.]

Lease application No. 1,225 and the objections thereto lodged by Thomas Paten and others.

Court House, Hill End.

Michael Ackermann, being duly sworn, saith:—I am a miner, and produce my miner's right for the current year, dated the 7th January; on the 2nd February I went to Hawkins Hill, at 5 o'clock in the morning, and marked out as a lease the ground known as cancelled lease 1,741; I put up posts at the four corners—they were 3 feet out of the ground and 3 inches in diameter; the trenches were 6 feet long, and as deep as I could cut them, considering the nature of the ground; I affixed on the datum post, at the north-east corner, a board with the words—"Notice of application for gold-mining lease, Michael Ackermann," and on the same day I put up notice of intention to apply, on the Court House and at the Post Office; on the 5th of the same month I made application for the lease; I produce receipt for rent and survey fees; I then sent Schedule No. 6 to the Secretary for Mines.

By Mr. Barrie: I did not see the original owners, nor did I get the improvements valued—I did not think it necessary; at the south-west corner I built up a wall of stone for one side of the angle and put a log to show the eastern direction.

By Warden: The application shown me is mine, and bears my signature.
Taken and sworn before me, this 27th day of March, 1876,—

MICHAEL ACKERMANN.

ERNEST SHARPE, Warden.

William George Collings, being duly sworn, saith:—I am a mining surveyor, and resident at Hill End; I saw the north-west corner of Johnson's lease marked out by Mr. Ackermann on the 2nd February last, about 5 o'clock in the morning, and saw Mr. Ackermann standing at the south-west corner of Johnson's lease about the same time.

Taken and sworn before me, this 27th day of March, 1876,—

WILLIAM GEO. COLLINGS.

ERNEST SHARPE, Warden.

Exhibit A.

James Barrie, being duly sworn, saith:—I am a mining manager, resident at Hill End; I produce receipt for objectors' deposit, marked A; the objectors to this application (No. 1,225) are the original applicants for gold-mining lease 1,741, and were the holders of the ground before applying to have it converted into a lease; we applied for gold-mining lease No. 1,741, and paid the rent up to the 1st July, 1877, and have had no notice of the lease being cancelled or any one requiring the ground; we, the original applicants for lease No. 1,741, have had no offer for our improvements from Mr. Ackermann, as we consider we ought to have had, seeing that the lease in question was taken up under the Regulations relating to Gold-mining Leases of 1872; another objection is that Mr. Ackermann paid his money too soon—he did not allow three days to elapse; and twenty-four hours had not elapsed from the time of the publication of the Gazette before he marked the ground out.

By Mr. Ackermann: I was not one of the original proprietors for 1,741—I had a beneficial interest in it; Moses Bell did not authorize me to take out a miner's right.

Taken and sworn before me, this 27th day of March, 1876,—

JAMES BARRIE.

ERNEST SHARPE, Warden.

[Enclosure J to No. 12.]

Exhibit B. Warden's Court, 27/3/76.

The Gold Commissioner, Western District, to Mr. J. Barrie.

1,741
Cash received—
Deposit 5
21 Mar., '73. 2
22 Apl., '74. 2
£9
being rent for four years,
and £1 balance repre-
sented by the receipt.

Sir,

Western Gold Fields Office, Bathurst, 22 April, 1874.

Referring to your communication of the 21st instant, I have to acquaint you that in consequence of the area of lease 1,741 having been reduced by survey to 2 acres, the rent is covered by the payment now made to 1st July, 1877, and a balance of £1 is still to the credit of the next year's rental. You will observe the receipt enclosed is for £1, being the amount actually required to complete a year's rental.

I have, &c.,

ED. FARE,

pro Commissioner-in-Charge.

No. 13.

Mr. J. Jackson to The Under Secretary for Mines.

Sir,

Sydney, 267, George-street, 19 April, 1876.

I enclose copies of letters from Mr. Warden Sharpe with reference to the inquiry into the application for the land on Hawkins Hill, lately occupied under the application for lease 1,741 under the "Mining Act of 1866."

The cause of Mr. M'Pherson's non-attendance at Hill End is that his leg was broken while on his journey to attend the Warden's Court, and his medical adviser (Mr. Cortis, of Bathurst) states he will not be able to attend until June next. Can you suggest a course for the inquiry, as the Mining Act does not provide for an accident of this kind?

Would you authorize the Court to be held in Bathurst, where Mr. M'Pherson is lying? Would the writer be permitted to attend such Court as his (M'Pherson's) agent, and so relieve him of the trouble and anxiety beyond giving his evidence?

I have, &c.,

JAMES JACKSON.

[Enclosure A to No. 13.]

Telegram from Mr. Warden Sharpe to Mr. W. M'Pherson,

Bathurst, 28 March, 1876.

In reply to your telegram of yesterday, inquiry is adjourned to the 10th proximo.

[Enclosure B to No. 13.]

Mr. Warden Sharpe to Mr. W. M'Pherson.

Sir,

Warden's Office, Hill End, 28 March, 1876.

Referring to your telegram of yesterday informing me that you had met with an accident that would prevent your attending the Warden's Court appointed for the 27th instant, I have the honor to inform you that the inquiry stands adjourned till the 10th proximo.

Will you be good enough to inform me what is the earliest period on which you can appear, and I would also request that you will give me at the least a week's notice before such date arrives.

I have, &c.,

ERNEST SHARPE,

Warden.

[Enclosure

[Enclosure C to No. 13.]

Mr. Warden Sharpe to Mr. W. M'Pherson.

Sir, Warden's Office, Hill End, 12 April, 1876.
 Referring to your letter of the 5th instant, I have the honor to inform you that your second application for an adjournment could not be granted because the other parties concerned would not agree.
 I may explain that the Regulations relating to Gold Leases only allow one adjournment of fourteen days, which expired on the 10th instant.
 Perhaps under these circumstances it would be advisable for you to communicate with the Secretary for Mines stating your case.

I have, &c.,
 ERNEST SHARPE,
 Warden.

No. 14.

Mr. W. M'Pherson to The Minister for Mines.

Sir, 267, George-street, Sydney, 4 May, 1876.
 Having reference to my application (No. 1,224) for cancelled lease No. 1,741, Bathurst and Tambaroora District, the papers relating to which were forwarded to you by Mr. Warden Sharpe on 11th April last, I have the honor to request that you will withhold your decision on the various applications until I have been given an opportunity of tendering evidence in support of my application, which I was debarred from doing at the inquiry held by Mr. Warden Sharpe by reason of my being confined to my bed with a broken leg, which accident occurred while *en route* to attend the Warden's Court in connection with the hearing of the objections.

I am prepared with conclusive evidence that I first took possession of the ground after the application 1,741 was cancelled, and fulfilled all the conditions of application required by the leasing regulations.

I am prepared to tender you the evidence in writing immediately, or if required to be given before a Warden, as soon as it is possible for me to leave my bed.

I have, &c.,
 W. M'PHERSON,
 By his agent—JAMES JACKSON.

Submitted.—H.W., 10/5/76. The facts may be set out in writing verified by affidavit or statutory declaration.—J.L., 11/5/76. Mr. M'Pherson.—15th May, 1876.

No. 15.

The Under Secretary for Mines to Mr. W. M'Pherson.

Sir, Department of Mines, Sydney, 15 May, 1876.
 In reference to your letter of the 4th instant, requesting that the Secretary for Mines would withhold his decision until you have had an opportunity of tendering evidence in support of your application for a lease of the land proposed to be demised by gold lease No. 1,741, which has been cancelled,—I am directed to invite you to furnish this department with any documents you may deem desirable, setting out in writing the facts of the case, verified by affidavit or statutory declaration.

I have, &c.,
 HARRIE WOOD,
 Under Secretary for Mines.

No. 16.

Mr. J. Jackson to The Under Secretary for Mines.

Sir, 267, George-street, Sydney, 18 May, 1876.
 I have the honor to request that you will supply me with a copy of the depositions taken by Mr. Warden Sharpe, of the inquiry held before him with reference to application 1,224, and others, being for the land on Hill End, formerly known as lease 1,741—originally applied for by Paten & Co.

I have, &c.,
 JAMES JACKSON.

Copy may be supplied on payment of the prescribed fee.—J.L., 20/5/76. Copies supplied.—T.C.B., 30/5/76.

No. 17.

Mr. G. A. Russell to The Minister for Mines.

Sir, Johnson's Gold-mining Company (Limited).
 Sydney, 19 May, 1876.
 I have the honor to lay before you the following statement with regard to cancelled gold lease 1,741, and lease application No. 1,227, being for the same piece of ground.

First, with regard to the cancellation of lease No. 1,741, I beg leave to protest against such cancellation, on the following grounds, viz. :—

- a. The lease was executed by five out of six lessees; the sixth, Mr. Cadell, having failed to execute, by reason of his absence from the Colony and sickness. He was perfectly willing to execute.
- b. Rent had been paid on the lease to the 1st July, 1877.
- c. No special notice was given to Mr. Cadell or any other of the lessees that the lease was ready for execution, or that it would be cancelled if not executed. The general notification in the Government Gazette was not observed.

See note attached hereto as to verbal notice and notice in newspapers.

d. The Company, besides paying £6,000 in cash to acquire the ground, had expended nearly £3,000 upon it in improvements. It is true that work had been temporarily suspended, but it was never intended to abandon the ground. Application had been made for registration of the ground, and refused by the Warden, only because it was not needed, the lease not having been issued. But at the same time other mines similarly situated were freely registered; and had lease No. 1,741 been issued, registration could have been obtained without difficulty, consequently the lessees could have had no reason for delaying to execute.

2. With regard to lease application No. 1,227: This is an application made by James Barrie on behalf of this Company in event of the cancellation of lease No. 1,741 being held to be good. No objection has been lodged against this application, and none can now be made. But there are three prior applications for the same land; against which objections have been made in due course in the Warden's Court; and with regard to which I beg leave to draw your attention to some (as I think) insurmountable objections.

3. Application No. 1,223 by John Ackermann and Thomas Helsby.

The ground was marked out by these applicants on 1 February, at 2 o'clock p.m., and the lease application was made on the 4th February, at 10 o'clock a.m.

In the first place I submit that the ground was not open for selection on 1 February, that being the day on which the cancellation was notified in the Gazette; the cancellation could not take effect until the termination of that day, and the ground would not be open for selection until the 2nd instant.

Secondly, I submit that the applicants did not allow the necessary interval of at least three days, as per clause 6 of the Regulations, to elapse between the marking out of the ground and the making of application.

Thirdly, I submit that the applicants did not serve on the lessees, or any of the parties concerned, the notices required to be given by clause 5 of the Regulations. The said John Ackermann being a shareholder in the Company well knew the names of the lessees, and knew also how to find the officers of the Company. I further submit that this Company was fairly in possession of the ground, having then a quantity of quartz at grass, having a shaft, &c., with timber, a shed also, and sundry small articles. Notices should therefore have been served on the six lessees as occupants.

4. Lease application No. 1,224, by W. M'Pherson. This applicant has not made any deposition before the Warden. Should he be allowed to make any statement hereafter? I must ask for an opportunity of replying to same if necessary, meantime I submit that the objections just enumerated against No. 1,223 will apply equally against this case—except that Mr. M'Pherson is not a shareholder in the Company. Still he knew well enough who were the lessees of No. 1,741, and who were the owners of the quartz, timber, &c., on the ground. He could easily have served the notices required by clause 5 if he had thought proper to do so.

5. Lease application No. 1,225, by Michael Ackermann. In this case the ground was marked out at 5 a.m. on the 2nd February, and a lease applied for on the 5th idem.

In this case also the necessary interval "not less than three days" was not allowed to elapse between the marking out and the making of application, and there is the same non-compliance with clause 5 as to notices. The said M. Ackermann is not a registered shareholder in the Company, but he executed the deed of settlement for John Ackermann, and is well acquainted with the Company, and could readily have given the notices required if he had chosen to do so. As before stated, the Company was in possession, and was entitled to the notice referred to, apart from the notices due to the lessees, yet none of these notices were given.

6. I believe the foregoing objections are sufficient to invalidate the applications referred to, but I may further point out that, under clause 189 of the old Regulations (1872), the lessees of lease No. 1,741 would be entitled to have their improvements—such as shafts, tunnels, &c.—valued, and the assessed value paid to them before any new applicant could obtain possession; and although the Regulations of 1872 have been for the most part repealed, yet it will be seen, on reference to the third section of clause 133, that "as regards forfeiture" leases applied for under these Regulations remain subject thereto.

7. I have further to submit that, in the decision of this case, the equities of it ought not to be disregarded. The Company which I represent had paid a large sum of money to acquire lease No. 1,741; they have spent a large sum of money in mining since acquiring it; they were in all respects *bonâ fide* owners for value; they had paid rent in advance, and five out of six of the lessees had executed the lease; they have thus abundantly proved that they were acting in good faith. It is therefore trusted that in giving your decision you will have regard to the equities of the case as well as to the points of technical informality to which I have ventured to draw your attention.

I have, &c.,

GEO. A. RUSSELL,
Manager.

Seen. Acknowledge receipt, and state that it will be considered in connection with the case.—J.L., 23/5/76. Informed, 25 May, 1876. Mr. Binny will please state whether he communicated to the Manager that the lease 1,741 would be cancelled if not executed, how often he did so, and as nearly as possible in what terms. Yes, verbally some four or five times to the effect that unless executed by all the parties the lease would be cancelled.—T.C.B.

MEMORANDUM, 15th May, 1876.

Gold lease No. 1,741.

DATE of Gazette:—1st notice, 23/9/75. 30 days notice, 2/12/75. Cancellation, 31/1/76.—T.C.B.

Mr. Binny saw Mr. Russell some four times at least before the expiration of the thirty days.

Notice that lease was ready for delivery published in Sydney and Hill End papers; thirty days notice published in Sydney and Hill End papers. Notice of final cancellation published in Sydney and Bathurst papers.—P.A., 24/3/76.

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No. 18.

The Under Secretary for Mines to Mr. G. A. Russell.

Sir, Department of Mines, Sydney, 25 May, 1876.

In reference to your letter of the 19th instant, submitting for consideration several points of objection to the cancellation of gold-mining lease No. 1,741, I have the honor, by direction of the Secretary for Mines, to inform you that your representations will be duly considered in connection with the case.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 19.

Mr. W. M'Pherson to The Under Secretary for Mines.

Sir, 267, George-street, Sydney, 14 June, 1876.

Having reference to your letter of 15 May (76-2,785), concerning my evidence as to the marking out of my application, No. 1,224, being the land "proposed to be demised by gold lease 1,741," I beg to state that I have now sufficiently recovered from my accident to return to Hill End, and have the honor to request that you will order another hearing of this case and the objections thereto. I ask this as it will be more satisfactory for all parties than putting in my evidence in writing verified by affidavit. I await your reply, and remain, &c.,

WM. M'PHERSON,
(Per JAMES JACKSON).

In terms of Regulation No. 24, I direct the Warden to hold a Court for the purpose of taking further or other evidence respecting the several applications herein, and especially touching the applications in respect of which evidence has not yet been taken. The Warden will be careful to notify all the parties, and to report as speedily as possible.—J.L., 17/6/76. Mr. Warden Sharpe, B.C., 19 June, /76.

Evidence required herewith.—ERNEST A. L. SHARPE, Warden. The Under Secretary for Mines, Hill End, B.C., July 26, 1876.

No. 20.

Telegram from Mr. Warden Sharpe to Under Secretary for Mines.

Hill End, 1 July, 1876.

REFERRING to gold lease applications twelve hundred and twenty-three, twenty-four, and twenty-five, and instructions to hold Court for further evidence, I issued the necessary notices to applicants and objectors that I would hold such Court on the 3rd instant. I have just received application for an adjournment for fourteen days, from W. M'Pherson, with medical certificate that he is unable to travel. I see no power to adjourn; please inform what course I should pursue.

Urgent telegram.—The Warden may be informed the matter is in his hands; the Minister does not wish to interfere with the exercise of his functions.—J.L., 3/7/76. Telegram, 3rd July, /76.

No. 21.

Telegram from Under Secretary for Mines to Mr. Warden Sharpe.

3 July, 1876

IN reply to your telegram of the 1st inst., the matter therein referred to is left in your hands, as the Minister for Mines does not wish to interfere with the exercise of your functions.

No. 22.

Telegram from Under Secretary for Mines to Mr. Warden Sharpe.

20 July, 1876.

PLEASE state what steps have been taken in the matter of the application for the land recently held by the Johnson's Company, and how soon your report thereon may be expected.

No. 23.

Telegram from Mr. Warden Sharpe to Under Secretary for Mines.

21 July, 1876.

REFERRING to your telegram of the 20th instant in re Johnson's lease,—I have arranged to hold the inquiry on Monday next, and my report shall be furnished with the least possible delay.

Seen—J.L., 14/7/76.

No. 24.

Mr. Warden Sharpe to The Under Secretary for Mines.

Sir, Warden's Office, Hill End, 26 July, 1876.

In accordance with the instructions conveyed to me by blank cover minute of the 19th ultimo, I have the honor to transmit herewith, for the consideration and decision of the Honorable the Secretary for

for Mines, the gold-mining lease applications noted in the margin, the further evidence required concerning them, and the papers connected therewith, and to report as follows:—

1. The facts of this case are these:—The portion of land in question was and is known as Johnson's claim, and is situated on Hawkins Hill; it is also supposed to be one of the rich claims. Formerly a block claim, it was afterwards converted into a lease, and this lease was applied for and granted to Thomas Paten, John Rossiter, Moses Bell, Richard G. Reading, William Hezlett, and Thomas Cadell. The legal document was sent up to this office for execution and delivery to the lessees. Three of the lessees executed, and at their request the lease was then returned to the department in order that the other lessees might execute. Two of them did, but the third, Mr. Thomas Cadell, did not; the lessees were then I believe duly notified in the Government Gazette that their lease No. 1,741 would be cancelled on the 1st of February, 1876, unless they executed and took delivery in the meantime. They neglected to do so, and the lease was accordingly cancelled. Then the ground was immediately taken possession of and marked out by Messrs. John Ackermann and Thomas Helsby, application No. 1,223, W. M'Pherson, application No. 1,224, and on the 2nd February, by Michael Ackermann, application No. 1,225, and on the 14th of the same month by the lessees of cancelled lease No. 1,741, application No. 1,227.

2. Application No. 1,223 has been objected to by the applicants for No. 1,227, Messrs. Barrie and others, on the grounds principally that lease No. 1,741 has not been legally cancelled, that the land was exempted from leasing under the 34th section of the "Mining Act of 1874," that the cancellation of lease No. 1,741 was not completed when the applicants for No. 1,223 took possession, and that they did not comply with certain of the Regulations now in force concerning Gold-mining Leases. The only objections I need remark upon at present are numbered 5, 6 and 7, and in my opinion they are not sustained by the objectors except No. 5. This application is also objected to by Mr. William M'Pherson, on the grounds that he was in prior occupation and that the application in question was lodged too soon, in violation of the 6th Regulation relating to Gold-mining Leases. With regard to the question of prior occupation, I am inclined to think that Mr. M'Pherson and Mr. Helsby took possession of the land in dispute at the same time. The evidence on this point is conflicting, but I believe the view I have taken is correct. With regard to the question as to what is the earliest period at which, under the present Regulations, application for a lease can be lodged, I am of opinion that Messrs. Helsby and Ackermann have complied with the Regulations.

See papers.

3. Application No. 1,224 in the name of William M'Pherson is objected to by Messrs. Barrie & Co., and the objections are the same as in the former case, and in my opinion are not valid, with the exception of that numbered 5 before mentioned. Mr. Michael Ackermann also objects to this application, on the purely legal grounds that the cancellation of lease No. 1,741 was not complete when Mr. M'Pherson marked his lease.

4. Application No. 1,225 in the name of Michael Ackermann. This is objected to by Messrs. Barrie & Co., on the same grounds as in the previous cases, except as to the completion of the cancellation of No. 1,741. I do not think they have sustained their objections.

2. Application No. 1,227 in the names of James Barrie and others, who marked out the lease they have applied for thirteen days after the applicants for No. 1,223 and 1,224, and twelve days after the applicants for No. 1,225. No objection has been lodged against this application.

6. The evidence taken in these cases goes to show that the lessees of cancelled lease No. 1,741 have not used that diligence they should have used if they valued their lease and had not abandoned it. The lease, on their own admission, was lying idle for more than two years, and when the document of lease is sent up for execution it is only partially executed and then allowed to go for cancellation; for it seems to me from the evidence that there was nothing to prevent Mr. Cadell's signature from being obtained; although he was in Queensland and ill, a power of attorney could easily have been procured and sent to him. With reference to the rent having been paid up on the lease in question, this seems to have been an accident, as Mr. Barrie in his evidence concerning application No. 1,224 states "the rent was paid up to the first of July, 1877, we paid too much money in the first instance, and the surplus was appropriated to the rental." As evidence showing the slight value the Company placed on the lease in question Mr. Barrie states, "We did not work on the ground for the last two years, because the Company had expended their capital and were waiting for mining matters to take a more favourable turn so that they might raise more capital. I think from this that it is very evident the Company were in no hurry to develop the resources of their mine. Again, Messrs. Barrie & Co. complain that they did not know their lease was going to be cancelled. I would draw attention to Michael Ackermann's evidence concerning application No. 1,223, where he states that he gave verbal notice to the legal Manager of Johnson's Company on the 4th or 5th of August last, that he intended to apply for the ground now in dispute if they did not. This information should have warned them, and they should have been ready when the lease was cancelled to take up the land immediately the cancellation took place, and have kept some one in possession till it was cancelled. It appears to me that the only claim the applicants for 1,227 have is, that they have or the Company has expended some £2,700 on the land in question; and I do not think, taking the other circumstances of the case into consideration, this is sufficient to justify me in recommending that their application should be approved. With regard to Nos. 1,223 and 1,224, I am of opinion that the applicants have taken possession too soon—that is, they should have waited until the day on which the cancellation appeared in the Gazette had expired, before they took possession; but I think they have complied in all respects with the Regulations as far as was possible with regard to marking; and that they acted correctly as regards the time for lodging their respective applications; in fact it seems to me that these two applications are exactly equal in all respects, and that had there been no objections, the priority would have had to have been determined by lot under the 13th section of the Regulations.

See page 17 of evidence and Exhibit B., 27, 3/76.

See same page.

7. In conclusion, I would recommend that lease application No. 1,225 be approved, because the applicant therefor appears to have complied with the Regulations relating to Gold-mining Leases now in force, in all respects, and was the first to take possession of the land in question after the cancellation was completed. The applicants for Nos. 1,223 and 1,224 were too soon, and No. 1,227 too late; I would therefore recommend that the three last-mentioned applications be refused. In support of my recommendation, I have the honor to refer to a case heard in the Supreme Court on the 14th of December last, *ex parte* Gard and others before the Chief Justice, Mr. Justice Hargrave, and Mr. Justice Faucett. In delivering his judgment, the Chief Justice said, referring to the time when the cancellation of the lease took effect, "for several reasons it would appear more desirable to hold that the cancellation could not be taken advantage

advantage of till the next day, as some persons might acquire information before the general public, and might make the application (as in the case of Nos. 1,223 and 1,224), being aware from private sources that the cancellation was to be published on that day"; and this opinion is given in the face of the 48th Regulation relating to Gold-mining Leases under the "Mining Act of 1874." Mr. Justice Hargrave says, on the same point, "the lease could not expire till the last hour of the day of the publication."

I have, &c.,

ERNEST A. L. SHARPE,

Warden.

Submitted.—H.W., 29/7/76.

[Enclosure A to No. 24.]

Minutes of Evidence taken at inquiry.

Court House, Hill End, 24 July, 1876.

Lease application No. 1,223, and the objections thereto by W. M'Pherson.

Thomas Helsby, being duly sworn, saith:—I am a miner, and produce my miner's right, No. 141, for the current year—it is dated 7th January, 1876; on the 1st February last, gold-mining lease No. 1,741 was cancelled; I produce Gazette showing cancellation, and on that day I marked the land I have applied for, application No. 1,223; I cut the trenches the length and depth required by the Regulations, and erected the requisite posts; I put a board on one of the posts—the datum post—with the words "Applied for gold-mining lease.—John Ackermann and Thomas Helsby"; there was no person in occupation of the land in dispute when I marked the lease we applied for; the next morning, before breakfast, I put up notices—Schedule 1—on the Court House and on the Post Office at Hill End; on the 4th February, at 10 o'clock in the morning, I paid the deposit on my application, and produce receipt for deposit and survey fees; I received Schedule 6 from the Warden's Clerk, and forwarded it to the Mines.

By Mr. M'Pherson: I marked the lease on the 1st day of February; I commenced pegging at the north-east corner; I followed you round to the south-east corner; I then followed you to the south-west, and then to the north-west; I had then my four pegs in; I lodged my application on the 4th of February, at 10 o'clock a.m.; I marked the land in dispute on the 1st day of February, at the hour of half-past 2 in the afternoon; I am quite positive that the hour I have stated in my application was the time I took possession of the lease in dispute; in my former evidence I have stated 2 o'clock, but was in error—the hour was half-past 2; I had not got a telegram telling me the lease was cancelled when I marked out the ground; I marked out the land on spec, as I knew the lease was to be cancelled on that day; when I saw you coming over the hill I commenced marking the lease.

Taken and sworn before me, this }
24th day of July, 1876,— }

THOMAS HELSBY.

ERNEST A. L. SHARPE, Warden.

John Ackermann, being duly sworn, saith:—I am a miner, and produce my miner's right for the current year, dated 7th January, 1876; on the 1st February last I went down to the lease we have applied for—No. of application, 1,223; about half-past 4 o'clock in the afternoon I went round the pegs my partner Thomas Helsby had put in, and saw the land was marked in accordance with the Regulations now in force relating to Gold-mining Leases, as far as could be done; about 5 o'clock on this day I was coming home with my father and Mr. Helsby and Mr. M'Pherson, and he admitted to us that Mr. Helsby was marking out the ground at the time he (Mr. M'Pherson) came on it, and again on the same day, in Mr. M'Pherson's office.

By Mr. M'Pherson: I do swear that you admitted to me that Mr. Helsby was the first to mark out the ground.

By Warden: I cannot remember the exact words; we were disputing about going halves—you offered us one-fifth, and we wanted one-half; Mr. M'Pherson made a remark that we would have no chance in Court with him, because he had more influence; I said to Mr. M'Pherson—"Of course you know that we marked out the ground first," and Mr. M'Pherson said—"I admit, John, that you did mark out the ground first"; he pressed us afterwards to take the fifth and withdraw our application.

By Mr. M'Pherson: I don't know of my own knowledge when the ground was marked out.

By Mr. Helsby: Mr. M'Pherson stated that he would give us a fifth in what he was going to do after 12 o'clock that night; he then said he was going to mark out Hobson and King's, and that he would give us a fifth in that if we would take one-fifth in Johnson's, the lease in dispute.

Taken and sworn before me, this }
24th day of July, 1876,— }

JOHN ACKERMANN.

ERNEST A. L. SHARPE, Warden.

Michael Ackermann, being duly sworn, saith:—I am a miner, and produce my miner's right; I, with Mr. Helsby and my son, met at Bishop's public-house, on Hawkins Hill; we met Mr. M'Pherson there; he asked us to come to his office and make some arrangements; this was on the 1st of February, after the lease in dispute was marked out; we went to the office, and he admitted that Helsby was there first marking out—that that would be nothing—that pegging out to-night at 12 o'clock will be the time; he said he knew something worth £5,000 more than Johnson's lease, and if he would join him, and not dispute Johnson's lease, he would give us one-fifth in Johnson's, and something worth £5,000 more than Johnson's—that he had better take his offer, as we would have no chance of getting Johnson's, as he had two or three big bugs with him; he then wanted to draw up an agreement, but I refused altogether—I would have nothing to do with it.

By Mr. M'Pherson: I am interested in the application No. 1,223; I did not see the ground marked, but I saw it after it was marked out.

By Warden: I went round the posts after Mr. Helsby marked the ground, and the lease was marked in accordance with the Regulations now in force.

By Mr. Helsby: I knew you were shepherding the ground from 3rd December till 1st February; I gave notice to the legal Manager of lease 1,741 that I intended to apply for the ground if the Company did not; on the 4th or 5th of August I gave the notice verbally; I went to the office and saw Mr. Russell.

Taken and sworn before me, this }
24th day of July, 1876,— }

MICHAEL ACKERMANN.

ERNEST A. L. SHARPE, Warden.

William M'Pherson, being duly sworn, saith:—I am a miner, and produce my miner's right for the current year; I also produce the objectors' deposit (Exhibit D); I object to application No. 1,223; I know the lease in dispute, and on the 1st of February, at the hour of 25 minutes past 2 o'clock by my watch, I marked out cancelled lease 1,741; I knew the lease was cancelled from information I had received; I produce Gazette showing cancellation; I went on the ground and commenced to mark out at once; there were no fresh pegs or trenches, nor was there any one in occupation of the ground; when I went on the lease in dispute Mr. Helsby was on the adjoining lease; the first peg was placed in the south-east corner, with the notice-board and "Applied for gold-mining lease" affixed; when I was fixing the first peg I saw Mr. Helsby come on the ground; after this he commenced putting in his pegs at the north-east corner; he followed me round the boundaries, putting in the remaining pegs after I had mine in, and then placed his notice-board alongside mine, at the south-east corner; I marked out my lease in accordance with the Regulations now in force; Mr. Helsby told me that because he saw me marking the ground he marked it too; with regard to Mr. Helsby and Messrs. Ackermann's statement that I admitted to them that Mr. Helsby was the first to mark out the ground, it is entirely untrue.

By Mr. Helsby: When you arrived on Johnson's claim on the 1st February, was I not picking out the trenches on the north-east corner? No. Did you not say to me, "Helsby, you are too late"? Yes. Then did you not say, "Helsby, you will get shopped over this"? I did not. When I went to the south-east corner and you went to the north-east corner, did you not call out to me, "Helsby, you have taken my peg from this bush"? No. When I was coming up the hill I made that remark—I accused you of taking the peg, and you denied it. You carried up the peg for the north-east corner from the mouth of Johnson's tunnel for me.

By

By Mr. Ackermann: Was not Mr. Helsby in the act of marking our lease when you came down? No. Will you swear that our north-east corner peg was not in? Yes; it was not in. Will you swear that your watch was correct at the time you marked out the lease? No, I cannot swear, but I had telegraph time. When did you post your notices of intention to apply for a lease? On the same day I marked out the ground.

Taken and sworn before me, this }
24th day of July, 1876,— }
ERNEST SHARPE, Warden.

W. M'PHERSON.

By Warden: Mr. Helsby recalled: I did not post the notices (Schedule 1) on the day I marked the ground, because I had none; I got them as soon as I could, and posted them.

Taken and sworn before me, this }
24th day of July, 1876,— }
ERNEST SHARPE, Warden.

THOMAS HELSBY.

Court House, Hill End, 24 July, 1876.

Gold-mining lease application 1,224, and objections thereto by M. Ackermann.

William M'Pherson, being duly sworn, saith:—I am a miner, and produce my miner's right for the current year. The lease application shown to me is mine and bears my signature; on the 1st February last I went down to the ground on Hawkins Hill known as Johnson's lease No. 1,741, and marked out the ground which I have applied for; I marked it out at 25 minutes past 2 in the afternoon, by erecting posts 3 feet above the ground and 3 inches in diameter; I cut trenches at the angles 6 feet long and 6 inches deep; I took the south-east corner as the place for my datum post and put on it a board with the words "Applied for gold-mining lease," with the date of marking, and bearing my signature; I then posted Schedule 1 on the Post Office and Mining Registrar's Office; on the 5th of February I paid the sum of £3 10s., being the rent and survey fee; I produce the receipts (marked B and F), and lodged my application No. 1,224; there was no person in occupation of the land I have applied for when I marked it out.

By Mr. Barrie: I was not aware that Johnson's Company were in possession of the lease in dispute when I marked it out; I was aware that they held it before it was cancelled; I saw pegs in the ground when I marked—old pegs, but I did not see Johnson's Company on them; I saw a shaft and a tunnel, but no tools; I saw no bellows; I saw a windlass on the shaft, which had been there for two years to my knowledge; I served no notices on persons in occupation because there were none; I knew the lease was cancelled and I took it up; at the south-west corner I marked the trenches as far as practicable; at one leg of the trench was a shaft which prevented my marking the trench, but I extended the trench beyond the shaft across it; I applied for about 2 acres, and I put a peg at each corner; I cannot say whether I marked out 1,741 exactly or not; at the north-west corner I did not dig trenches 9 inches deep, because one was a hole some 7 or 8 feet deep; I marked the trench with loose rock built up; at the south-east peg was a trench showing the eastern boundary, but a portion of it is across a solid rock; I cut the trench as far as the rock, and placed an indication peg beyond showing the direction of it; the north-east corner was cut in accordance with the Regulations.

Taken and sworn before me, this }
24th day of July, 1876,— }
ERNEST A. L. SHARPE, Warden.

W. M'PHERSON.

James Barrie, being duly sworn, saith:—I am a miner, and have a miner's right for the current year, which I have produced on a former occasion. As my objections are purely legal, I have nothing to add to them.

By Warden: The reason I did not mark out the lease in dispute until the 14th February was that I believed the lessees had all executed; I did not hear the lease was cancelled until some days after it had been applied for by Mr. M'Pherson and others; the rent is paid up to 1st July, 1877; we paid up too much money in the first instance, and the surplus was devoted to the rental; we did not work on the ground for the last two years, because the Company had expended their capital, and were waiting for mining matters to take a favourable turn so that they might raise more capital.

Taken and sworn before me, this }
24th day of July, 1876,— }
ERNEST A. L. SHARPE, Warden.

JAMES BARRIE.

Michael Ackermann, being duly sworn, saith:—I am a miner, and hold a miner's right for the current year, No. 112, and dated 7th January, 1876; I also produce my receipt for objector's deposit (marked F) against gold lease application No. 1,224, in the name of William M'Pherson; I object to this application, for the reason stated in my written objection lodged with the Warden and with Mr. M'Pherson.

Taken and sworn before me, this }
24th day of July, 1876,— }
ERNEST A. L. SHARPE, Warden.

MICHAEL ACKERMANN.

[Enclosure B to No. 24.]

Mr. W. M'Pherson to Mr. Warden Sharpe.

Sir,

I do myself the honor to acknowledge your communication of 26th instant, notifying that you will "hold a Court at the Court House, Hill End, on Monday, the 3rd day of July next, for the purpose of taking further or other evidence concerning gold-mining lease application No. 1,224, and the objection thereto, and also concerning gold-mining lease application No. 1,223 and the objections thereto, and also concerning gold-mining lease application No. 1,223 and my objections thereto." In reply, I beg to enclose Dr. Cortis' certificate, and to state that I am quite unable yet to travel to Hill End, and on this ground respectfully ask that the inquiry be adjourned for a further period of fourteen days, when I hope to be sufficiently recovered to attend.

I may add that the Mines Department did not acquaint me that my application for a rehearing was granted, or I would have let you know when I could reach Hill End.

I remain, &c.,

W. M'PHERSON.

Certificate.

Bathurst, 28 June, 1876.

I CERTIFY that Mr. M'Pherson is unable to travel, he having broken his leg.

W. R. CORTIS, L.R.C.P.

[Enclosure C to No. 24.]

Mr. W. M'Pherson to Mr. Warden Sharpe.

Sir,

With reference to your communication of the 4th instant, requesting to be informed what is the earliest date on which I can be at Hill End for the purpose of giving my evidence with reference to lease application No. 1,223 and 1,224, and in reply thereto, I beg to inform you that Monday the 17th instant is the earliest date on which I can promise to attend your Court at Hill End for the purpose above specified.

I am, &c.,

W. M'PHERSON.

No. 25.

No. 25.

Mr. Warden Sharpe to The Under Secretary for Mines.

Sir,

Warden's Office, Hill End, 28 July, 1876.

I have the honor to transmit herewith receipt of objectors' deposit for the sum of £5 lodged by Messrs. Paten and others against gold-mining lease application No. 1,224, in the name of William M'Pherson. This receipt should have accompanied papers 76/3,610, forwarded by me to the department on the 26th instant.

I have, &c.,

ERNEST A. L. SHARPE,
Warden.

[Enclosure A to No. 25.]

Gold-mining leases—Receipt of objectors' deposit.

In the matter of the application of the undermentioned person for a lease under "the Mining Act 1874," and of objections thereto lodged by Thomas Paten, John Rossiter, Moses Bell, Richard Reading, William Hezlett, Thomas Cadell, and James Barrie.

Received from the above-named persons (objectors) the sum of £5, pursuant to the provisions of the said Act.

Dated 16 February, 1876.

F. CAMERON MACARTHUR,
Warden's Clerk,
Hill End.

Name and address of applicant,—

WILLIAM M'PHERSON, Hill End.

Application 1,224.

No. 26.

Mr. J. Jackson to The Under Secretary for Mines.

Sir,

267, George-street, Sydney, 29 July, 1876.

I have the honor to request that you will grant me a copy of the depositions taken before the Warden at the inquiry, held at Hill End on or about the 24th instant, in respect to the land formerly purposed to be demised by lease 1,741, Bathurst and Tambaroora District.

Application
1,224, and others
by Helsby,
Ackermann, and
Barrie.

I have, &c.,

JAMES JACKSON.

A copy may be furnished on the usual terms.—J.L., 1 Aug., 1876. Copy of Warden's report to Mr. Russell by permission. 12s.—T.C.B., 9/8/76. Copy of depositions to Mr. Jackson. Copy of Warden's report to Mr. Jackson.—T.C.B., 14/8/76.

No. 27.

Mr. G. A. Russell to The Secretary for Mines.

Sir,

Johnson's Gold-mining Company (Limited),
Sydney, 12 August, 1876.

Referring to my letter to you of 19th May, setting forth various objections to the cancellation of lease No. 1,741, also objections to the granting of lease applications Nos. 1,223, 1,224, and 1,225, I now beg leave to draw your attention to the following points:—

1. The inquiry at Hill End appears to have closed, and the Warden has sent in his report.
2. As to lease applications Nos. 1,223 and 1,224, the objection that the cancellation had not taken effect when the ground was marked out appears to be sufficient to invalidate them. I need not therefore waste your time by urging other objections.
3. As to lease application No. 1,225, there are two objections which remain with undiminished force against the application.

(1.) The ground was marked out on the 2nd February, and the application was lodged on the 5th. Thus the requisite interval of "not less than three days" (see clause 6 of the Regulations) was not allowed to elapse as it should have been.

(2.) The applicant (M. Ackermann) did not give the notices required by clause 5 of the Regulations to be given to "every person who shall be in occupation of any part of the land, or who has a claim to have any right to or interest in such land." The said Michael Ackermann has deposed that on the 4th or 5th August he gave me verbal notice that he intended to apply for the ground now in dispute. This statement I declare to be utterly false, and I am prepared to deny it on oath—there is not a word of truth in it. Mr. Ackermann probably saw me about that time in my office, for the purpose of discussing a proposal submitted by Thos. Helsby, on behalf of himself and friends, to work the lease on tribute. The subject of his applying for the ground could not in the nature of things turn up, for the Company had no intention of forfeiting their lease, and certainly did not contemplate that it would come to be cancelled in the way it did. The lease was not even advertised as ready for issue until the 1st October, and it is not reasonable, therefore, to suppose that Michael Ackermann gave me, on 4th August preceding, the notice that he says he gave. In any case I solemnly assert, and am prepared to swear, that he did not give any such notice. Even, however, if he had given the verbal intimation referred to, that could not be construed into a compliance with the Regulations, which require that notice in a certain form (Schedule 1) shall be "served upon" the person or persons, &c.

4. The Warden, in his report on the evidence in this case, advises that lease application No. 1,225 be granted, but I submit that the foregoing objections demonstrate its invalidity, and that it should be refused.

5. The Warden adds that lease application No. 1,227 "was too late," and should therefore be rejected; but how can an application be too late if no prior application has been made in proper form? To this application no objection has been taken by any parties; the time for raising objections has long since lapsed. I submit, therefore, that this application ought to be granted, as being the first application for the ground in question, made in proper form, after the cancellation of the lease No. 1,741 had taken effect. The granting of this application would at once be technically correct and equitably just.

I have, &c.,
GEO. A. RUSSELL,
Manager.

No. 28.

Mr. J. Jackson to The Minister for Mines.

Sir, 267, George-street, Sydney, 17 August, 1876.

Johnson's lease 1,741.—I have the honor to address you, as the representative of Mr. W. M'Pherson, of Hill End, who made Application, No. 1,224, for this land, when cancelled, as per Gazette notice.

I would respectfully draw your attention to the discrepancies in the evidence given at the two hearings at the Warden's Court, Hill End.

John Helsby, in April, states he marked out at 2 o'clock p.m. His application gives 2.30, as also his evidence on 24th July. M'Pherson marked out at 2.25, and Helsby admits on 24th July that he followed him round and marked off after him. Helsby, in April, stated he received a telegram advising cancellation of lease; in July, he says he did not receive the telegram, but marked out on spec when he saw M'Pherson set in to the work. The leases 1,604, 1,605, 1,608, 1,610, Guiding Star Company, were cancelled by same Gazette as cancelled 1,741, hence from position of the ground an onlooker would not know which lease was to be pegged off until he saw the work commenced. M'Pherson denies fully and flatly the assertion that he made the two Ackermanns and Helsby an offer to amalgamate if they withdrew their application. The two Ackermanns and Helsby own in evidence that they were partners in this attempt to gain the land.

Mr. Warden Sharpe recommends that the land be given to Michael Ackermann, as his marking was subsequent to the day of cancellation in Gazette, *re* the opinion of the Judges in Gard's case. This was, as you are aware, an extra-judicial opinion, as the question did not come before them in the pleadings, but was submitted for their opinion without agreement *pro* and *con*. Up to this time the Department had acknowledged priority of marking after publication of Gazette. *Now*, with that opinion before it, the marking out after the day of Gazette is deemed the correct time. This marking out was on 1st February—that is, *during the transition state*.

Michael Ackermann (application 1,225) does not appear to have given any evidence, nor, so far as my copy of the depositions show, was he at the inquiry held in April.

Why he puts in an appearance of 24th July I don't clearly understand.

I have, &c.,
JAMES JACKSON.

This may be registered and then attached to papers with me.—H.W., 18/8/76.

No. 29.

Memo. by Under Secretary for Mines.

Urgent.—Send notice to Mr. G. A. Russell that the Minister will see him and the directors of the Johnson's Company on Tuesday morning, at 11 a.m.—H.W., 25/8/76.

Mr. Russell informed accordingly, 25th August, 1876.

No. 30.

Mr. G. A. Russell to The Minister for Mines.

Sir, 129, Pitt-street, Sydney, 29 August, 1876.

Referring to my letter of 12th instant, I beg leave to request that you will allow me to put in an affidavit rebutting Mr. Michael Ackermann's evidence that he gave me intimation of his intention to apply for the ground now in dispute, if the Company did not.

I have, &c.,
GEO. A. RUSSELL,
Manager, Johnson's G. M. Co. (L.)

Permission granted; the affidavit when lodged may be placed with the papers.—J.L., 31/8/76.
Mr. Russell, 5 Sept., 1876.

No. 31.

The Under Secretary for Mines to Mr. G. A. Russell.

Sir, Department of Mines, Sydney, 5 September, 1876.

In reference to your letter of the 29th ultimo, requesting permission to lodge an affidavit to rebut Mr. Michael Ackermann's evidence that he gave you intimation of his intention to apply for the ground which forms the subject of dispute between him and the Johnson's Gold mining Company (Limited), I am directed to inform you that the Secretary for Mines has approved of such permission being granted.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 32.

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No. 32.

Mr. G. A. Russell to The Minister for Mines.

Sir, Johnson's Gold-mining Company (Limited), Sydney, 7 September, 1876.
I now beg leave to enclose a declaration rebutting the evidence of Michael Ackermann, in respect of the notice alleged to have been given to me of his intention to apply for the ground covered by lease No. 1,741.

I have, &c.,
GEO. A. RUSSELL,
Manager.

[Enclosure A to No. 32.]

In the matter of the inquiry respecting lease applications numbers 1,223, 1,224, 1,225, and 1,227 respectively. I, George Alfred Russell, of number 129, Pitt-street, in the city of Sydney, in the Colony of New South Wales, Esquire, do solemnly and sincerely declare,—

1. That I am the duly appointed legal Manager of "the Johnson's Gold-mining Company (Limited)," and have been such Manager since the formation of the said Company, in the year one thousand eight hundred and seventy-two.

2. I have been informed that, on the twenty-fourth day of July last, Michael Ackermann stated on oath, in the matter of the above inquiry, before the Warden's Court of the Tambaroora and Turon Mining District, at Hill End, as follows:— "I gave notice to the legal Manager of lease No. 1,741, that I intended to apply for the ground, if the Company did not, on the fourth or fifth August—I gave the notice verbally; I went to the office and saw Mr. Russell." The said statement is absolutely untrue. The said Michael Ackermann did not, either on the fourth or fifth of August last, or at any other time, give me the notice mentioned or any notice to the like effect, either verbally or in writing. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the ninth year of the reign of Her present Majesty, intituled, "*An Act for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the Government of New South Wales and to substitute Declarations in lieu thereof and for the suppression of voluntary and extra-judicial Oaths and Affidavits.*"

Subscribed and declared at Sydney, this 7th (seventh) day of September, A.D. 1876, before me,—

HENRY PRINCE, J.P.

GEO. A. RUSSELL.

No. 33.

The Minister for Mines to The Crown Law Officers.

Department of Mines, Sydney, 11 September, 1876.

THE Secretary for Mines requests that the Law Officers of the Crown will be pleased to advise him on the following points in connection with the case submitted herewith, viz.:—

- (1.) Whether gold lease No. 1,741 was properly cancelled.
- (2.) If so, which of the four parties of applicants is entitled to the fresh lease.

JOHN LUCAS.

No. 34.

The Crown Solicitor to The Under Secretary for Mines.

Sir,

Crown Solicitor's Office, Sydney, 6 December, 1876.

I have the honor to return herewith the papers received by me from your department relative to gold leases under the Mining Act, and to state that I have laid them before Mr. Attorney General Dalley, who has been pleased to write an opinion in the matter,—a copy of which is annexed hereto.

I have, &c.,
JOHN WILLIAMS,
Crown Solicitor.

Submitted.—H.W., 8/12/76.

The Cabinet are of opinion that the Company should have the land.—JOHN R.

[Enclosure A to No. 34.]

The Opinion of the Honorable the Attorney General *in re* Gold Leases under Mining Act.

I SHALL confine myself in this case to the expression of my opinion on the various points concerning which the Department of Mines requires to be advised.

The facts of the case are so clearly and so fully set forth in Mr. Warden Sharpe's report of date July the 26th, 1876, that it is quite unnecessary for me to state them.

(1.) I am of opinion that the whole of the lessees not having executed the lease, and having been duly notified in the Government Gazette that unless they did so and took delivery the lease would be cancelled, their failure to execute justified the cancellation. The fact of Mr. Cadell's absence and illness in Queensland need not have prevented the lease being completed, as he could have signed by power of attorney. In addition to the notice of intention to cancel the lease published in the Gazette, there was also a publication in the Sydney and Hill End newspapers, and a verbal notice was given to the gentlemen representing the lessees on the spot.

(2.) I am of opinion that applications 1,223 and 1,224 were not made in accordance with law. The notice of final cancellation appeared in the Government Gazette of 1st February, 1876, and in these two applications the land was marked out at 2:30 p.m. and 2:25 p.m. respectively, on the day on which the notice of cancellation appeared. As the law takes no account of fractions of a day (unless indeed justice imperatively requires it, as when it is necessary to ascertain which of two events first happened), the cancellation did not operate until midnight of the day of publication of the Gazette. In the case of *ex parte* Gard and others, heard in the Supreme Court, December the 14th, 1875, an intimation of opinion was given that the cancellation ought not to take effect from the actual time of publication, but from the end of the day on which the Gazette was published. "For several reasons," observed the Chief Justice, "it would appear more desirable to hold that the cancellation could not be taken advantage of till the next day, as some persons might acquire information before the general public, and might make the application on the day of the publication, being aware from private sources that the cancellation was to be published on that day." And Mr. Justice Hargrave remarked, that "It was a common principle of law known to all conveyancers that the day on which a lease terminated was always within the lease, the cancellation or forfeiture never operated till the day afterwards; there could be no fractions of a day, and the lease could not expire till the last hour of the day of the publication. To hold otherwise would be to open the door to great inconvenience and mischief." And Mr. Justice Faucett was disposed to concur in the construction by the other members of the Court of the date of the operation of the cancellation.

(3.) I am asked to advise as to the meaning of the words "not less than three days" in section 6 of Regulations relating to Gold-mining Leases, of date 13th July, 1874. I am of opinion that these words mean three clear days irrespective of the day on which possession is taken; for, by Regulation 48, which has especial reference to computation of time, it is provided

vided that in all cases in which any particular number of days not expressed to be clear days is prescribed, the computation of time shall be exclusive of the first and inclusive of the last day.

(4.) I am of opinion that after cancellation of leases the notice required by sec. 3 to be served on persons in occupation was not necessary.

5th December, 1876.

WM. B. DALLEY,
A.G.

No. 35.

Mr. G. A. Russell to The Minister for Mines.

Sir,

129, Pitt-street, Sydney, 23 January, 1877.

Referring to the cancellation of gold lease No. 1,741 (Hawkins Hill), and to the subsequent applications made for the ground involved,—referring also specially to my letter of 12th August last, setting forth the facts connected with these applications, and showing cause why application No. 1,227, made by James Barrie in the interest of the proprietors of cancelled lease No. 1,741 (viz., Johnson's Company), should be accepted, it being the only one really in proper form,—I beg leave respectfully to inquire whether any advice has been received from the Crown Law Officers on this subject, and whether any decision has been arrived at.

I have, &c.,

GEO. A. RUSSELL,

Manager of Johnson's G. M. C. (L).

The matter has to be submitted to the Cabinet, but though it has been ready several weeks, owing to press of important business the Minister has been prevented from presenting it. Will do so the first opportunity.—J.L., 29/1/77. Mr. Russell, 30/1/77.

No. 36.

The Under Secretary for Mines to Mr. G. A. Russell.

Sir,

Department of Mines, Sydney, 30 January, 1877.

I am directed to acknowledge the receipt of your letter, dated the 23rd instant, and to inform you that the matter of the applications in connection with cancelled gold lease No. 1,741 (Hawkins Hill) has to be submitted to the Cabinet for consideration.

The case has been ready for several weeks, but owing to press of important business the Secretary for Mines has been prevented from presenting it to his colleagues. He will do so, however, upon the first opportunity.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 37.

Minute by the Minister for Mines.

A CLAIM was originally taken up by Michael Ackermann, which he sold to some Sydney people for £1,000 and an interest in a Company to be formed.

A Company was formed, and its Manager states that they expended about £6,000 upon the ground. The capital was expended, and work was stopped. The persons to whom the ground was transferred, on behalf of the Company, were called upon to execute the lease; one of them failed to execute, and after repeated warnings that the lease would be cancelled if not executed, at last it was cancelled (dodging on the part of Russell). The cancellation was proclaimed in the Government Gazette of the 1st February, 1876. The same day the ground was re-marked by two different parties, one at 2.25, the other at 2.30, but as the lease was not void until 12 o'clock that night, these markings were too soon, consequently illegal.

Michael Ackermann, who sold the ground (originally) for £1,000 and shares to the Company, marked it out at 5 o'clock a.m., on the 2nd February, and according to the Regulations he should, within the period of not less than three days or not exceeding ten days (from the time of marking) have lodged with the Warden an application for a lease of the land. This regulation the A.G. says he has not complied with, not having allowed three days to elapse before he made his application.

Barrie, on behalf of the original Company, some thirteen days later marked out the ground, and four days after made application for a lease to which no objections were made within the prescribed time for lodging objections.

The question to whom shall the lease be granted to—Michael Ackermann, or to Barrie for the Company.

Ackermann sold the claim to the Company for £1,000 and some 1,000 shares, and it would appear unjust that he should retain this large sum of money and get the ground back, after about £6,000 had been expended upon it, without paying anything for it; but it must not be forgotten that he held 1,000 paid-up shares, and although, as stated by the Manager, that £6,000 had been expended upon it. (In evidence upon oath before the Warden it was stated that the amount expended was only £2,700.) The capital was exhausted, and the ground remained unworked for nearly two years. And Ackermann states that he warned the Company's Manager that if the ground remained unworked and the lease became forfeited he would take up the claim again. The Company's Manager denies that Ackermann ever so warned him. Whether or no, the Company, after repeated warnings, allowed the lease to be forfeited, and did not take it up for about fourteen days after Ackermann marked out the ground. The day after cancellation he marked it in proper time and manner, but he did not, as the Regulations prescribe he should have done, viz., allow three days to elapse between the time of marking out the land and the making application for a lease of it.

Prepare minutes recommending that the undermentioned applications be refused, namely:—1,223, John Ackermann and Thos. Helsby; 1,224, W. M'Pherson; and 1,225, Michael Ackermann; and that application No. 1,227, Barrie and others, be granted.—J.L., 14/2/77.

No. 38.

Minute for Executive Council.

Recommending the refusal of three applications for gold-mining leases.

Department of Mines, Sydney, 19 February, 1877.

It is recommended to His Excellency the Governor and the Executive Council that the applications for gold-mining leases of Crown lands specified in the annexed Schedule be refused.

JOHN LUCAS.

Approved.—H.R., 20/2/77.

The Executive Council advise that the three applications for gold-mining leases specified in Schedule be refused.

ALEX. C. BUDGE,
Clerk of the Council.

Min. 77-9, 19/2/77.—Confirmed, 26/2/77.

Gazette notice, 2/3/77.—P.A. Parties should be informed.—H.W., 9/3/77. Parties informed. 9 March, 1877.

[Enclosure A to No. 38.]

SCHEDULE ALLUDED TO.

No.	Name	Locality.	Area.	Period.
	TAMBAROOORA AND TURON MINING DISTRICT.		a. r. p.	Years.
Hill End, 1223	John Ackermann and Thomas Helsby	Hawkins Hill, Hill End	1 3 3	15
1224	William M'Pherson	do. do	2 0 0	15
1225	Michael Ackermann	do. do	1 3 3	15

No. 39.

Minute for Executive Council.

Recommending the approval of an application for a gold-mining lease.

Department of Mines, Sydney, 19 February, 1877.

The application for a gold-mining lease of Crown Lands specified in the annexed Schedule is submitted for the approval of His Excellency the Governor and the Executive Council, in terms of the Mining Act of 1874.

JOHN LUCAS.

Approved.—H.R., 20/2/77.

The Executive Council advise that the application for the gold-mining lease specified in Schedule be approved.

ALEX. C. BUDGE,
Clerk of the Council.

Min., 779, 19/2/77.—Confirmed, 26/2/77.

Parties informed, 9 March, 1877. Mr. Anderson,—How does gold lease 1,741 stand?—O.G.L.A., 17 March, /77. 1,741 cancelled, 1/2/76.—P.A., 17/3/77.

[Enclosure A to No. 39.]

SCHEDULE ALLUDED TO.

No.	Name	Locality.	Area.	Period.
	TAMBAROOORA AND TURON MINING DISTRICT.		a. r. p.	Years.
Hill End, 1227.	Thomas Paten, John Rossiter, Moses Bell, Richard G. Reading, William Hezlett, Thomas Cadell, and James Barrie.	On the western slope of Hawkins Hill, Hill End.	1 3 3	15

No. 40.

The Under Secretary for Mines to Messrs. Ackermann and Helsby.

Gentlemen,

Department of Mines, Sydney, 9 March, 1877.

I am directed by the Secretary for Mines to inform you that your application for the gold-mining lease noted in the margin has been refused.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 1,223, Hawkins Hill, Hill End, 1a. 3r. 3p.

No. 41.

The Under Secretary for Mines to Mr. W. M'Pherson.

Sir,

Department of Mines, Sydney, 9 March, 1877.

I am directed by the Secretary for Mines to inform you that your application for the gold-mining lease noted in the margin has been refused.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 1,224, 2 acres, Hawkins Hill, Hill End.

No. 42.

The Under Secretary for Mines to Mr. M. Ackermann.

Sir,

Department of Mines, Sydney, 9 March, 1877.

I am directed by the Secretary for Mines to inform you that your application for the gold-mining lease noted in the margin has been refused.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 1,225, 1a. 3r. 3p., Hawkins Hill, Hill End.

No. 43.

No. 43.

The Under Secretary for Mines to Messrs. Paten, Rossiter, and others.

Gentlemen,

Department of Mines, Sydney, 9 March, 1877.

No. 1,227, on the
western slope of
Hawkins Hill,
Hill End, 1a. 2r.
3p.

I am directed by the Secretary for Mines to inform you that your application for the gold-mining lease noted in the margin has been approved of.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

No. 44.

Mr. W. G. Collings to The Under Secretary for Mines.

Sir,

Hill End, 13 March, 1877.

I am instructed by the legal Manager of Johnson's Company to make application for a refund of the objectors' deposits made by Messrs. Paten, Rossiter, and others, as under:—4,910, made 16 February, 1876, against Michael Ackermann's application, No. 1,225; No. 4,911, made 16 February, 1876, against the application of Thomas Helsby and John Ackermann, No. 1,223, dated 4 February, 1876; No. 4,912, made 16 February, 1876, against the application of William M'Pherson, No. 1,224.

I have applied to the Warden here, who tells me I have to obtain the voucher from you, and that I must get it signed by all the parties whose names are attached.

I have, &c.,

WILLIAM GEO. COLLINGS, M.S.

The receipts for the objectors' deposits in this case (No. 4,910-11 and 12) are with the papers which are now being dealt with by the Chief Draftsman (77/1,621); the three applications objected to have been refused, and no recommendation as to costs appears to have been made by the Warden in his report.—P.A., 20/3/77.

No such order can be made affecting an objector's deposit when the application is refused. Prepare refund vouchers, and forward for information and signature.—H.W., 20/3/77.

Mr. Collings informed. Vouchers (3) sent to Warden's Clerk. 22 March, 1877.

No. 45.

Mr. W. M'Pherson to The Under Secretary for Mines.

Sir,

Hill End, 17 March, 1877.

Application No.
1,224, 2 acres,
Hawkins Hill.

I have the honor to make application for a refund of the amount of deposit and survey fee paid by me on application noted in the margin, which has been refused.

I have, &c.,

W. M'PHERSON.

Application 1,224, Hill End—Refused 2nd March, 1877, £2 rent and £1 10s. survey fee appears to have been deposited; papers (77/1,621) with Chief Draftsman.—P.A., 20/3/77.

If survey was not made, the money deposited may be refunded. Send voucher for information and signature.—J.L., 21/3/77.

Mr. M'Pherson informed. Voucher to Warden's Clerk, 23 March, /77. Voucher for Treasurer.—16/4/77.

No. 46.

The Under Secretary for Mines to Mr. W. G. Collings.

Sir,

Department of Mines, Sydney, 22 March, 1877.

In reference to your letter dated the 13th instant, wherein application is made for the refund of the objectors' deposits against the granting of gold lease applications Nos, 1,223, 1,224, and 1,225,—I have the honor to inform you that the vouchers necessary to enable such refunds to be claimed have been forwarded to the Warden's Clerk at Hill End, for signature by all the persons interested therein, and that as soon as this has been obtained and the vouchers returned to this office, steps will be taken to secure payment by the Treasury.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

No. 47.

The Under Secretary for Mines to The Warden's Clerk, Hill End.

Memorandum.

Department of Mines, Sydney, 22 March, 1877.

THE Warden's Clerk will be pleased to insert in the accompanying voucher the particulars as to payment into the Treasury to obtain the signatures of all the parties entitled to the refund, and then return the voucher to this office.

B.C., 22 March, 1877.—H.W. Three vouchers sent to Treasury.—30/4/77.

Memo.—Mr. W. G. Collings was duly authorized to receive the amounts on the attached vouchers, as per papers enclosed; only two of the parties reside at Hill End, the others being now scattered all over the Colony.

WM. T. WESTON,
Warden's Clerk.

Hill End, 20/4/77.

No. 48.

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No. 48.

The Under Secretary for Mines to Mr. W. M'Pherson.

Sir,

Department of Mines, Sydney, 23 March, 1877.

In reference to your letter of the 17th instant, in which you apply for a refund of the deposit and survey fee lodged by you in respect of gold lease application No. 1,224,—I have the honor to inform you that a voucher upon which you can make a claim for such refund has been forwarded to the Warden's Clerk at Hill End, and I am to request you to be so good as to call upon that officer for the purpose of signing the voucher in question.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

No. 49.

Messrs. Helsby and Ackermann to The Minister for Mines.

THE undersigned Thomas Helsby and John Ackermann beg respectfully to submit the following report on the conduct of Mr. Warden Sharpe, Hill End, for consideration of the Honorable the Minister for Mines:—

On the 4th February, 1876, Thomas Helsby and John Ackermann made application for a gold-mining lease of 2 acres, being cancelled lease No. 1,741 in Gazette of 1st February, 1876. James Barrie, who represented himself as agent for the original proprietors of 1,741, applied for same ground on 18th February last, and lodged objections against the said applications of T. Helsby and J. Ackermann. On 22nd February, Ackermann and Helsby went to work on the ground and removed some quartz for the purpose of having them crushed. Barrie protested verbally against the removal of said quartz, and threatened to have an injunction placed upon them. On the night of the said 22nd February, Mr. Warden Sharpe went to the residence of Thomas Helsby, and threatened that if he (T.H.) would persist in removing the quartz that he (Warden) would issue a warrant and have him put in gaol, and on no account would he allow Helsby to crush the quartz. The Warden after frightening Helsby in the above manner, desired him to meet Barrie at Warden's Office on next morning, which Helsby promised to do, but on reflection sent Warden the enclosed note, marked A. On 23rd February, Warden called John Ackermann off the public street and demanded that he (J.A.) should go on oath. Ackermann protested against so arbitrary a proceeding, and said he had not been summoned nor received any notice to attend Warden's Court, but the Warden again demanded him to give evidence on oath, which demand Ackermann was obliged to comply with. Barrie had just given evidence on oath without Helsby or Ackermann being informed of such proceeding. A short time after the above proceedings the Warden issued the annexed injunction, marked B, and placed the Bailiff in charge of the quartz. About two hours after the Bailiff took possession of the quartz Helsby and Ackermann met Warden in company of Barrie, when Warden advised Helsby and Ackermann, that the best thing for them to do was to get the quartz crushed and place the gold to Warden's credit in the Bank; this Helsby and Ackermann, agreed to, and Warden then cancelled the injunction.

On the 24th February, Helsby and Ackermann were each served with summons (annexed, C) at the instance of George Alfred Russell, who represents himself as legal Manager of Johnson's Gold-mining Company, said Company being the proprietors of lease No. 1,741 before its cancellation. The summonses commanded them to appear at Warden's Court on 3rd March, which they did, and on the case being called the plaintiff Russell did not appear, James Barrie appeared to represent Russell, and produced a power of attorney which Helsby and Ackermann at once objected to as not empowering Barrie to go on oath as the representative of the plaintiff. However, on examining the said power of attorney it was found to have no date on. Barrie then applied for postponement of case to enable him to have power of attorney dated, which the Warden at once granted till the 6th of March. The case again came before the Warden on the 6th of March, and Barrie appeared to represent Russell and produced the same power of attorney he had on 3rd of March, only in the interval it was dated back to 7th February last. Helsby and Ackermann strongly protested against Barrie being allowed to appear for the plaintiff Russell, particularly as the power of attorney, which had no date on on the 3rd March, had been dated in the interim 7th February, 1876, but the Warden said he was determined to allow Mr. Barrie to represent the plaintiff, and then placed Barrie on oath to prove Russell's plaint against Helsby and Ackermann. The result was that the Warden found verdict for plaintiff, awarding him the gold, less expenses of carting and crushing, and also awarding expenses against the defendants, amounting to four pounds five shillings and sixpence (£4 5s. 6d.) Amongst the items of expense awarded to plaintiff is one guinea for Barrie's power of attorney, and 12s. 6d. for the injunction which was cancelled.

The Warden justified his decision under Regulation 210 of the Gold Fields Act of 1866, although according to said Regulation the quartz had to be registered, which they were not.

It is hardly necessary to add that Mr. Barrie is neither a barrister nor attorney, but follows the occupation of dealer and commission agent.

We may also add that Mr. Warden Sharpe is very intimate with Mr. Barrie, and is mostly to be found in that gentleman's company or at Barrie's office.

We feel that our action in removing the quartz, or doing any other labour on the ground which we properly applied for, is in accordance with Regulations 28 and 46 of Gold Leasing Regulations of 1874.

In conclusion, we humbly and respectfully beg that the Hon. Minister for Mines will give this report his serious consideration, and for the sake of justice cause an inquiry into the above facts, which we are prepared to substantiate on our solemn oaths.

We have, &c.,

THOMAS HELSBY.
JOHN ACKERMANN.

Hill End, 13th March, 1876.

[Enclosure

[Enclosure A to No. 49.]

Exhibit A.

Messrs. Helsby and Ackermann to The Warden of Hill End.

Sir,

I apologize for not attending your office at 10 o'clock to-day, as I promised. On thinking over the matter and being called out of my bed, I must have been half asleep to have given you the information I did; but I trust you will keep it in confidence; but every word of it is true. I will bring proof in due time by the parties who rose the quartz over six years ago; and as regards to your threats of issuing a warrant and placing me in gaol, I am determined to let the law take its course; I trust I shall be tried by an impartial Justice. You will find me at Mr. Byer's machine, but I am home every evening, so you will have no difficulty in finding me.

Hill End, 23 February, 1876.

I remain, &c.,

THOMAS HELSBY.
JOHN ACKERMANN.

[Enclosure B to No. 49.]

Exhibit B.

Mr. Warden Sharpe, to Mr. John Ackerman.

Warden's Court, Hill End.

UPON hearing James Barrie, Agent for Johnson's Gold-mining Company, and a shareholder in the said Company, I, Ernest A. L. Sharpe, a Warden of the Tambaroora and Turon Mining District, do hereby order and enjoin you, John Ackermann, Michael Ackermann, and Thomas Helsby, all gold-miners, and residents of Hill End, or any person or persons authorized by you on that behalf, from interfering with or removing from the spot where it now lies a certain heap of quartz or stone removed by you from the lease known as number 1,741, situate on Hawkins Hill, on the 22nd day of February instant, and which is claimed by the said James Barrie as the property of the said Johnson's Gold-mining Company. This injunction will remain in force for a period of seven days from this date, inclusive of this day on which it is made.

Given under my hand, this 23rd day of February, 1876,—

ERNEST A. L. SHARPE,
Warden.

[Enclosure C to No. 49.]

Exhibit C.

Mining Act, 1874—Sixth Schedule—Warden's Court—Summons.

To John Ackermann and Thomas Helsby, of Hill End.

You are hereby summoned to appear before me or some other Warden, at the Court House, Hill End, on the third day of March, next, at 10 o'clock in the forenoon of the same day precisely, to answer the complaint of George Alfred Russell, Manager of Johnson's Gold-mining Company (Limited), by which complaint he seeks to recover from you the sum of £100 sterling, the estimated value of 7 tons of quartz the property of the said Company.

If you desire the said complaint to be heard before assessors you are entitled to have it so heard.

You may have a summons to compel the attendance of any witness, or for the production of any books or documents, on applying at my office.

Bring this summons with you when you come to my office.

Given under my hand, this 24th day of February, 1876,—

ERNEST A. L. SHARPE,
Warden.

No. 50.

Mr. Warden Sharpe to The Under Secretary for Mines.

THE facts of this case are as follows:—Gold-mining lease No. 1,741 was the property of the Company known as "Johnson's Gold-mining Company," and was cancelled on the 1st day of February last. On the 4th of that month it was applied for by Messrs. Helsby and Ackermann (No. of application, 1,223); on the 5th by W. M'Pherson (No. 1,224), and by Michael Ackermann (No. 1,225); and on the 18th by Thomas Paten and others. On the 16th February objections were lodged against application No. 1,223 by Messrs. Barrie and others, also by William M'Pherson; objections were also lodged against the other applications. On the 22nd of the same month, about dusk, Mr. Barrie came to my house, and informed me that he wished to apply for an injunction to prevent Messrs. Ackermann and Helsby from removing a heap of quartz, supposed to be valuable, from cancelled lease No. 1,741, and claimed by him as agent for the Johnson's Gold-mining Company, as their property. Mr. Barrie applied as a shareholder in the said Company, under the 88th section of the "Mining Act of 1874," because Messrs. Ackermann and Helsby were removing the stone from the lease in question as fast as possible and taking it to the Battery, although they had been remonstrated with by Barrie. I told him to apply for the injunction next morning, and that I would see Mr. Helsby and hear what he had to say—what claim he made to the quartz. I saw Mr. Helsby at his house, in order to save him trouble and expense. I asked him what claim he had to the stone. He said the lease was cancelled, and as he and Ackermann had applied for it they had a right to the stone on it, and that they meant to keep it, and would resist me if an injunction was granted—this was said in an offensive defiant way. I then said, "If you resist the injunction (or the law), if it is granted, you will go into gaol," or something to that effect. I then said, "You had better come to the Court in the morning and see Mr. Barrie, and perhaps the matter may be arranged." He said he would come down, but did not (I never desired Mr. Helsby to come down, as he alleges). I received a letter from (the letter herewith marked A) Mr. Helsby in the morning. I did not understand what it meant, as it was couched in very mysterious terms, and I was quite unconscious of having frightened Mr. Helsby. I merely pointed out to him what would be the consequence if he and his partner set all law and order at defiance, as he avowed an intention of doing if he and his partner were not allowed to do as they pleased. On the 23rd February Mr. Barrie made application for an injunction. The Bailiff called my attention to the fact that Mr. John Ackermann was standing outside the Court House—I believe at the door. Under the circumstances I judged it expedient to call him in and allow him to give any reason he might have against the granting of the injunction. He was called, and I explained to him what the application was, and said he had better give any evidence he could against the application. He did so—there was no compulsion used. As the application for the injunction was made under the 88th section of the Mining Act, there was no necessity for giving Messrs. Ackermann and Helsby formal notice—this I explained to them. I granted the injunction, as I considered Mr. Barrie brought sufficient evidence to support it. The Bailiff was put in charge of the stone that was left. Messrs. Ackermann had removed a considerable portion of

of it to the machine. I then, for the purpose of securing the property, suggested that all the stone should be crushed and the gold placed to my public account in the Bank, to abide the result of the trial. It was then agreed between Messrs. Ackermann and Helsby and Mr. Barrie (amongst other things) that each party should pay half the expense of carrying the stone to the engine. I said I would draw up the agreement for them, and Messrs. Ackermann and Helsby said they would come and sign the agreement in the morning, at my office. I then relieved the Bailiff of his charge. Messrs. Ackermann and Helsby never made their appearance at the time appointed (10 o'clock) a.m., but Mr. Helsby came in about 12 o'clock, and said his partner had gone to Mudgee. In accordance with the Act 24 Vic., No. 21, section 3, Messrs. Helsby and Ackermann were sued in the name of the legal Manager of the Company, Mr. G. A. Russell, who appeared by his agent, Mr. Barrie. I should not have allowed the last-mentioned gentleman to appear, but there is no attorney here, and I could not see the use of forcing Mr. Russell to come here merely to appear in Court, and enlarge the expense, for he knew nothing about the case. Mr. Barrie produced a power of attorney, the usual document used where a party appears by agent, authorizing him to appear on Mr. Russell's behalf; it was not dated, but was duly executed. The case was adjourned to have the date, and the costs of the adjournment paid by the Company, and handed to Messrs. Ackermann and Helsby. The document was sent to Sydney, and the date supplied. On hearing the evidence I found a verdict for the plaintiffs, as the only claim the defendants had was that the lease was cancelled, and they had applied for it. By the 210th Regulation of 1872, under which lease No. 1,741 was taken up, the forfeiture of a lease (claim and lease are the same under these Regulations) did not include the produce raised, provided the quartz was stacked. I see nothing in the section to compel the holders to register the quartz. The Regulation says, "The Mining Registrar shall, upon application made to him, register the same." I can find nothing in the present Act to affect this privilege, or give Messrs. Ackermann and Helsby any right to quartz already raised by the previous owners of a cancelled lease or their property. It appeared from the evidence that Mr. John Ackermann was one of the original holders of the claim, which was sold to the Johnson Gold-mining Company, and then converted into a lease. This very stack of quartz (about which the action was) was specially mentioned in the transfer of the claim to the Johnson Gold-mining Company, and Mr. John Ackermann received a large sum for his share,—£1,000 was, I believe, the amount. I am not aware that the costs in this case were excessive, but Messrs. Ackermann and Helsby have given the items incorrectly, although I myself gave the former a correct schedule, which he said he wanted for his mate Helsby. After the verdict Messrs. Ackermann and Helsby gave notice of appeal, which, however, they withdrew the same day. I may add, that they have always been treated by me with the greatest courtesy and kindness, except when they were impertinent, and I did not choose to put up with that. I suppose this is the wrong they have suffered. With regard to the statement that I am very intimate with Mr. Barrie, and am mostly to be found in that gentleman's company, or at his office, it is simply an untruth, without the slightest foundation. I am no more intimate with Mr. Barrie than I am with Messrs. Ackermann and Helsby, and know no more about him, and I do not think I have been a dozen times in his office in my life, and the only communications I have ever had with him have been on business totally unconnected with Messrs. Ackermann and Helsby. I give below a schedule of the costs allowed, and will forward the evidence for the perusal of the Honorable the Secretary for Mines, if he should wish to see it.

ERNEST SHARPE,

Warden.

Hill End, B.C., 23 March, 1876.

	£	s.	d.
3 copies of injunction, at 6d. each	0	1	6
2 copies of summons	0	1	0
Levy	0	5	0
Possession	0	6	0
3 witnesses, per diem 10s.	1	10	0
1 at 21s.	1	1	0
Affidavit	1	1	0
	£4	5	6

No. 51.

Messrs. Helsby and Ackermann to The Minister for Mines.

Sir,

Hill End, 3 June, 1876.

As we have had no official information as to what action (if any) has been taken by the Department of Mines on the charges against Mr. Warden Sharpe, of Hill End, in our report of the 13th of last March, but having heard through Mr. Michael Ackermann that Mr. Sharpe had written a reply to our charges against him, denying nearly all of said charges,—we therefore humbly pray the Hon. Minister for Mines to institute an inquiry into the said charges, which we are prepared to substantiate on our solemn oaths.

From what we have heard through Mr. Michael Ackermann of Mr. Sharpe's reply to our charges, we have no hesitation in characterizing such reply as a tissue of falsehoods, which we are prepared to prove by overwhelming evidence on proper inquiry being instituted.

We also beg an inquiry for the sake of the impartial administration of justice, which is dear to the hearts of all British subjects, and which has been outraged in our case by Mr. Warden Sharpe.

A reply to the above prayerful requests, informing us whether an inquiry will be instituted, would much oblige—

Your humble and obedient servants,
THOMAS HELSBY.
JOHN ACKERMANN.

Submitted: Send copy of the Warden's reply, and request them to state definitely in what particulars it is untrue.—J.L., 7/6/76.

Messrs. Helsby and Ackermann, with copy.—9 June, /76.

No. 52.

No. 52.

The Under Secretary for Mines to Messrs. Helsby and Ackermann.

Gentlemen,

Department of Mines, Sydney, 9 June, 1876.

In reference to your letter of the 3rd instant, inquiring what action has been taken in respect of the charge made by you against Mr. Warden Sharpe, I am directed by the Secretary for Mines to forward herewith a copy of the reply sent in by that officer in connection with the complaint made by you, and I am to request you to be good enough to state definitely in what particulars it is untrue.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

No. 53.

Messrs. Helsby and Ackermann to The Minister for Mines.

Sir,

Hill End, 12 June, 1876.

We have received your communication of 10th instant, together with copy of Mr. Warden Sharpe's reply to our charges against him. We have perused said reply carefully, and have not the slightest hesitation in pronouncing it untrue. The little of truth it contains is so mixed up with that which is false that it would be impossible for us to separate the one from the other. We therefore implore an inquiry, when we shall prove by sworn testimony the falseness of Mr. Sharpe's reply, and the truthfulness of our charges against him.

We have, &c.,

THOMAS HELSBY.
JOHN ACKERMANN.

Submitted.—H.W., 13/6/76. If they will make specific charges such as will justify punishment, if substantiated, an inquiry shall be made into them.—J.L.; 14/6/76. The writers informed accordingly.—16/6/76.

No. 54.

The Under Secretary for Mines to Messrs. Helsby and Ackermann.

Gentlemen,

Department of Mines, Sydney, 16 June, 1876.

In reference to your letter of the 12th instant, requesting that an inquiry may be made into the matter of your complaint against the Warden at Hill End, I am directed by the Secretary for Mines to inform you, that if you will make specific charges such as will justify punishment if they shall be substantiated, an inquiry shall be held into them.

I have, &c.,

HARRIE WOOD,
Under Secretary for Mines.

No. 55.

Messrs. Helsby and Ackermann to The Minister for Mines.

Sir,

Hill End, 19 June, 1876.

In reply to your communication of the 16th instant, we herein distinctly specify our charges against Mr. Warden Sharpe, Hill End:—

- 1st. That on the night of the 22nd of last February Mr. Sharpe overstepped his duty on going to the residence of Thomas Helsby and threatening him that if he persisted in removing the quartz, he, Warden Sharpe, would issue a warrant and have him put in gaol.
- 2nd. That on the 23rd of last February, Mr. Sharpe had John Ackermann called from the public street and commanded him to go upon oath. Ackermann protested, stating that he had not been summoned nor subpoenaed to attend Warden's Court, and objected to be compelled to give evidence in such an arbitrary way. Warden then demanded that Ackermann should be sworn, which demand he was obliged to comply with.
- 3rd. That on the last-named date the Warden issued an injunction and placed the Bailiff in charge of quartz, the property of Helsby and Ackermann, without any previous notice as required by the Regulations, and on the mere application of a Mr. Barrie, who represented himself as agent for Johnson's Gold-mining Company, which Company owned lease 1,741 previous to its cancellation. Barrie failed to show any authority of his appointment as agent, and was not registered as required by the Regulations, and had not at this date the power of attorney he subsequently produced.
- 4th. That on the 3rd of last March, T. Helsby and J. Ackermann appeared at Warden's Court, on the summonses of George Alfred Russell, of Sydney, who represented himself as legal Manager of Johnson's G. M. Co., but the plaintiff Russell did not appear. This Mr. Barrie appeared and produced a power of attorney from Russell, but on its being examined it was found to have no date on. The Warden then advised Barrie to ask for a postponement, which advice Barrie availed himself of, and obtained a postponement of the case till the 6th March. On the 6th March when the case was called Mr. Russell failed to appear, but Mr. Barrie appeared as his representative, and produced the same power of attorney he had on the 3rd March, without a date, and which was dated in the interim back to the 7th February. Helsby and Ackermann strongly protested against Barrie being allowed to go upon oath on this informal power of attorney, and applied for a dismissal of the case, on the grounds that there was no plaintiff and that it was illegal for Barrie to go upon oath on the mere power of attorney. The Warden overruled these objections, and had Barrie sworn as the representative of Russell, and gave a verdict to Barrie for the produce of the quartz, at the same time awarding expenses against Helsby and Ackermann to the amount of £4 5s. 6d. In every previous case before Mr. Warden Sharpe he refused to allow an agent or representative to go on oath on a power of attorney, distinctly stating that it was illegal to do so. Amongst the items of expenses is one guinea awarded to Barrie for the power of attorney.

As

As we have suffered greatly, both pecuniarily and mentally, through what we consider the illegal and partial adjudication of Mr. Warden Sharpe, and as we are prepared to substantiate the above charges on our solemn oaths, we hope an inquiry will be held in order to satisfy the mining community that an injustice shall not pass with impunity.

We have, &c.,

THOMAS HELSBY.
JOHN ACKERMANN.

The papers may be referred to Mr. Warden Browne, with a request that he will proceed to Hill End and inquire into the matter of complaint, and report thereon at his earliest convenience. He will be good enough to notify all the parties interested that he will hold the inquiry, and on what date.—J.L., 26/7/76. Mr. Warden Browne, B.C., 27 July, /76.—H.W.

No. 56.

Mr. Warden Browne to The Under Secretary for Mines.

Sir,

Warden's Office, Gulgong, 3 August, 1876.

I have the honor to acknowledge the receipt of B.C. of date 26th ultimo, with enclosures, referring to a complaint made by Messrs. Helsby and Ackermann, of Hill End, against Mr. Warden Sharpe, and to state that I have advised both parties, by telegraph, that I shall be prepared to hold an inquiry therein, at Hill End, upon 7th instant.

I have, &c.,

T. A. BROWNE.

Seen.—J.L., 8/8/76.

No. 57.

Mr. Warden Browne to The Minister for Mines.

Sir,

Warden's Office, Gulgong, 22 August, 1876.

I have the honor to state that, in accordance with instructions, of date 26th ultimo, I proceeded to Hill End upon 7th instant, and on that day held an inquiry into the matter of the complaint made by Mr. T. Helsby and Mr. John Ackermann against Mr. Warden Sharpe, as contained in their letter, of date 19th June, to the Minister for Mines.

I beg to forward herewith notes of the evidence taken during the inquiry, as also my report thereon.

With reference to the first charge in the joint letter of Messrs. Helsby and Ackermann, of date 19th June, viz., "that on the night of 22nd February Mr. Warden Sharpe over-stepped his duty in going to the residence of Thomas Helsby, and threatening him that if he persisted in removing the quartz, that he (Warden Sharpe) would issue a warrant and have him put in gaol," I see no reason to doubt Mr. Sharpe's distinct denial that he had any other intention in seeing Mr. Helsby at his own house but the friendly and rational one of giving him notice of the application for an injunction made that evening by Mr. Barrie, the hearing of which was fixed for the following morning. As Mr. Barrie had made application that evening at dusk, representing the case as one of extraordinary urgency, in the terms of the section quoted, and as the case was fixed for hearing before the Warden's Court on the following morning, there was no other means, obviously, of arranging that Mr. Helsby should receive notice but through the Bailiff, a chance messenger, or a verbal communication from the Warden. Being past office hours, Mr. Warden Sharpe appears to have chosen the latter course, probably solicitous of being assured that the parties concerned should be both present at Court on the following morning. With reference to the asserted threat and mention of imprisonment, if Mr. Helsby, as stated by Mr. Sharpe, declared his intention of retaining possession of the auriferous quartz in dispute, in defiance of an injunction, Mr. Warden Sharpe was justified, in my opinion, in referring to the section quoted, and warning him of the penalty he was liable to incur.

37 Vic. No. 18,
sec. 88.

See second page
of Mr. Sharpe's
letter of explana-
tion, March 23,
1876.
37 Vic. No. 18,
sec. 129.

From the wording of the second charge, it would appear that Mr. Ackermann and his partner felt aggrieved that Mr. John Ackermann should have been "called from the public street and commanded to go up on oath," by Mr. Sharpe. I fail to see why Mr. John Ackermann should have felt unwilling to give evidence in his own behalf, or why he should have sheltered himself behind the small technical objection that he had not received a summons or subpoena. Any evidence which he could give would naturally be in his own favour. He was not compelled by law to obey the person, though an officer of the Court, who requested his attendance; but once there, he was merely, if compelled to give evidence, in the same position as a person in a Police Court present at a trial—"wherein he might have been compellable to give evidence and to produce documents by virtue of a subpoena, &c."

27 Vic. No. 7,
sec. 5.

Mr. Warden Sharpe alleges that no sort of compulsion was used, in which he is supported by the evidence of Mr. Stokes, Bailiff, who states that he was in Court, and that he does not think that there was any compulsion used to cause Mr. Ackermann to give evidence.

The third charge sets forth that on the date last mentioned (23rd February) "the Warden issued an injunction, and placed the Bailiff in charge of quartz, the property of Helsby and Ackermann, without any previous notice, as required by the Regulations, on the mere application of a Mr. Barrie, who represented himself as agent for the Johnson's G. M. Co."

By the section quoted, no notice required—"The Warden's Court may, upon the application of any such person as last aforesaid (i.e., claiming to be legally or equitably interested in any land, claim, &c.), who shall satisfy the Court that the case is one of extraordinary urgency, without any such notice as aforesaid, grant such injunction as last aforesaid, but to be in force for a period of seven days only."

37 Vic. No. 13,
sec. 88.

Mr. Barrie claimed to be legally and equitably interested, both by a power of attorney duly signed, though not dated, and by the ownership of 200 scrip in the Johnson G. M. Co. A Warden's Court was held upon the 23rd February, before which Mr. Barrie and Mr. J. Ackermann gave evidence upon oath; after hearing which the Court did, "under the Warden's hand, grant an injunction, to be in force for a period of seven days only." Mr. Warden Sharpe does not appear to have in any way exceeded his powers under the "Mining Act of 1874," either in granting the injunction or in placing the Bailiff in charge of the auriferous quartz which complainants were at that time proceeding to crush.

See evidence of
Mr. Barrie, 23rd
February.

Mr.

Mr. John Ackermann, in his evidence taken before me (pages 3 and 4), asserts that he did not agree to lodge the gold extracted from the quartz to the Warden's credit at the Bank; but apparently he and his partner were not actively opposed to this as an interim proceeding, for in the second page of the letter of 13th March, occurs—"the Warden advised Helsby and Ackermann that the best thing for them to do was to get the quartz crushed, and place the gold to Warden's credit in the Bank. This Helsby and Ackermann agreed to, and the Warden then cancelled the injunction." I can state from experience that where the matter in dispute comprises stone or earth of an auriferous nature, in process of extraction, such a course as the one suggested by Mr. Warden Sharpe is generally adopted.

Charge No. 4 impugns the decision given by the Warden sitting in the Warden's Court; and having heard the case on summons (B No. 2), as provided by the Mining Act of 1874, after taking the evidence upon both sides (notes of which are subjoined), Mr. Warden Sharpe gave a decision in favour of the complainant, and by a written order directed the proceeds of the crushed quartz to be handed over to him. Costs to the amount of £4 5s. 6d. to be paid by the defendants, Helsby and Ackermann.

7 Vic. No. 13,
sec. 106.

If Messrs. Helsby and Ackermann were dissatisfied with the decision of the Warden's Court, power was granted to them in the Act to appeal to the next ensuing District Court sitting as a Court of Appeal. They did not choose to avail themselves of the alternative, for the reason given, or others, and it does not appear to me to come within the limits of the inquiry that I should review Mr. Warden Sharpe's decision. It seems to me to have been arrived at in accordance with the provisions of the Act of 1874, and only through the course provided by such Act could it have been set aside. Mr. Sharpe has (in page 5) given the reason and authority for his decision, see letter of March 23rd, 1876.

After a careful perusal of the evidence I am unable to perceive that one of the charges contained in the letter of 19 June, 1876, signed Thomas Helsby and John Ackermann, has been proved. The complainants appear to have been much dissatisfied with the ruling of Mr. Warden Sharpe, and to have attributed to partiality his acts, manner, and whole proceeding in the case.

Mr. Sharpe has distinctly denied any feeling or expression of hostility, and appears merely to have spoken with that decision necessary to maintain the dignity of his responsible office. The complainants were in error in considering that the law required that they should have notice in an application for an injunction under the 88th section; nor does Mr. Helsby appear to have appreciated Mr. Warden Sharpe's desire to afford him timely notice and the opportunity of objecting to the injunction.

Mr. Sharpe denies positively the use of the expressions attributed to him in Court by Mr. Michael Ackermann, which indeed are scarcely intelligible or credible. The Bailiff has no recollection of such words having been used by Mr. Sharpe, though he was in Court. He does not profess, however, to have distinct recollection of matters at the time referred to.

37 Vic. No. 13,
sec. 106.

In conclusion, I must beg to re-assert my opinion that the proper course of the complainants under the circumstances would have been to appeal, and that failing resource, a formal and grave charge, imputing misconduct to the Warden, as contained in the letter of 19th June, goes rather to prove vindictive feeling than a desire to procure justice.

I have, &c.,

T. A. BROWNE.

Inform Messrs. Helsby and Ackermann that the inquiry asked for has been held, and that Mr. Warden Browne reports that they failed to substantiate the charges made.—J.L., 25/8/76. Informed, 28 August, 1876.

[Enclosure A to No. 57.]

Notes of Evidence taken at Inquiry.

Court House, Hill End, 7 August, 1876.

INQUIRY held by Mr. Warden Browne into the matter of a complaint made to the Minister for Mines against Mr. Warden Sharpe, by Messrs. Helsby and Ackermann, of Hill End.

By request of both parties, the letters of complaint were read by Mr. Warden Browne.

John Ackermann states:—On the 4th February I made application for a gold-mining lease of 2 acres, formerly lease No. 1,741, which had been proclaimed as cancelled in Government Gazette of the 1st February, 1876; certain objections were lodged by Mr. Barrie and others to the application; on the 22nd February Mr. Helsby and I went to work on the ground, and we removed certain quartz that had been laying there for over six years; the quartz was removed for the purpose of crushing; this quartz had been raised by myself and others some two years before the lease in question, from which it had been obtained, was floated into a Company; no one protested against our moving the quartz until we had it all to the top of the hill, and some to the engine; the first thing I knew of the matter was when I was called into Court from the street, by, I believe, Mr. Warden Sharpe's authority, either by a constable or the Bailiff, but I could not say by which; when I came into Court I did not hear Mr. Barrie apply for an injunction; Mr. Barrie's evidence was read over to me by order of Mr. Warden Sharpe; I then knew he was applying for an injunction; this was on the 23rd, the day after we had removed the quartz; Mr. Warden Sharpe asked me to state what I knew about the quartz; I objected to do so, as I had not been summoned or subpoenaed to do so; Mr. Sharpe demanded that I should do so, and I did then state what I knew; when I left the Court Mr. Sharpe asked me if I would call at his office about 1 p.m. as he wished to see me; this was after the hearing of the application for the injunction, but before the injunction had been granted I came down and Mr. Sharpe told me the best thing I could do would be to leave the quartz where it was and to sue Mr. Barrie; I then said that "I should do no such thing, that I should crush the quartz"; Mr. Sharpe then told me that he would grant the injunction to Mr. Barrie; I then went down to where the quartz had been stacked, and Mr. Helsby and I started to remove the quartz about half-past 3 or quarter to 4; the Bailiff came down to where we were at work and handed us each an injunction; he read his orders to us, and of course we had to stop; Mr. Helsby and I then came up to the town; we met Mr. Barrie and Mr. Sharpe in the street; Mr. Sharpe then told us we had better arrange and get an agreement drawn out, and get the quartz crushed and the gold placed to his credit; we were not agreeable to this, and we wanted Mr. Barrie to pay half of the whole expenses of carting, crushing, &c., and this Mr. Barrie declined to do; he was willing to pay half of the crushing and carting, but not the packing to the top of the hill, but this offer we refused until the case should be settled; Mr. Helsby left, then Mr. Sharpe, Mr. Barrie, and I went round to Mr. Barrie's office; Mr. Sharpe advised us not to consider the expenses, as they would not be much, and that we would get it back if the case was decided against us; I then said I was agreeable if Mr. Helsby was; we did not agree to this, but eventually the Bailiff was removed and we had the quartz crushed, the gold being left with the Manager of the crushing engine; Mr. Beyers, the proprietor of the engine, had retained the gold, as we refused to pay for the crushing in consequence of Mr. Barrie objecting to pay part; I believe eventually the gold was placed in the Bank to Mr. Sharpe's credit, with a mortgage on it of £6, amount due for crushing; some days afterwards we received a summons to appear before the Warden on the 3rd March, to answer complaint of Mr. G. A. Russell; Mr. Helsby and I appeared on the 3rd March, and Mr. Barrie appeared to represent Mr. G. A. Russell, the complainant, by power of attorney; I then protested against Mr. Barrie appearing by power of attorney for the complainant, and on examining the power of attorney it was found to have no date on; Mr. Sharpe then advised him to ask for a postponement of the case until the 6th of March, so that the power of attorney might be dated; Mr. Helsby and I then appeared on the 6th of March, and Mr. Barrie then produced the same power of attorney, which was then dated back to the 7th February, 1876; I then again protested against Mr. Barrie appearing on such an informal power of attorney,

attorney, or appearing in any way for the complainant; Mr. Sharpe then said that he had discretionary power, and that he would allow Mr. Barrie to appear, and then had Mr. Barrie sworn to prove complainant's case; at the conclusion of the case a verdict was given for Mr. Barrie for complainant for the amount of the gold, awarding Mr. Barrie expenses, £4 5s. 6d., including £1 ls. for the power of attorney, on which he appeared as representative of complainant, G. A. Russell. Mr. Sharpe held the power of attorney up and asked Mr. Barrie what it was worth; Mr. Barrie said he thought about £5 5s.—eventually £1 ls. was allowed.

By Mr. Sharpe: These charges were brought only by myself and Mr. Helsby—no one instigated us; the ground was pegged by others about the same time as we had; we thought we had a claim on the quartz under Regulation 46 of the Gold Mining Act of 1874; I will not state if the stack of quartz in question was mentioned or not in the agreement when the claim of which it formed a part was sold to a Company by the shareholders, of which I was one.

By Mr. Browne: I cannot state positively whether the quartz was or was not mentioned in the agreement.

By Mr. Sharpe: When I was called into Court in the first instance you forced me to be sworn to give evidence, by saying "I demand you to give evidence"; I then thought I must do so; I objected to give evidence, as I had not been called there in the proper manner; I was not prepared, as I had not had due notification; you told me that the best thing I could do to save the injunction if I claimed the quartz was to sue Mr. Barrie; I do not recollect Mr. Sharpe saying that it would be more in accordance with law if I claimed the quartz to leave it there and to sue Mr. Barrie.

We make the charge of your being with Mr. Barrie, as several times when we wanted you we found you with Mr. Barrie; we make the charge of your allowing Mr. Barrie to appear on power of attorney, as on several instances on trivial cases you had refused to allow people to appear on a power of attorney; we did not appeal against your decision, as we were too late to do so at the next Appeal Court, and we could not wait until September, as we might by that time have left the district.

Taken before me, at the Court House, Hill End,—
this Monday, the 7th August, 1876.
T. A. BROWN, Warden.

JOHN ACKERMANN.

*Thomas Helsby states:—*On the 1st February last I was on the lease known as Johnson's Gold-mining Company's lease; I pegged it out and applied for it; subsequently, on the 22nd February, I took possession of certain quartz on this lease, and on the same evening, between 8 and 9, Mr. Sharpe called at my house; I said "What has brought you up here, Mr. Sharpe?" he said "Mr. Barrie had sent him up to see me about certain quartz," and I said "Yes, we have been pucking up some quartz to-day"; he said "What are you going to do with the quartz?" "To get it crushed," I replied; he said "Take my advice and do not touch them—if you do I shall issue a warrant and place you in gaol"; I said "The lease was cancelled on the 1st of February, and I had taken it up under the 46th clause, which gives me power to take up the claim and take possession of it as it stands"; he said "The quartz belonged to Mr. Barrie—that he rose it for the Company; and I said "If he says so he is a liar"; Mr. Sharpe then said "Do you call Mr. Barrie a liar?" and I said "I do so, as that quartz was raised by my mate and some of the working men in the district, and that over six years ago, long before they ever thought of putting it in a Company"; Mr. Sharpe stated that "Mr. Barrie had told him that he rose the quartz for the Company, and that I had better meet Mr. Barrie at the Warden's office at 10 o'clock to-morrow"; this was said in presence of my wife; I reflected on the matter, and sent to Mr. Sharpe the letter marked A, and did not attend the Warden's office; the next morning Michael Ackermann, John Ackermann, and myself went to the quartz we had removed on Hawkins Hill, as we could not cart it until about 2 o'clock in the afternoon, and we came into town about 12; we were passing the Court House, Michael Ackermann was walking along on the opposite side of the street, when he was called by the Bailiff into Court; John Ackermann and I remained to see what was wanted, not at that time aware that Mr. Barrie had had a hearing in this matter; when we got to the window we heard Mr. Sharpe say to Mr. Michael Ackermann, "If you do not mind you will not go away from here; you are here, and you must remain here"; Michael Ackermann said, "That might please some persons"; the Warden then said, "Mr. Ackermann, if you will give evidence on this case, and bide my decision, I will do all I can to get you the ground, but if you do not, I shall report all I can against you or it"; this was said in open Court; John Ackermann, my mate, who was with me, stepped into the Court, and said, "Your Worship, my father has nothing to do with this case—it was myself and Helsby"; John Ackermann then came out of the Court; he was then directly called in again by Constable Gallagher, and I said, to him, "Go in"; the Warden commanded John Ackermann to give evidence on oath; this John Ackermann declined to do, and said he objected to give any evidence on such arbitrary proceedings; the Warden again commanded that he should give evidence, and John Ackermann then said, "Your Worship, I always thought that anything coming before a Warden's Court must come through summons, which I can swear I have had no notice to appear, which I must have two days"; Mr. Sharpe again commanded him to go on oath and give evidence; John Ackermann was then sworn, and I went home to dinner; between 3 and 4 in the afternoon the Bailiff came and took possession of the quartz on Hawkins Hill, and handed me a copy of an injunction granted by Mr. Warden Sharpe on application of Mr. Barrie, as agent for the "Johnson's Gold-mining Company"; John Ackermann and I then came into town to see the Warden; we saw the Warden with Mr. Barrie in Clarke-street; I said to John Ackermann, "You keep your eye on the Warden, while I look in the office"; I wanted to look in the office to see if Mr. Barrie was registered as the agent of "Johnson's Gold-mining Company," and as we wished to see the Warden, we did not want to lose sight of him; on inquiry at the office I ascertained that at that time Mr. Barrie had never been registered as agent of "Johnson's Gold-mining Company"; we then went up to Mr. Sharpe and Mr. Barrie; I said to the former, "What about this injunction, Mr. Sharpe?" he replied, "Well, Mr. Helsby, I think you had better crush the quartz, and place the gold to my public account in the Bank"; I said, "I'm quite agreeable, but what about the expenses?" Mr. Barrie then said, "You must pay them, of course"; I said, "I shall stick to the gold then"; the Warden then said, "Mr. Barrie, the expenses I think ought to be paid out of the gold, as if you crushed them yourself you would have to pay them, so that it does not make the slightest difference to you"; I said, "I was willing to that, that I would lose my time"; I finally agreed to crush the quartz, and place the gold to the Warden's public account in the Bank; when I agreed to this I said, "Mr. Barrie, will you produce your authority as agent?"; Mr. Sharpe said, "That is all right, Mr. Helsby, he has taken affidavit to that effect"; and I said, "If he has done so, he has taken a false affidavit"; Mr. Barrie said, "Will you go to my office, and I will show you"; I left Mr. Ackermann, and went with Mr. Barrie to his office; he showed me a paper, but not relating to his agency; he then produced a £200 scrip, he said "Will that satisfy you?" "Yes" I said, "as far as having 200 scrip in the Company"; I said afterwards, "Though it gives you 200 scrip in the Company, it does not make you an agent"; Mr. Sharpe came in at this time, and Mr. Barrie applied to Mr. Sharpe to know, "Did that £200 scrip entitle him to act as agent in applying for an injunction"; the Warden said, "It did"; I said, "Well then if it does I am satisfied"; I stated then that the cart was coming with the quartz to take to the Police Office; I then turned the cart and took the quartz to the mill; Mr. Sharpe then came down and relieved the Bailiff of his duty; John Ackermann told me they had altered the agreement; I said, "I was not willing to lose anything but my time, that the expenses were to be paid out of the proceeds"; Mr. Sharpe then volunteered to draw up the agreement between the two parties; the next morning at 10 a.m. we were to call at the Warden's office to sign this agreement; I came the next morning to the office; I saw Mr. Sharpe in Mr. Barrie's office apparently writing, as I passed; I left word at the Court House with the Warden's clerk to tell Mr. Sharpe that my mate had gone to Mudgee for legal advice, and that I could not sign the agreement until he returned; it was 10:20 a.m. on the 24th instant when I left this message for the Warden; about 12 o'clock I got a message from John Ackermann to deposit the gold to the Warden's public account; I then called to see the Warden at his office; Mr. Warden Sharpe said, "Mr. Helsby you are no gentleman," and that I was very mean not to come according to promise at 10 o'clock, "and that my word was not fit to be took"; I informed Mr. Sharpe that I had been there at 20 minutes past 10, and that I had left word for him with the Warden's clerk; just at this time Mr. Barrie came in, and I told Mr. Sharpe that I would deposit the gold to his public account, or in his hand on receipt; Mr. Barrie said, "Yes, and you will get some gold if you leave it in the hands of Mr. Helsby"; I said "Well, if you doubt it, we will finish about 11 o'clock to-night, and you can come and see for yourself"; no one did come; the gold was detained by the engineer on the authority of the proprietor; the gold from the quartz in question was washed up and retorted by others in our presence; it never passed through our hands at all; in coming home that night we saw Mr. Sharpe about 11, and I handed to him the receipt (*Exhibit A 2*); Mr. Sharpe read it and gave it to me back, saying, "That was not the gold as he had authorized me to bring," and that he should not take that paper; he also said, "I had taken the law into my own hands, and that I must put up with the consequence of it"; I said, "Did you not authorize Mr. Beyers to stop it?" he said, "No"; I called on Mr. Beyers in the morning and asked him if Mr. Sharpe had authorized him to detain that gold; he said, "Yes"; I left the gold in the hands of the engineer, and did not see it any more, and I do not know what ultimately became of the gold.

By

By Mr. Browne: I did not say I would resist the injunction; I subsequently received a summons to appear before the Warden on the 3rd March; we appeared on that date to answer complaint of G. A. Russell; there was no appearance of complainant; Mr. Barrie was there, he produced a power of attorney; we objected to Mr. Barrie being heard on the power of attorney; the Warden said, he had discretionary power, and that he should use it; we asked the Warden when that power of attorney was dated, and on looking it over he stated that it had no date on; he then handed it over to Mr. Barrie, who stated it was no fault of his, and passed it back to the Warden; I said to the Warden, "How long do you think that has been wrote?" "But a few days," the Warden replied; I said, "Do you think it was written before the summonses were issued?" he replied, "I could not say, but I can see that it has been recently written"; the Warden then said to Mr. Barrie, "You had better apply for postponement of the case so that the power of attorney may be dated, for without a date it is useless, without the opposite party is willing for the case to go on"; I and my partner both objected; Mr. Barrie availed himself of the Warden's advice, and the case was postponed until the 6th; on the 6th we appeared again; both John Ackermann and myself received 10s. each for our expenses incurred by the postponement; on the 6th, when we attended, Mr. Barrie produced the power of attorney dated the 7th February, 1876; we again objected to Mr. Barrie being heard on power of attorney; the Warden again said he should exercise his discretionary power, and that he should not think of bringing a gentleman from Sydney to appear in Court knowing nothing of the case; I then said, that when I was working for Mr. Henry Dwyer, a resident of Sydney, who had given a power of attorney to Mr. James Cosgrove, James Cosgrove appeared on this power of attorney to make an affidavit before the Warden, and I understand the Warden objected to allow him to appear on a power of attorney; the Warden then said that the case must go on, and the case was heard, but no decision was then given; on the 7th we appeared, and a decision in favour of complainant (Mr. Russell) was given, with costs £4 5s. 6d.; this Mr. Sharpe stated was under the 210th Regulation of the "Gold Fields Act of 1866," and Regulations of 1872; we then objected, stating that the quartz had not been registered in accordance with Regulation No. 209 of same date; the Warden then said it did not matter whether the quartz was registered or not, that it was the Registrar's duty to register them; Mr. Sharpe held out the power of attorney to Mr. Barrie and asked what it cost; Mr. Barrie said it might have cost £5 5s.; £1 1s. was eventually allowed for it.

By Mr. Sharpe: On the evening you first came to my house you said "Mr. Barrie had sent you"; I was annoyed when Mr. Sharpe came to me and I agreed to come to the Court House the next morning, but eventually I decided not to go; I was and still am under the impression that I could take up the quartz under Regulation 46 of 1874; I did not think that one shareholder could sue another in a Limited Liability Company; as my partner also held scrip in Johnson's Gold-mining Company to the extent of £650, the legal Manager being the only one to sue and be sued.

I mentioned in my first complaint to the Minister of your intimacy with Mr. Barrie, as I had personally seen you three times in his office about this time, though I cannot say I knew you were on this business each time, though it was just at the period the injunction was applied for, neither do I put it as a charge; I have every reason to suppose you had ill will towards me, from your behaviour towards me on this first night when you came to my house, and also because since then, when I have appeared before you, you would not take down my evidence, though I particularly requested you to do so; I never knew of any injunction until the Bailiff arrived on the ground with the injunction Mr. Sharpe had granted to Mr. Barrie; no one else had ever anything to do with instigating this charge except myself; I am positive as to hearing you say to Mr. Michael Ackermann, that if he would give evidence in this case and bide your decision, you would do all you could to get him the ground, but if he will not you should report all you could against him; I was at the open window when this was said by you; I could not understand your reason for saying this; the day I had to come to sign the agreement I could not arrive at 10, but I came as soon after as possible, and I arrived at the Court House at 10:20, as before stated; on one occasion you threatened to have me locked up for contempt of Court; on this occasion I came in, and you asked me why I did not bring the gold; I said, "I could not bring it when you authorized Beyers to stop it"; Mr. Sharpe said he never told Beyers to stop it; I said, "Yes you did, for he told me so"; Mr. Sharpe then said, "Do you know who you are speaking to?" and I answered "Yes, your Worship"; I brought the charges against you, as I believe you dealt partially against me, from your actions towards me from the commencement.

Taken at the Court House, Hill End, this }
Monday, the 7th August, 1876,— }

THOMAS HELSBY.

T. A. BROWNE, Warden.

Michael Ackermann states:—On the 23rd February when passing I was called into the Court House; I did not know what case was going on; Mr. Sharpe told me, "If I would not prove my right to the quartz satisfactorily he would issue an injunction"; I said, "The law must take its course"; then Mr. Sharpe told me if I did not mind where I was I might stop where I was; I was not then asked to swear anything; Mr. Sharpe then said, "If I would go by his orders he would report for me, and if not he would report against me"; my son then came into Court and said I had nothing to do with the quartz; Mr. Sharpe then said I might go; I left with my son, who was called back; I assisted to unload the quartz on the 22nd on the top of the hill.

By Mr. John Ackermann: When you objected to Mr. Barrie appearing on power of attorney, Mr. Sharpe said he had discretionary power, and he would allow Mr. Barrie to go on with the case; I heard Mr. Sharpe previously refuse to allow Cosgrove to appear on power of attorney; I do not know the nature of Cosgrove's power of attorney.

By Mr. Sharpe: I do not wish you any harm in consequence of the decision in the matter of the leases at Pulley's Hill, nor have I any ill feeling against you.

Taken at Hill End, this 7th day of }
August, 1876, before me,— }

MICHAEL ACKERMANN.

T. A. BROWNE, Warden.

Mr. Warden Sharpe states:—With reference to my motive for going to Mr. Helsby's house on the night of the 23rd, I wished to hear what he had to say about the quartz before granting the injunction applied for by Mr. Barrie; on that occasion Mr. Helsby's demeanour to me was anything but respectful; I am aware that he was excited, and I think he must have misunderstood me; when speaking to him I was referring to the 129th section of Act of 1874; I believe I did more than I need have done; my sole reason was to give Mr. Helsby notice that an injunction was being applied for, so that if he wished it he might have an opportunity of opposing it; I am perfectly positive I never made any such statement as Mr. Helsby and Ackermann mention, in saying that I told Michael Ackermann "That if he would go by my orders and bide my decision I would report for him, but if not I would report against him"; I consider that if Mr. Helsby and Ackermann had any cause for complaint they should have appealed in the proper way; I have had no notice of the inquiry, or the nature of the charges, until I received a telegram on Friday last from Mr. Warden Browne; some of the charges I have never heard of before; Mr. Barrie is not a personal friend of mine, and I do not think I have spoken a dozen times to him except on business; Mr. Barrie is not here just now, he is living in Bathurst; I produce my notes of evidence taken in the case of application by Mr. Barrie for injunction, also in the matter of Johnson's Gold-mining Company; I cannot say from memory whether you did or did not promise to come up the next morning and sign the agreement.

Taken at the Court House, Hill End, this Monday, }
7th day of August, 1876, before me,— }

ERNEST A. L. SHARPE.

T. A. BROWNE, Warden.

By Mr. Sharpe: *Joseph Law Stokes states:*—I am a Bailiff of the Warden's Court here, and was present in Court when the injunction was applied for by Mr. Barrie; I do not recollect hearing you make use of the expression to Michael Ackermann, "If you will give evidence in the case and bide my decision, I will do all I can to get you the ground, but if you do not I shall report all I can against you"; it was so long since that I cannot state certainly as to the expressions used; I do not think there was any compulsion used to make Mr. Ackermann give his evidence; I have always been in Court when Helsby and Ackermann were there; I have several times heard you tell them to sit down when two or three would be speaking together.

By

By John Ackermann :—I have no distinct recollection of what was said to you when you were called into Court.
Taken at the Police Office, Hill End, this } J. L. STOKES.
7th August, 1876, before me,— }
T. A. BROWNE, Warden.

Neither of the parties desiring to furnish further evidence, the inquiry was closed.

T. A. BROWNE,
Warden.

[Enclosure B to No. 57.]

Exhibit A 2.

Beyer's Quartz-crushing Machine, Hill End, 24 February, 1876.

DETAINED from Mr. Thomas Helsby 6 ozs. 1 dwt. of gold, by order of Mr. L. Beyers.

SAMUEL DELLOW.

[Enclosure C to No. 57.]

Exhibit B 2.

Mining Act, 1874—Sixth Schedule—Warden's Court—Summons.

To John Ackermann and Thomas Helsby, of Hill End.

You are hereby summoned to appear before me or some other Warden, at the Court House, Hill End, on the 3rd day of March next, at 10 o'clock in the forenoon of the same day precisely, to answer the complaint of George Alfred Russell, Manager of Johnson's Gold-mining Company (Limited), by which complaint he seeks to recover from you 6 ounces and 1 pennyweight of gold, being the gold derived from 7½ tons of quartz, the property of the Company known as the Johnson Gold-mining Company, and converted by you to your own use.

If you desire the said complaint to be heard before assessors, you are entitled to have it so heard.

You may have a summons to compel the attendance of any witness, or for the production of any books or documents, on applying at my office.

Bring this summons with you when you come to my office.

Given under my hand, this 24th day of February, 1876,—

ERNEST SHARPE,
Warden.

Affidavit of service.

I HEREBY certify that I served the within-named Thomas Helsby with a true copy of the within summons, by delivering the same to him personally at Beyer's machine, Hawkins Hill, on Thursday, the 24th day of February, 1876.

Hill End, 26 February, 1876.

J. L. STOKES,
Baillif, Warden's Court.

I HEREBY certify that I served the within-named John Ackermann with a true copy of the within summons, by delivering the same to his wife, a person above the age of 14 years, at defendant's residence, Germantown, Hill End, on the 25th day of February, 1876.

Hill End, 26 February, 1876.

J. L. STOKES,
Baillif, Warden's Court.

Mining Act, 1874—Subpœna to Witnesses.

Complaint No.

George A. Russell, legal Manager of the Company known as Johnson's Gold- } In the Warden's Court of the Tambora and
mining Company, against John Ackermann and Thomas Helsby. } Turon Mining District at Hill End.

To Thomas Kent and Enoch Goodwin.

You are required to appear personally at the Warden's Court at Hill End, on the 3rd day of March, 1876, at the hour of 10 o'clock in the forenoon, and afterwards until the said suit is heard, to give evidence in behalf of the plaintiff.

Given under my hand, this twenty-ninth day of February, 1876,—

ERNEST SHARPE,
Warden.

G. A. Russell v. John Ackermann and Thomas Helsby.

James Barrie, being duly sworn, saith :—I am the duly authorized agent of George A. Russell, the legal Manager of Johnson's Gold-mining Company, and resident at Hill End; I produce copy of memorial (marked A) of Johnson's Gold-mining Company (Limited), by which it appears that George Alfred Russell is the legal Manager of that Company, in whose name the defendants John Ackermann and Thomas Helsby are sued; I produce G. A. Russell's miner's right and my own for the current year. The Company held certain land on Hawkins Hill, as a claim, in 1872; afterwards it was applied for as a lease; on the 14th of February last, there was a heap of quartz stacked on the Company's lease on Hawkins Hill; I saw it there, and it has been there for the last three years; I had received instructions from Mr. Russell about this quartz, to see that it was not moved; it was regarded as valuable, and on one occasion I received instructions from Mr. Russell to crush the quartz, but the local directors prevented the crushing; on going down to the claim on the 21st or 22nd of last month, I found that the quartz had been moved, and on making inquiries I was told that Goodwin had removed it; I saw what I believed to be the quartz on Hawkins Hill; I asked Goodwin who authorized him to remove the quartz, he pointed to John Ackermann and Thomas Helsby the defendants, who were standing by the heap; I then told them I would claim the stone on behalf of the Company, of which I am a shareholder; I then applied for an injunction, which was granted, but afterwards an arrangement was made that the quartz should be crushed and the proceeds held over; this agreement was broken by the defendants, who refused to perform their part of the contract; I then summoned them for the value of the quartz, which I put at £100; I put in an affidavit (Exhibit B) showing that G. A. Russell never authorized any one to take the stone; I also put in a letter (marked C) from John Ackermann to G. A. Russell; the defendant John Ackermann told me that he had taken up the ground under a lease application, and considered the stone was his; they refused to give up the stone; I don't know where the stone went; I refer to the 210th Regulation of 1872, and to the 189th and to the 39th section of the Gold Fields Act of 1874.

By T. Helsby: What time did you call at Johnson's claim to see the quartz was removed? About 4 o'clock on the 22nd February; you had packed all the quartz at that time. In what respect did we fail to comply with our agreement? In every respect.

By John Ackermann: You say the ground where the quartz was was the Company's? Yes. How was it that you were prevented from crushing the quartz at the time you have mentioned in the first part of your evidence? In deference to the managing director's instructions. What legal authority had he to apply for an injunction? Instructions from Mr. Russell.

Enoch Goodwin, being duly sworn, saith :—I am a miner, and hold a miner's right; I reside at Hill End; on the 22nd February or thereabouts I was requested by Messrs. Helsby and Ackermann to pack a parcel of quartz from the claim known as Johnson's, on Hawkins Hill; I was to deliver the quartz at Beyer's machine; the quantity was 7½ tons; the defendants were

were on the ground, Johnson's claim, and showed me the quartz—it was in a small heap; I was to be paid for packing and carting £4 2s. 6d.; I was paid by Mr. Ackermann; Mr. Stokes the Bailiff, took possession of this stone under an injunction.

The defendant.

By Mr. Ackermann: John Rossiter, being duly sworn, saith:—I am a miner, and resident at Tambaroora; I conducted the sale of the claim known as Johnson's in 1872; the transferrors were myself, John Ackermann, Mr. Bell, Mr. Puten, and Mr. Willis; I know the claim known as Johnson's; at the time of the sale there was a small heap of quartz at the top tunnel; everything was sold to the Company; this heap of quartz was sold with the claim for £6,000; everything that was on the claim was sold.

By T. Helsby: I was not aware that the lease was cancelled on the 1st of February.

By John Ackermann: The quartz was mentioned when the transfer was made.

This is the plaintiff's case.

John Ackermann, being duly sworn, saith:—I am a miner, and produce my miner's right; I reside at Hill End; on the 1st day of February last I and Thomas Helsby marked out and took possession of the ground known as Johnson's, late Gold-mining Company lease No. 1,741; on that day that lease was cancelled; I produce the Government Gazette of 1st February, wherein the cancellation appears; by the 46th Regulation now in force, when a lease is cancelled it becomes Crown lands, and on this Regulation we took possession of the quartz; we authorized Mr. Goodwin to pack the quartz in dispute to Mr. Beyer's machine, where it was crushed; the returns were 6 ozs. and 1 dwt. of gold; I produce a document signed by the man who receives the gold at Mr. Beyer's machine; the gold is worth £3 15s. an ounce; the expenses of crushing were £6 15s.; the Manager still holds the gold, as far as I know, because he has not been paid for crushing; I have not received anything out of the crushing, and I took the quartz because I really regarded it as ours, because we had taken up the lease when it was cancelled.

By Mr. Barrie: We took possession of the ground the same day we heard the lease was cancelled.

The Warden's Court finds a verdict for the plaintiff with costs, and orders the gold obtained from the quartz taken from the ground known as Johnson's claim, formerly lease 1,741, to be delivered to the plaintiff's agent, Mr. James Barrie, on his paying the expenses of carting and crushing, viz., £4 2s. 6d. and £6 15s.

Four witnesses, at 10s.	s. d.
6d. each injunction—three injunctions.....	1 6
Two summonses—copies.....	1 0
5s.—Levy.....	5 0
6s.—District.....	6 0
	<hr/>
	13 6

Mr. Warden Sharpe to Mr. Alfred Bullock.

Warden's Office, 7 March, 1876.

You are hereby authorized to hand over to the bearer the gold obtained from 7½ tons of quartz crushed by you for Messrs. John Ackermann and Thomas Helsby, on payment to you of the expenses of crushing, £6 15s.

ERNEST SHARPE,
Warden.

Warden's Court, 23 February, 1876.

In the matter of the application of James Barrie and Thomas Wythes for an injunction under the 88th section of the "Mining Act of 1874."

James Barrie, being duly sworn, saith:—I am a commission agent and gold-miner, resident at Hill End; I am the Manager of Johnson's Gold-mining Company, and a shareholder in that Company; yesterday afternoon I went down to the ground known as Johnson's claim and found that about 4 or 5 tons of quartz, the property of Johnson's Gold-mining Company, had been removed; it had been taken from the lease on Hawkins Hill by Goodwin a packer, and placed on the top of Hawkins Hill; I asked him by whose authority, and he informed me by pointing at and naming Michael Ackermann and Thomas Helsby; I told them I should take proceedings against them for removing the quartz; Ackermann the elder (the younger was present but said nothing) said I was to mind my own business or else that I was too sharp; I have heard that the lease in question was cancelled, the number is 1,741; the quartz in question is the property of the Company; I was informed by Mr. Anderson the Managing director that it would yield, if crushed, about 3 ozs. to the ton; I myself have received instructions from the legal Manager to have this identical quartz crushed for the benefit of the Company, but from a difficulty about the crushing machine we were delayed; I believe Messrs. Ackermann and Helsby are applicants for the cancelled lease in question; I ask that an injunction for seven days may be granted to prevent Ackermann and Helsby from removing the said quartz from the spot where it is now lying, or in any way interfering with or disposing of the said quartz; I am not aware whether John Ackermann is a shareholder in Johnson's Gold-mining Company, but I have heard him spoken of as one; he worked in the mine for a time, but as a wages man; I am informed that Messrs. Ackermann and Helsby are preparing to cart away the quartz from the spot where it was placed by the packer; I should have applied under the 87th section of the Act but for this.

Taken and sworn before me, this 23rd day of February, 1876,—

JAMES BARRIE.

ERNEST SHARPE.

John Ackermann, being duly sworn, saith:—I am a miner, and I have heard the evidence of Mr. Barrie; the reason we have taken the quartz is because the lease is cancelled, and we think the Company have no right to it; we marked out the cancelled lease first; I was one of the original shareholders, and took out, with others, the quartz in question; this was over six years ago; after this the Company was floated and the mine was transferred to the trustees of Johnson's Gold-mining Company; I signed the deed of settlement; we claim the quartz because the lease is cancelled.

Taken and sworn before me, this 23rd day of February, 1876,—

JOHN ACKERMANN.

ERNEST SHARPE, Warden.

Application granted, such injunction to be in force for a period of seven days.

Warden's Court, Hill End.

UPON hearing James Barrie, agent for Johnson's Gold-mining Company, and a shareholder in the said Company, I, Ernest A. L. Sharpe, a Warden of the Tambaroora and Turon Mining District, do hereby order and enjoin you, John Ackermann, Michael Ackermann, and Thomas Helsby, all gold-miners, and residents of Hill End, or any person or persons authorized by you on that behalf, from interfering with or removing from the spot where it now lies, a certain heap of quartz or stone removed by you from the lease known as No. 1,741, situated on Hawkins Hill, on the 22nd February instant, and which is claimed by the said James Barrie as the property of the said Johnson's Gold-mining Company.

This injunction will remain in force for a period of seven days from this date, inclusive of the day on which it is made.

Given under my hand, this 23rd day of February, 1876,—

ERNEST A. L. SHARPE,
Warden.

Telegram

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Telegram from Mr. Warden Browne to Mr. Warden Sharpe.

Gulgong, 3 August, 1876.
I SHALL be at Hill End on Saturday next to hold inquiry into the matter of Helsby and Ackermann—to commence on Monday 7th August. Please answer if convenient. Reply by telegram quickly.
WARDEN BROWNE.

Telegram from Mr. Warden Browne to Mr. Warden Sharpe.

Gulgong, 3 August, 1876.
HAVE received instructions from Minister for Mines to inquire into complaint of Helsby and Ackermann against you and report thereon.
WARDEN BROWNE.

No. 58.

The Under Secretary for Mines to Messrs. Helsby and Ackermann.

Gentlemen, Department of Mines, Sydney, 28 August, 1876.
In reference to the complaint made by you against the Warden at Hill End, in the matter of the dispute between you and Mr. James Barrie as to the right to a certain parcel of quartz at one time lying on a claim known as Johnson's at the above-named locality, I am directed by the Secretary for Mines to inform you that the inquiry asked for by you in your letter of the 19th June last has been held, and Mr. Warden Browne has furnished a report to the effect that the charges preferred by you have not been substantiated.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 59.

Messrs. Helsby and Ackermann to The Minister for Mines.

Sir, Hill End, 1 September, 1876.
We are in receipt of your communication of 28th August, informing us "that an inquiry has been held into the charges preferred by us against Mr. Warden Sharpe, and that Mr. Warden Browne reported that we failed to substantiate such charges."

We were fully impressed with the belief that we proved every one of the charges against Mr. Sharpe, and at the inquiry Mr. Sharpe scarcely offered any defence.

We made application to Mr. Warden Browne for a copy of the depositions, and that gentleman promised to furnish us with said copy, but up to the present time he has not fulfilled his promise.

We now respectfully beg the Hon. Minister for Mines to cause us to be supplied with copy of said depositions, also with copy of Mr. Warden Browne's report. We are ready at any moment to pay the cost of making such copies; in fact, by you informing us of the amount, we shall at once remit it before even we receive the copies.

We are, &c.,
THOMAS HELSBY,
MICHAEL ACKERMANN,
(FOR JOHN ACKERMANN).

Supply copies on the usual terms.—J.L., 5/9/76.
Messrs. Helsby and Ackermann.—7 September, 1876.

No. 60.

The Under Secretary for Mines to Messrs. Helsby and Ackermann.

Gentlemen, Department of Mines, Sydney, 7 September, 1876.
In reference to your letter of the 1st instant, requesting to be supplied with a copy of the depositions and of Mr. Warden Browne's report in the matter of the inquiry into the charge made by you against the Warden at Hill End,—I am directed by the Secretary for Mines to inform you that copies of the papers in question are now being made, and will be forwarded to you on payment of £4 16s.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 61.

Messrs. Helsby and Ackermann to The Minister for Mines.

Sir, Hill End, 9 September, 1876.
In reply to your favour of 7th instant, we herewith enclose cheque for £4 16s., in payment of copies of depositions and Warden's report mentioned in the above favour.

We have, &c.,
THOMAS HELSBY,
MICHAEL ACKERMANN,
(FOR JOHN ACKERMANN).

Copies of depositions and Warden's report herewith. The receipt of the sum of £4 16s. may be acknowledged? Yes, and forward copies.—J.L., 18/9/76.
Messrs. Helsby and Ackermann with copies.—20 Sept., 1876.

No. 62.

The Under Secretary for Mines to Messrs. Helsby and Ackermann.

Gentlemen, Department of Mines, Sydney, 20 September, 1876.
I am directed by the Secretary for Mines to forward herewith a copy of the depositions taken at the inquiry into the matter of your charges against the Warden at Hill End, and a copy of Mr. Warden Browne's report thereon, in payment for which the sum of £4 16s. was enclosed in your letter of the 9th instant.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 63.

Messrs. Helsby and Ackermann to The Minister for Mines.

Sir.

25 September, 1876.

We are in receipt of your communication of 20th September instant, together with copies of depositions and Mr. Warden Browne's report on the inquiry held into the charges preferred by us against Mr. Warden Sharpe, Hill End, for which we are extremely thankful.

We have carefully perused the evidence in the depositions, and also Mr. Warden Browne's report thereon, and we are painfully surprised that a gentleman filling the responsible position of Warden at Gulgong should have shown such gross partiality, in fact, should have displayed so glaring an advocacy in behalf of Mr. Warden Sharpe as is evidenced in Mr. Warden Browne's report. Mr. Warden Browne states that we have failed to prove *one* of our charges (meaning any one of our charges) against Mr. Warden Sharpe. We would humbly ask the Hon. Minister for Mines to peruse the depositions and judge for himself; he will there find the whole of the charges substantiated by the evidence of Helsby and Ackermann, and not denied by the evidence of Mr. Sharpe. The only charge that Mr. Sharpe attempts to deny is the first one—that of going to Helsby's residence and threatening him with imprisonment if he persisted in removing the quartz (*vide* Mr. Sharpe's evidence).

The second charge, which is distinctly proved by Helsby and Ackermann, and not denied by Mr. Sharpe, *viz.*, that John Ackermann was called off the public street and compelled to give evidence, is made very light of in Mr. Browne's report. He states:—"Mr. Sharpe denies there was any compulsion used, in which he is supported by the evidence of Mr. Stokes. Well, Ackermann and Helsby both admit there was no force used, as Ackermann went upon oath when commanded to do so, believing that if he further refused he would have been locked up for contempt of Court."

Mr. Warden Browne dwells at considerable length on the third charge, and makes many statements in his report directly contrary to the evidence. For instance, he states that Mr. Barrie had a proper power of attorney, though not dated, whereas the evidence shows that Mr. Barrie had no power of attorney at the time the injunction was issued, and was not a registered agent. He was the owner of 200 scrip in Johnson's Gold-mining Company, and John Ackermann was the owner of 650 scrip in the same Company.

Charge No. 4 contains our principal complaint against Mr. Sharpe, and has been as clearly proved by us as ever any case was proved, and not in any way denied by Mr. Sharpe; yet Mr. Warden Browne had the effrontery to state in his report that we failed to prove any one of our charges. Mr. Browne gets over the difficulty of this *principal* charge by stating that "It does not come within the limits of the inquiry that he should review Mr. Sharpe's decision." Well, what was the use of the inquiry at all? The action complained of in this fourth charge is that we have suffered most by, and is the most glaringly illegal of Mr. Sharpe's proceedings. It is that we were summoned by Mr. George A. Russell, legal Manager of Johnson's Gold-mining Company, and that on our appearing to answer the charge at Warden's Court there was no plaintiff present, but a Mr. Barrie appeared with an undated power of attorney, and actually was allowed by Mr. Sharpe to become the plaintiff, and the result was that we were mulcted in the proceeds of our quartz and illegally saddled with expenses amounting to £4 5s. 6d., through the illegal partiality of Mr. Warden Sharpe, and, worst of all, were compelled to pay one guinea for Barrie's informal power of attorney.

We humbly solicit the Hon. Minister for Mines to read through the depositions, and he will then plainly see that we have proved our charges clearly, notwithstanding the partial report of Mr. Warden Browne; and, as the civil law can afford us no redress through the shelter afforded by the Mining Act to Mr. Sharpe, we hope the Minister will not suffer an officer in his department to commit wilful injustice with impunity.

We are, &c.,

THOMAS HELSBY.

MICHAEL ACKERMANN,

(FOR JOHN ACKERMANN).

Inform Messrs. Helsby and Ackermann that, at their request, an inquiry has been held into the matter of their complaints against Mr. Warden Sharpe, that the inquiry was conducted by one of the ablest judicial officers of this department, and that the department would not now be justified in discrediting or disregarding the report made by that officer; and invite attention to the fact that the proper remedy, in respect of their 4th complaint, was to appeal; and since they did not avail themselves of that right, there is now no power to review the decision complained of.—J.L., 29/9/76.

Messrs. Helsby & Co., 3 October, 1876.

The Under Secretary for Mines to Messrs. Helsby and Ackermann.

Gentlemen,

Department of Mines, Sydney, 3 October, 1876.

In reference to your letter of the 25th ultimo, in which you express dissatisfaction at the result of the investigation held at Hill End, of certain charges made by you against Mr. Warden Sharpe, I am directed by the Secretary for Mines to point out that the inquiry was held at your request, and was conducted by one of the ablest judicial officers of this department, so that the department would not now be justified in discrediting or disregarding the report made by that officer.

3. I am further instructed to invite your attention to the fact that the proper remedy in respect of your fourth complaint was to appeal; but as you have not availed yourselves of that right, there is now no power to review the decision complained of.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

[One plan.]

PLAN

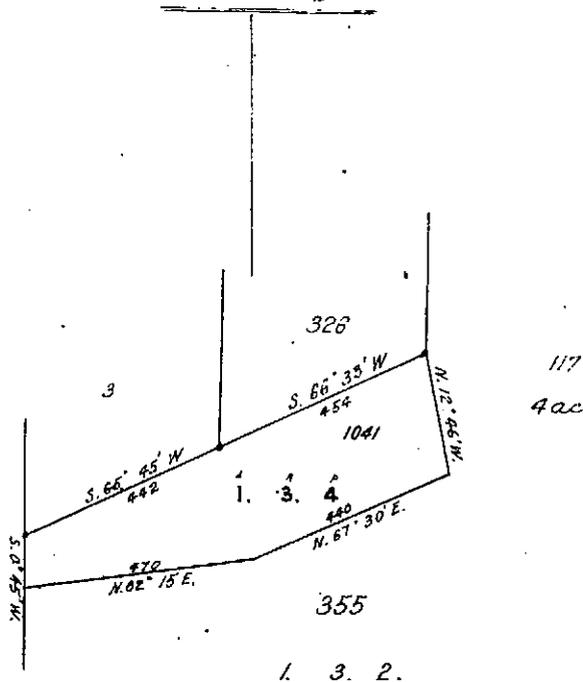
of Portion N^o 1041

Parish of Tambaroora, Co. of Wellington,

Applied for under the Mining Act of 1874, by
Thomas Helsby & party;

also by W^m. M^r Pherson; also, by M. Ackerman; also, by

Tho^s Paten & party.



Lockspits and branded pegs

Scale, 4 Chains to an Inch.
 Marked in accordance with regulations.
 Instrument used in Survey, Theodolite.
 Date of Survey, 4th March, 1876.
 Situated in the Tambaroora Goldfield

Transmitted to the Surveyor General, with my letter
 of the 4th March. J. J. Robertson.

(Sig. 433)



1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

DISPUTED MINING LEASE, HAWKINS HILL.
(PETITION OF THOMAS HELSBY.)

Ordered by the Legislative Assembly to be printed, 27 April, 1877.

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

The Petition of the undersigned,—

HUMBLY SHOWETH:—

That in reference to a mining lease No. 1741, situated at Hawkins' Hill, which we took possession of on the 1st and 2nd of February, 1876, and which Mr. Barry took possession of on the 14th of same month and served us with a written notice of objection to the granting of our lease, we appealed against it about the middle of April as we had not received legal notice by the Gold Fields Act. We objected to same and appealed for a dismissal of the case, which the Warden overruled, saying that he had discretionary power and would hear it. He declined to take our evidence, as he said he was the judge of what was evidence. We asked what objection he had to take our evidence and he said the Minister for Mines would be better pleased if he would not do so. We reported the matter to the Minister, and he said if the case was one wherein injustice had been done us by the Warden he would punish him for doing so. We have in our possession copies of the depositions in the case, for which we had to pay £4 16s. We waited on the Minister several times and explained to him that the case was not tried under the Mining Act, but merely by the Warden's discretionary power, and we have not received legal notice from Messrs. Barry and Macpherson up to the present. The only objection the Minister raises is that we paid our money too soon, that is, on the 5th of February. Under these circumstances we would most humbly pray your Honorable House to cause an inquiry into the case.

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

THOMAS HELSBY.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DISPUTED GOLD MINING LEASES.

MESSRS. GRIMLEY AND READ, M'FADDEN AND PARTY (AFTERWARDS GORDON KORFF), AND DREIER AND SMITH.

Ordered by the Legislative Assembly to be printed, 31 July, 1877.

PAPERS in connection with the dispute between the Lessees of Gold Mining Leases 1,826 (Messrs. Grimley and Read), and 3,991 (M'Fadden and Party, afterwards Gordon Korff), and Messrs. Dreier and Smith.

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DISPUTED GOLD-MINING LEASES.

No. 1.

Mr. G. Korff to The Under Secretary for Mines.

Sir, 44, New Pitt-street, Sydney 23 March, 1876. Having observed in the Gazette of March 17th, that gold lease 3,991 (T. M'Fadden & others) is advertised as ready for execution, I have the honor to request that such lease may be returned to Department in Sydney, as the lessees are prepared to execute here.

I have, &c., GORDON KORFF.

Mr. Anderson, 23-3-76. This lease was forwarded to Mr. Warden Sharpe on 17th instant.—P.A., 23. Send telegram to Mr. Warden Sharpe, asking him to return lease No. 3,991.—H.W., 23-3-76. Telegram, 23 March, 1876.

No. 2.

Telegram from The Under Secretary for Mines to The Warden, Hill End.

Sydney, 23 March, 1876. PLEASE return to this office gold-mining lease number three thousand nine hundred and ninety-one (3,991), sent to you on the seventeenth instant for execution by the lessees, Messieurs M'Fadden and others.

No. 3.

The Warden, Hill End, to The Under Secretary for Mines.

Sir, Warden's Office, Hill End, 24 March, 1876. Referring to your telegram of the 23rd instant, I have the honor to transmit herewith the gold lease noted in the margin, for execution by the lessees. No. 3,991, M'Fadden and others.

I have, &c., ERNEST SHARPE, Warden.

Inform Mr. Korff that the lease 3,991 is now in this office ready for execution, and request him to direct the lessees to execute it forthwith.—J.L., 27-3-76. Informed, 27 March, 1876.

No. 4.

The Under Secretary for Mines to Mr. G. Korff.

Sir, Department of Mines, Sydney, 27 March, 1876. Referring to your letter of the 23rd instant, I am directed by the Secretary for Mines to inform you that gold lease No. 3,991, in the names of T. M'Fadden, T. Hickey, and H. Hernfield, is now in this office; and I am to request you to be good enough to call upon the lessees to execute such lease forthwith.

I have, &c., HARRIE WOOD, Under Secretary for Mines.

No. 5.

Mr. G. Korff to The Under Secretary for Mines.

Sir, 44, New Pitt-street, Sydney, 3 April, 1876. Having had the honor of an interview with you on Friday, March 31st, respecting a gold lease, No. 3,991, of 8 acres, situated on the "Poor Man's Line of Reef," at Ironbarks, applied for by Thomas M'Fadden, Timothy Hickey, and Henry Hernfield, on the——, I beg to give a statement of my claiming the said lease:—One-third of said lease from Thomas M'Fadden to me by transfer dated March 16/74, and by power of attorney; one third of said lease from Timothy Hickey to me by transfer and power of attorney; one-third of said lease from Henry Hernfield to Thomas W. Webb transferred October 2nd, 1873, and then from Thomas W. Webb to George Crow by transfer January 5th, 1874, and then from George Crow to me by transfer March 16th, 1874.

All the papers relating to the above I enclose, and I beg to request that a lease may be issued direct to me as early as possible. I have, &c., GORDON KORFF.

Make search; and if no encumbrances, transfers may be accepted subject to payment of fees, and the leases may be issued to the transferees.—6/4/76.—J.L. Registrar General, 8 April, 1876.

End of month. Include in list for search in Mining Registrars' Offices.—H.W., 20/4/76.

[Enclosure

[Enclosure 1 to No. 5.]

Gold Mining Lease Regulations.—Schedule 12.

Form of Power of Attorney.

Know all men by these presents, that I, Thomas M'Fadden, late of Ironbarks, now of No. 2, Victoria-terrace, Kingstown, County Dublin, Ireland, gentleman, do hereby make, nominate, constitute, and appoint, and in my place or stead put, Gordon Korff, of Sydney, to be my true and lawful attorney, for me and in my name and as my act and deed, to sign, seal, and take delivery of the gold mining lease for which I on the day of 187 , made application (No. 3,991, at Ironbarks), under the provisions of the "Mining Act, 1874," and the Regulations made thereunder, and which has been or shall be granted and issued by the Governor, and for me and in my name to enter into all such covenants and agreements as I shall be required to enter into in and by the said lease, and generally for me and in my name to do, execute, and perform all such other acts, deeds, and things as may be necessary or may be required to be done, executed, or performed in and about the application for and execution of such lease; and I do hereby ratify and confirm all and whatsoever the said Gordon Korff shall lawfully do or cause to be done in or about the premises by virtue of this power.

In witness whereof, I have hereunto set my hand and seal this 3rd day of November, 1875.

Signed, sealed, and delivered by the above-named Thomas M'Fadden, }
in the presence of Rob. V. Ryan, of 35, Stephen's Green, Dublin, }
Attorney-at-Law and Householder; and John G. Adams, Law- }
Clerk and Householder, of No. 1, Lennox-street, Dublin. }

THOMAS M'FADDEN. (l.s.)

[Enclosure 2 to No. 5.]

Form of Transfer.—Schedule X.

I, THOMAS M'FADDEN, of Ironbarks, in consideration of the sum of £10, do hereby transfer to Gordon Korff, of Ironbarks, my right, title, and interest in and to one-third interest in 8-acre lease, situated at "Poor Man's Reef," at Ironbarks, subject to all and singular the terms and conditions under which the said has been held by me; and I, Gordon Korff, of Ironbarks, do hereby accept of the said subject to the terms and conditions aforesaid.

Dated at Sydney, this 16th day of March, 1874.

Witness to the signature of Thomas M'Fadden,—
GEORGE CROW.

THOMAS M'FADDEN, Transferor.

Witness to the signature of Gordon Korff,—
GEORGE CROW.

GORDON KORFF, Transferee.

[Enclosure 3 to No. 5.]

Form of Transfer.

I, TIMOTHY HICKEY, of Ironbarks, in consideration of the sum of £10 sterling, do hereby transfer to Gordon Korff, of Ironbarks, my right, title, and interest in and to one-third interest in an 8-acre lease, situated at "Poor Man's Reef," at Ironbarks, subject to all and singular the terms and conditions under which the said has been held by me; and I, Gordon Korff, of Ironbarks, do hereby accept of the said subject to the terms and conditions aforesaid.

Dated at Sydney, this 16th day of March, 1874.

Witness to the signature of Timothy Hickey's mark,—
THOMAS M'FADDEN.

TIMOTHY x HICKEY, Transferor.
his
mark.

Witness to the signature of Gordon Korff,—
THOMAS M'FADDEN.

GORDON KORFF, Transferee.

[Enclosure 4 to No. 5.]

Gold Mining Lease Regulations.—Schedule 13.

Transfer of Gold Mining Lease.

I, TIMOTHY HICKEY, miner, of Ironbarks, being registered as the lessee of one-third of all that piece or parcel of land demised by a certain gold mining lease by Her Majesty the Queen to Timothy Hickey, and dated the day of 18 , and numbered in the Register in consideration of the sum of £10, paid to me by the transferee, the receipt of which sum I hereby acknowledge, do hereby transfer to the said Gordon Korff all my right, title, and interest in and to the piece or parcel of land demised as aforesaid. And I, Gordon Korff, do hereby accept transfer of the right, title, and interest of the said Timothy Hickey, in and to the demised land aforesaid, subject to the provisions of the "Mining Act, 1874," and the Regulations made thereunder; and I hereby agree to be bound by all and singular the terms, conditions, covenants, provisions, restrictions, and reservations contained in the said lease.

In witness whereof we have hereunto subscribed our respective names, this day of October, 1875.

Witness to signature of Timothy Hickey's mark,—
WILLIAM WALSH.

TIMOTHY x HICKEY, Transferor.
his
mark.

Witness to signature of Gordon Korff,—
ANGUS CAMPBELL.

GORDON KORFF, Transferee.

A. BARRETT, J.P.

[Enclosure 5 to No. 5.]

Gold Mining Lease Regulations.—Schedule 12.

Form of Power of Attorney.

Know all me by these presents, that I, Timothy Hickey, miner, of Ironbarks, do hereby make, nominate, constitute, and appoint, and in my place or stead put, Gordon Korff, of Sydney, to be my true and lawful attorney, for me and in my name and as my act and deed, to sign, seal, and take delivery of the gold mining lease for which on the day of 187 , made application (No. 3,991, at Ironbarks), under the provisions of the "Mining Act, 1874," and the Regulations made thereunder, and which has been or shall be granted and issued by the Governor, and for me and in my name to enter into all such covenants and agreements as I shall be required to enter into in and by the said lease, and generally for me and in my name to do, execute, and perform all such other acts, deeds, and things as may be necessary, or may be required to be done, executed, or performed in and about the application for and execution of such lease; and I do hereby ratify and confirm all and whatsoever the said Gordon Korff shall lawfully do or cause to be done in or about the premises by virtue of this power.

In witness whereof, I have hereunto set my hand and seal, this 16th day of September, 1875.

Signed, sealed, and delivered by the above- }
named , in the presence of,— }
A. BARRETT, J.P.

TIMOTHY x HICKEY. (l.s.)
his
mark

[Enclosure

[Enclosure 6 to No. 5.]

Certificate of Registry of Transfer of claims or shares in claims.

No. 58/73.

I HEREBY certify that I have this day registered the transfer from Henry Hernfield to Thomas W. Webb of a share, being one-third of the whole lease :—

Nature of claim.....Quartz reef lease.
Extent.....8 acres.
Locality "Poor Man's Reef," Ironbarks.

Mining Registrar's Office, Stoney Creek,
this second day of October, 1873.

M. HANLY,
Registrar.

[Enclosure 7 to No. 5.]

I, THOMAS W. WEBB, of Ironbarks, for valuable consideration, do hereby transfer to George Crow, of Ironbarks, my right, title, and interest in and to the one-third ($\frac{1}{3}$) of an (8) eight-acre quartz reef lease, situated at Ironbarks, subject to all and singular the terms and conditions under which the said share has been held by me; and I, George Crow, of Ironbarks, do hereby accept of the said share subject to the terms and conditions aforesaid.

THOS. W. WEBB, Transferrer.
GEORGE CROW, Transferee.

Dated at Ironbarks, this 5th day of January, 1874.

Witness—DAVID DIMMOCK.

[Enclosure 8 to No. 5.]

Form of Transfer.—Schedule X.

I, GEORGE CROW, of Ironbarks, in consideration of the sum of £10, do hereby transfer to Gordon Korff, of Ironbarks, my right, title, and interest in and to one-third interest 8-acre lease, situated at "Poor Man's Reef," Ironbarks, subject to all and singular the terms and conditions under which the said has been held by me; and I, Gordon Korff, of Ironbarks, do hereby accept of the said subject to the terms and conditions aforesaid.

Dated at Sydney, this sixteenth day of March, 1874.

Witness to the signature of George Crow,—
THOMAS M'FADDEN.

GEORGE CROW, Transferrer.

Witness to the signature of Gordon Korff,—
THOMAS M'FADDEN.

GORDON KORFF, Transferee.

[Enclosure 9 to No. 5.]

Gold Mining Lease Regulations.—Schedule 13.

Transfer of Gold-mining Lease.

I, THOMAS W. WEBB, miner, late of Ironbarks, being registered as the lessee of one-third of all that piece or parcel of land demised by a certain gold-mining lease by Her Majesty the Queen to Thomas M'Fadden and party, and dated the day of , 18 , and numbered in the register 3,991, in consideration of the sum of £10, paid to by the transferee, the receipt of which sum I hereby acknowledge, do hereby transfer to the said Gordon Korff all my right, title, and interest in and to the piece or parcel of land demised as aforesaid; and I, Gordon Korff, do hereby accept transfer of the right, title, and interest of the said Thomas W. Webb in and to the demised land as aforesaid, subject to the provisions of the "Mining Act, 1874," and the Regulations made thereunder; and I hereby agree to be bound by all and singular the terms, conditions, covenants, provisions, restrictions, and reservations contained in the said lease.

In witness whereof we have hereunto subscribed our respective names, this 20th day of March, 1876,—

Witness to signature of Thomas W. Webb,—
DAVID DIMMOCK.
WILLIAM CLARKE.

THOMAS W. WEBB, Transferrer.
GORDON KORFF, Transferee.

[Enclosure 10 to No. 5.]

Gold Mining Lease Regulations.—Schedule 12.

Form of Power of Attorney.

Know all men by these presents, that I, Thomas W. Webb, miner, late of Ironbarks, do hereby make, nominate, constitute, and appoint, and in my place or stead put, Gordon Korff, of Sydney, to be my true and lawful attorney, for me and in my name and as my act and deed, to sign, seal, and take delivery of the gold-mining lease for which , on the day of , 187 , made application (No. 3,991, at Ironbarks), under the provisions of the "Mining Act, 1874," and the Regulations made thereunder, and which has been or shall be granted and issued by the Governor, and for me and in my name to enter into all such covenants and agreements as I shall be required to enter into in and by the said lease, and generally for me and in my name to do, execute, and perform all such other acts, deeds, and things as may be necessary or may be required to be done, executed, or performed in and about the application for and execution of such lease; and I do hereby ratify and confirm all and whatsoever the said Gordon Korff shall lawfully do or cause to be done in or about the premises by virtue of this power.

In witness whereof, I have hereunto set my hand and seal, this 20th day of March, 1876.

Signed, sealed, and delivered by the abovenamed Thomas W. Webb, }
in the presence of,— DAVID DIMMOCK.

THOMAS W. WEBB. (L.S.)

[Enclosure 11 to No. 5.]

"A."

In the Supreme Court of New South Wales.—In Insolvency.

Voluntary Sequestration.

To His Honor the Chief Commissioner of Insolvent Estates for New South Wales.

The Petition of Henry Hernfield, now of Ironbarks, lately residing at Ironbarks aforesaid, storekeeper,—
Sheweth :—

That your petitioner, by misfortune and without any fraud or dishonesty on his part, has become and is insolvent, wherefore he is desirous of surrendering his estate for the benefit of his creditors according to law; and he hereby does surrender the said estate, and prays that the same may be placed under sequestration accordingly.

Dated this first day of March, one thousand eight hundred and seventy-five.

HENRY H. HERNFIELD.

The

The petitioner having satisfied me by his above petition, and his affidavits annexed, that he is insolvent, I hereby accept the surrender of his estate, and order that it be placed under sequestration according to law, and I appoint Mr. Frederick Thomas Humphrey to be Official Assignee of and in the said estate, and let the statement required by the Rule 20 in Insolvency be filed on or before the 25th day of March instant.

Given under my hand, at Sydney,
this 15th day of March, A.D. 1875,— }
GEORGE HIBBERT DEFFELL,
Chief Commissioner of Insolvent Estates.

I, George Hibbert Deffell, Chief Commissioner of Insolvent Estates in and for the Colony of New South Wales, do hereby certify the contents of the above and preceding paper writing marked "A," and duly sealed, to be true extracts from the Proceedings of Record in the insolvent estate of Henry Hernfield, of Ironbarks, storekeeper.

Dated at Sydney, the 28th
day of January, A.D. 1876,— }
GEORGE HIBBERT DEFFELL,
Chief Commissioner of Insolvent Estates.

[Enclosure 12 to No. 5.]

Gold Mining Lease Regulations.—Schedule 13.

Transfer of Gold Mining Lease.

I, FREDERICK THOMAS HUMPHREY, of Pitt-street, Sydney, Official Assignee of Henry Hernfield, registered as the part lessee of all that piece or parcel of land demised by a certain gold-mining lease by Her Majesty the Queen to M'Fadden, Hickey, and Hernfield, and dated the 28th day of February, 1876, and numbered in the register , in consideration of the sum of £10 paid to by the transferee, the receipt of which sum I hereby acknowledge, do hereby transfer to the said Gordon Korff, of Pitt-street, Sydney, all my right, title, and interest in and to the piece or parcel of land demised as aforesaid. And I, Gordon Korff, do hereby accept transfer of the right, title, and interest of the said Frederick Thomas Humphrey in and to the demised land aforesaid, subject to the provisions of the "Mining Act, 1874," and the Regulations made thereunder; and I hereby agree to be bound by all and singular the terms, conditions, covenants, provisos, restrictions, and reservations contained in the said lease.

No. 6.

Mr. G. A. Waddell to The Under Secretary for Mines.

Sir,

Orange, 5 May, 1876.

I beg to request that you will favour me with the following information, viz.:—The date of application of Mining Lease at Ironbarks, 10 acres, on "Poor Man's Reef," taken up in names of Messrs. Grimley and Read, about 28 March, 1872, also the local number of same. Lease referred to appears in *Government Gazette* as No. 1,826.

Warden at Bathurst refers me to you for the above information.

I have, &c.,

GEO. A. WADDELL.

1,826.—Date of application, 29th March, 1872. The application was made to the Commissioner at Bathurst, there is therefore no local number.—P. A., 8/5/76. Inform as above, and state how it stands.—J. L., 9/5/76. Send telegram to Warden Sharpe asking whether Lease No. 1,826 has been executed by the lessees, and if so to return it.—H. W., 11/5/76. Telegram.—13/5/76. Any reply, if not remind.—H. W., 16/5/76. Telegram.—16/5/76. Informed.—16/5/76.

Memorandum, 17 May, 1876.—To the Under Secretary for Mines.

In his return of collections for the month of April; Mr. Warden Sharpe includes £25 as rent of G. L. 1,826, Grimley and Read, per A. McLerie, on execution; and the date given is 24 April, 1876, but by the telegram now to hand (of this day's date) it appears that the lease has not been executed.

The amount, £25 is at suspense account, at the Treasury, pending a decision as to whether I, as Registrar, shall give a receipt for the rent or any other course be adopted.

The Warden's Clerk at Hill End has already been instructed not to receive rents on gold leases. If I am not mistaken such notice has been sent him more than once; and I would respectfully suggest that Mr. Warden Sharpe's attention be also called to the matter, and that he may be asked to remit directly to this department in future. By so doing much confusion will be avoided.—T. C. B.

Mr. Warden Sharpe may be informed as above, and requested to explain the circumstances under which he received the rent in question.—H. W., 17/5/76. As the lease has been returned no further action is necessary.—H. W., 22/5/76.

No. 7.

Telegram from The Under Secretary for Mines to The Warden, Hill End.

Sydney, 13 May, 1876.

HAS gold lease number eighteen hundred and twenty-six (1,826) been executed by the lessees; if so, please return it to this office.

No. 8.

Telegram from The Under Secretary for Mines to The Warden, Hill End.

Sydney, 16 May, 1876.

PLEASE return Gold Lease number eighteen hundred and twenty-six (1,826), asked for by my Telegram of the thirteenth instant, if executed by the lessees.

7

No. 9.

The Under Secretary for Mines to Mr. G. W. Waddell, Orange.

Sir,

Department of Mines, Sydney, 16 May, 1876.

In reference to the inquiries contained in your letter of the 5th instant, respecting Gold-mining Lease No. 1,826, I am directed by the Secretary for Mines to inform you that the date of the application for the said lease is the 29th March, 1872, and that as the application was made to the Commissioner at Bathurst there is no local number to the same.

2. I am to add that the lease is with Mr. Warden Sharpe for execution by the applicants.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 10.

Telegram from The Warden, Hill End, to The Under Secretary for Mines.

17 May, 1876.

REFERRING to your telegram of 16th instant, gold lease number eighteen hundred and twenty-six has not been executed by the lessees.

No. 11.

The Warden, Hill End, to The Under Secretary for Mines.

Sir,

Warden's Office, Hill End, 18 May, 1876.

I have the honor to return herewith the duplicate of the Gold-mining Lease noted in the margin. The original has been duly executed and delivered to the Lessees.

No. 1,826.
P. Grimley.
J. Read.

I have, &c.,

ERNEST SHARPE,

Warden.

See Memo. upon 76-2,831, the lease is now executed.—G.E.H., 19/5/76. Return the lease, and request that the execution may be completed and attested as marked in pencil.—J.L., 20/5/76. Mr. Warden Sharpe, B.C., 20 May 1876.—G.E.H., for U.S. Execution completed and attested as required.—ERNEST SHARPE, Warden. The Under Sec. for Mines, Sydney. Hill End, B.C., 23 May, 1876. Mines, 25.

[Enclosure 1 to No. 11.]

Telegram from Mr. P. Grimley, to The Warden, Hill End.

Orange, 12 April, 1876.

TELEGRAPH the amount due on Lease 1,826, "Poor Man's Reef," Ironbarks.

Informed, £25.—12/4/76. Mr. Macarthur,—This may be filed.—E.S., Warden, 18/4/76.

Enclosure 2 to No. 11.

Gold Mining Lease Regulations.—Schedule 12.

Form of Power of Attorney.

Know all men by these presents, that we, Peter Grimley of Orange, storekeeper, and John Read of Orange, miner, do hereby make, nominate, constitute, and appoint, and in our place or stead put, Alexander McPherson McLerie, of Hill End, to be our true and lawful attorney, for us and in our names and as our act and deed, to sign, seal, and take delivery of the Gold Mining Lease, No. 1,826, for which we on the twenty-ninth day of March, 1872, made application (No. at), under the provisions of the "Mining Act, 1874," and the Regulations made thereunder, and which has been or shall be granted and issued by the Governor, and for us and in our name to enter into all such covenants and agreements as we shall be required to enter into in and by the said Lease, and generally for us and in our name to do, execute, and perform all such other acts, deeds, and things as may be necessary or may be required to be done, executed, or performed in and about the application for and execution of such lease; and we do hereby ratify and confirm all and whatsoever the said Alexander McPherson McLerie shall lawfully do or cause to be done in or about the premises, by virtue of this power.

In witness whereof, we have hereunto set our hands and seals, this fifth day of May, 1876.

PETER GRIMLEY. (L.S.)
JOHN READ. (L.S.)

Signed, sealed, and delivered

By the abovenamed Peter Grimley, in the presence of,—

GEO. U. WADDELL

By the abovenamed John Read, in the presence of,—

MICHAEL REGAN.

No. 12.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Sydney House, Anson-street, Orange, 8 June, 1876.

I do myself the honor to lay before you the following statement, relative to the Gold-mining Lease No. 1,826, situated on "Poor Man's Reef," at Ironbarks, and granted to P. Grimley and J. Read.

1st. On 29th March, 1872, Read and Ferguson pegged out the lease, and in the usual time Grimley paid the money to Mr. Johnson, Commissioner at Bathurst, in the name of the above lessees, Ferguson's name having been omitted.

2nd. It appears that after some time a person named M'Fadden wrote to Mr. Johnson to know if Grimley, Ferguson, and Read had a lease at "Poor Man's Reef," Ironbarks, to which Mr. Johnson replies that no application had been received in these names—when M'Fadden, I am informed, removed our pegs, though we had posted notices on the lease, and applied for some of our ground, which appears to have been granted.

3rd. Prior to our lease being granted, Mr. Fleming and party had been working on the lease, but on my notice being posted on the ground they desisted. But another party who also works on the lease refused and tore down the notice.

4th. I understand that the ground in which Fleming and party have ceased to work is that portion of our ground which was pegged by M'Fadden; and Fleming has cautioned our party that they are working in his ground. I may here state that I have a party of men at work.

5th.

5th. I see by the *Government Gazette* of 25th March, 1876, that M'Fadden's name for 8 acres, No. 3,991, Local No. 151, appears; which, as far as I am informed, is the ground pegged out by us, the present lessees. I believe that I am in a position to prove that M'Fadden moved our pegs and applied for a portion of our ground.

6th. Fleming's party, that ceased to work when notified to that effect, are waiting until M'Fadden's lease is cancelled to peg it out again, and as I am applying for an injunction, and have the Surveyor and Warden on the ground with the least possible delay.

7th. May I have the honor to request that you will be pleased to direct Lease 3,991 be not cancelled until Mr. Surveyor Simpson has again surveyed the ground, and Mr. Warden Sharpe has given his decision.

I have, &c.,
PETER GRIMLEY,
 Lessee, 1,826.

1,826.—Grimley and Read's 10 acres. Lease executed and delivered. 3,991.—T. M'Fadden & Co., 8 acres, adjoins above. Search now being made with reference to transfer to Gordon Korff. Papers herewith.—7/6/2,166. Both surveys made by Mr. L.-S. Simpson.—13/6/77, P.A.

Inform that Lease No. 3,991 is not likely to be cancelled for some little time, as search has to be made respecting transfer before it can be tendered.—J.L., 14/6/76. Mr. Grimley informed, 19 June, 1876.

No. 13.

The Under Secretary for Mines to Mr. P. Grimley.

Sir,

Department of Mines, Sydney, 19 June, 1876.

In reference to your letter of the 8th instant, requesting that Gold Mining Lease No. 3,991 may not be cancelled at present, on the ground that the land embraced thereby includes a portion of that demised to you by Gold Lease No. 1,826, I am directed by the Secretary for Mines to inform you that the said lease is not likely to be cancelled for some little time, as the necessary search for records of any transfers or incumbrances thereon is now going on, and until it be completed the lease cannot be tendered for execution.

I have, &c.,
HARRIE WOOD,
 Under Secretary for Mines.

No. 14.

Memo. from Mr. P. Grimley to The Under Secretary for Mines:

ANNEXED Post Office Order for registration of the within transfer.

P. GRIMLEY,
 7th June, 1876.

[Enclosure 1 to No. 14.]

Gold Mining Lease Regulations.—Schedule 13.

Transfer of Gold Mining Lease.

P. O. Order, 10s.
 10/6/76.—G.E.H.
 10s., P.O.O.—
 T.C.B., 12, 6/76.

JOHN READ, of Root Hog, Macquarie River, Gold Miner, being registered as the lessee of one-third of that piece or parcel of land demised by a certain gold mining lease by Her Majesty the Queen, to Peter Grimley, John Read, and known as the "Poor Man's Reef," Ironbarks, containing 10 acres, and dated the 1st day of July, 1873, and numbered in the Register 1,826, in consideration of the sum of £10 paid to me by the transferees, the receipt of which sum I hereby acknowledge, do hereby transfer to the said Peter Grimley and John Ferguson all my one-third right, title, and interest in and to the piece or parcel of land demised as aforesaid. And we, Peter Grimley and John Ferguson, do hereby accept transfer of the right, title, and interest of the said John Read of one-third share in the abovenamed lease in and to the demised land aforesaid, subject to the provisions of the "Mining Act, 1874," and the Regulations made thereunder; and we hereby agree to be bound by all and singular the terms, conditions, covenants, provisos, restrictions, and reservations contained in the said lease.

In witness whereof, we have hereunto subscribed our respective names this 21st day of April, 1876.

Witnesses to signatures,—

JAMES HOOKER.

BERNARD M'CONVILL.

JOHN READ, Transferror.

PETER GRIMLEY, Transferee.

JOHN FERGUSON, Transferee.

I, John Lucas, hereby sanction and authorize the transfer of the interest of John Read in the above-named lease to Peter Grimley and John Ferguson.

Dated at Sydney this 14th day of June, 1876.

JOHN LUCAS.

I HAVE this 14th day of June, 1876, at the hour of 2 o'clock in the afternoon, registered the above-named transferees as the holders of the Gold Mining Lease No. 1,826.

T. C. BINNEY,
 Mining Registrar.

Messrs. Grimley & Ferguson informed, 14/6/76.

No. 15.

Memo. from The Under Secretary for Mines to The Registrar General.

Department of Mines, Sydney, 12 June, 1876.

WILL the Registrar General be good enough to state whether any transfer or incumbrance has been registered in his Office against or in respect of any of the undermentioned gold leases?—

No. of Lease.	Names in full of Lessees.	Area.	Locality.	Date.
1,826	P. Grimley and J. Read.....	a. r. p. 10 0 0	Co. Wellington, parish of Ironbarks.	1 July, 1873.
108 Mudgee.	W. Laidlaw, W. Durham, and S. L. Thum	4 1 31½	Co. Phillip, parish of Gulgong.	9 March, 1876.

B.C., 12th June, 1876.—H.W.

THERE is no transfer or encumbrance registered against the within leases.—JAS. BOSCAWEN DUFF,
 Deputy Registrar, 13/6/76.

No. 16.

The Mining Registrar, Ironbarks, to The Under Secretary for Mines.

Sir,

Mining Registrar's Office, Ironbarks, 16 June, 1876.

In compliance with your circular letter of the 13th instant, I have the honor to return you herewith List of Leases, and a transfer from H. Hernfield, in No. 3,991, to T. W. Webb.

As regards a re-transfer from Webb to Hernfield, under which Mr. D. C. B. Fleming claims to have a portion of this lease, I have made careful search, and there is no such transfer on the books; moreover, Mr. Hernfield admitted to me that the transfer in question had never been registered.

I have, &c.,
S. LANDAUER,
Mining Registrar.

[Enclosure 1 to No. 16.]

Form of Transfer.—Schedule X.

I, HENRY HERNFIELD, of Ironbarks, in consideration of the sum of fifty pounds (£50), do hereby transfer to Thomas William Webb, of Ironbarks, my right, title, and interest in and to one-third ($\frac{1}{3}$) of the whole of eight (8) acres on the "Poor Man's Reef," situated at Ironbarks, subject to all and singular the terms and conditions under which the said share has been held by me; and I, Thomas William Webb, of Ironbarks, do hereby accept of the said one-third ($\frac{1}{3}$) share, subject to the terms and conditions aforesaid.

Dated at Ironbarks, this 2nd day of October, 1873,—

Witness to signature—
M. HANLY.

H. HERNFIELD, Transferor.

Witness to signature—
M. HANLY.

THOS. W. WEBB, Transferee.

No. 17.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Sydney House, Anson-street, Orange, 11 August, 1876.

Referring to the Lease 1,826, situated at "Poor Man's Reef," Ironbarks, and in reference to which I have addressed you on a former occasion.—I do myself the honor to inform you that I have written to Mr. Surveyor Simpson, at Wellington, on 8th and 22nd ultimo, requesting him to proceed to the lease and re-survey it, for which I would pay him; but up to the present time I have received no reply, and as parties are working in our ground I can do nothing until re-surveyed. I am informed that Mr. Simpson is not absent from Wellington.

Would you be pleased to direct Mr. Simpson to re-survey, as I can do nothing without his report.

I have, &c.,
P. GRIMLEY,
Lessee.

The Chief Mining Surveyor might perhaps ask Mr. L.-S. Simpson whether he has any objection to make the survey, and to request that if not he will make it as speedily as possible, at the expense of the lessees.—J.L., 15/8/76. Mr. Licensed Surveyor W. B. Simpson, for action accordingly.—ROB. D. FITZGERALD, Chief Mining Surveyor, B.C., 28th Aug., 1876. 29th. Replied to in my letter, 21st October, 1876.—W. B. SIMPSON, L.S.

No. 18.

Mr. G. Korff to The Under Secretary for Mines.

Sir,

44, New Pitt-street, Sydney, 10 August, 1876.

I have the honor to inform you, that I addressed you a letter, dated the 3rd April last, referring to a gold lease, 3,991, at Ironbarks, to which I have not yet received any reply. As this delay in not giving me the above lease is causing me very serious loss, in consequence of Mr. Fleming still working the ground in defiance of and against my wishes, which he has been doing the last twenty months, I beg very respectfully to request that you will cause the aforesaid lease to be issued to me at once, to enable me to take other proceedings. Requesting your early reply and attention to this subject,

I have, &c.,
GORDON KORFF.

Inform that search is being made to ascertain whether there are any encumbrances to prevent the issue of the lease to the transferees, and that nothing can be done in the matter of the issue of the lease till the search is complete.—J.L., 14/8/76. Informed, 19 Aug., 1876.

No. 19.

The Under Secretary for Mines to Mr. G. Korff.

Sir,

Department of Mines, Sydney, 16 August, 1876.

In reply to your letter of the 10th instant, complaining of the delay in issuing Gold-mining Lease No. 3,991, I am directed by the Secretary for Mines to inform you that search is being made in the office of every Mining Registrar throughout the Colony, for the purpose of ascertaining whether there are any transfers or encumbrances to prevent the lease being issued to the transferees, and that no further action can be taken in the matter until the search is complete.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 20.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Sydney House, Anson-street, Orange, 4 September, 1876.

I beg again to refer to Grimley and Read's Gold-mining Lease 1,826, situated at "Poor Man's Reef," Ironbarks, and also to refer to my first and second letters relative to it. I cannot get an injunction, as I cannot get the ground re-surveyed. Mr. Simpson has not done so as yet.

I took up the ground in March, 1872, paid deposit, and have in April last executed lease, and I am powerless to do anything but stand by and look at men working my ground on the block and robbing me of my gold. These men have no property that I could have any satisfaction, or could I cause them to refund as they may be in Victoria before I could do anything.

May I request that you will be pleased to instruct that I be put in possession of the ground that I have originally marked out, and for which I paid. Some immediate step is necessary to stop this robbing.

I have, &c.,

PETER GRIMLEY.

As I understand this case, Mr. Grimley complains that the parcel of land of which he took possession, and for which he applied to lease, was not surveyed for him, but owing to his pegs having been removed was surveyed for some other persons; and that the parcel of land, a lease of which has been issued to him, is not that for which he applied; and he wishes the land re-surveyed in order to prove the truth of his statement. In the meantime, he says, persons are taking gold out of the land which he claims, and he cannot procure an injunction to restrain them. The papers have been sent to the surveyor respecting the re-survey; perhaps the Warden might be asked why he does not grant an injunction, and to inquire into and report upon the matter in complaint.—H.W., 6/9/76.

Approved.—J.L., 6/9/76. Mr. Warden Lane.—B.C., 7 Sept., /76. To be returned.

Ironbarks is in the Tambaroora and Turon District. Nothing in connection with the matter has passed through this office.—JOHN T. LANE, Warden, Orange, 12/9/76. The Under Secretary for Mines, Sydney.

This appears to have been sent to Orange in error. Mr. Warden Sharpe.—B.C., 13 September 1876.—H.W. I annex report.—ERNEST A. L. SHARPE, Warden. The Under Secretary for Mines, Sydney.—B.C., October 6th, 1876.

Can Mr. Landauer give me any information with reference to this case? Is not the land claimed by Mr. Grimley, Lease No. 1,692, name of applicant, Gordon Korff? *No.*

Has not the lease been issued to Gordon Korff or his transferees? *No.*

Is not he or are not they in possession and working the said lease? *No.*

18/9/76.

The Warden's Clerk, Ironbarks. To be returned.

ERNEST A. L. SHARPE,

Warden.

No. 21.

Report of the Warden, Hill End, to The Under Secretary for Mines.

In July last I went over to Ironbarks to hear Mr. Grimley's application for an injunction to prevent certain parties from working his lease, No. 1,826. I made all inquiries possible, and visited that lease. I found the parties complained of were not working on Mr. Grimley's lease, but on the adjoining one—which is, I think, No. 1,692, in the name of Gordon Korff. Under these circumstances, of course I could not grant the injunction applied for.

Mr. Grimley then stated to me that the 10 acres measured as No. 1,826 was not the land he applied for except 2 acres, and that the adjoining lease above-mentioned embraced the remaining 8 acres. Mr. Grimley also stated that he was not present when these leases were measured by the Mining Surveyor, and that certain parties had misled him for purposes of their own. On Monday last, the 2nd instant, I again visited Ironbarks to hear an application for an injunction by Mr. Grimley to prevent Messrs. Dreier and others from working Lease No. 1,826. From the evidence it appeared that the last-mentioned persons were working on that lease, and they stated that they knew that the land in dispute had been leased, but they were informed that the lease was cancelled; they then took up four men's ground under their Miners' Rights, and registered the claim. The necessary notices of their application were posted, and no objection lodged.

They admitted having received a notice from Mr. Grimley to stop work; but took no notice of it, as they did not believe he had any right to the ground, as he had said the *adjoining lease was his*.

At the close of the evidence, as there seemed some doubt as to the boundaries of the Lease No. 1,826, with the consent of the parties I made an order prohibiting both parties from working the ground in dispute, or removing any stone therefrom, until the surveyor had pointed out the boundaries, and Messrs. Dreier and party agreed to give quiet possession if they were within such boundary. I annex a rough sketch to show what Mr. Grimley claims as Lease No. 1,826.

ERNEST A. L. SHARPE,

The Under Secretary for Mines, Sydney.—B.C., 6th October, 1876.

Warden.

[Enclosure 1 to No. 21.]

Plan showing land claimed by Messrs. Grimley & Read.

No. 1,826. 10 acres.	No. 3,991. 8 acres.
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Note.—The black lines show leases as at present measured. The dotted lines, the land claimed by Messrs. Grimley & Co.

Will the Chief Draftsman kindly have a tracing prepared for the U.S., showing the relative positions of Leases 1,826, 3,978, and 3,991, at "Poor Man's Reef," Ironbarks.—P.A., 6/10/76. Herewith.—W.S.C.

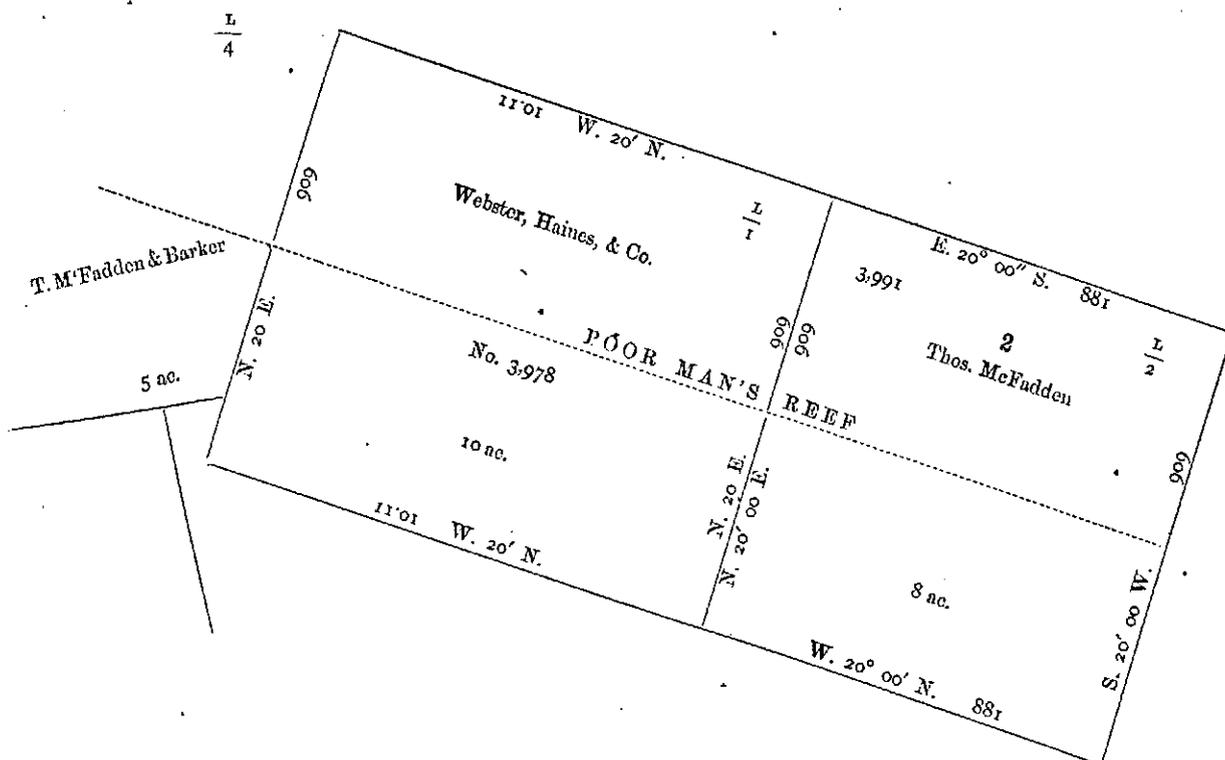
[Enclosure

[Enclosure 2 to No. 21.]

PORTIONS No. $\frac{L}{12}$ (AS SURVEYED.)

PARISH OF IRONBARKS, COUNTY OF WELLINGTON.

Applied for under the 7th clause of the Crown Lands Gold Fields Act of 1866, by—

Por. $\frac{L}{1}$ { Webster, Haines, & Co.
Quartz Lease.Portion No. $\frac{L}{1}$

NOTE.—This is the same land as applied for by P. Grimley & Co., at Bathurst, 24 March; No. 1,826.

- 1,826.—Grimley & Read, executed and delivered, May, 1876. Applied for, 29th March, 1872.
 3,978.—Webster, Haines, & Co., 30 days' notice published, 28/9/76. Applied for, 11th October, 1872.
 3,991.—Transferred to Gordon Korff, search just completed, lease about to be prepared. Applied for 19th October, 1872.
 Mr. L.-S. Simpson appears to have measured the same portion of land for 1,826 and 3,978, the plans furnished for each being identical. P.A., 9/10/76.

It will be seen by reference to the Warden's report and sketch, that Messrs. Grimley and Read complain that the wrong piece of land has been surveyed for them. Robert Smith, a miner (address, Post Office, Ironbarks), says an error has been made in the survey, and that James Harris (address, Post Office, Ironbarks) pegged out for Grimley and Co. and Robert McDougal, storekeeper, and William Scott, owner of crushing machine at Ironbarks, can testify as to the position of Grimley & Co.'s pegs, and that Henry Haudfield, "Post Office Hotel," knows McFadden's pegs. An application by Mr. Grimley for a re-survey of his land has been forwarded to Mr. L.-S. Simpson, with instructions to re-survey. Will the Chief Mining Surveyor be good enough to instruct Mr. Simpson to investigate the matter of the land taken possession of and surveyed for Messrs. Grimley and Read, Messrs. Webster, Haines, & Co., and Mr. McFadden, respectively, and report fully thereon with the least possible delay.—H.W., 10/10/76. Approved.—J.F.B., 10/10/76. Chief Draftsman, 11/10/76. Mr. W. B. Simpson instructed accordingly.—W.S.C., 12 Oct., /76, for Chief Mining Surveyor.

No. 22.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Orange, 13 October, 1876.
 I again beg to refer to Lease 1,826, Ironbarks. By appointment I met Mr. Warden Sharpe on the lease on 2nd instant, when he decided in Court that the Surveyor should come on the ground and point out the pegs, to which Dreier and Party consented that they would give up possession, meantime work to be suspended; I wrote at once to Mr. Mining Surveyor Simpson requesting his immediate attendance at Ironbarks and re-survey the lease, also to telegraph to me the day he would be there, also his fee so that if I could not go to meet him I would send cheque for the amount to my partner Ferguson, and up to the present time I have had no reply; this is my third letter without any reply. I can get no other Surveyor,

Surveyor, and am at a loss to know what to do. I have had a great deal of trouble since the lease has been executed, and pray that it may be decided at once by survey, and that the land originally applied for by us may be granted.

I have, &c.,
P. GRIMLEY,

Lessee 1,826.

Inform the writer that Mr. L.-S. Simpson was instructed on the 12th instant to make the survey, on the understanding that he, the writer, will pay the costs. The Chief Mining Surveyor will please request Mr. L.-S. Simpson to inform Mr. Grimley on what date he will make the investigation and re-survey. H.W.—16/10/76. Informed Mr. Grimley.—20 Oct., '76.

The Chief Mining Surveyor.—B.C., 21 Oct., '76.—H.W.

No. 23.

The Under Secretary for Mines to Mr. P. Grimley.

Sir,

Department of Mines, Sydney, 20 October, 1876.

In reference to your letter of the 13th instant, complaining of the delay on the part of the Surveyor in the matter of your application for a re-survey of the land demised to you under Gold Mining Lease No. 1,826, I am directed to inform you that Mr. Licensed Surveyor Simpson was instructed on the 12th instant to make the survey of the said land, on the understanding that you will pay the cost of it.

I have, &c.,
HARRIE WOOD.

No. 24.

Mr. P. Grimley to The Surveyor General.

Sir,

Orange, 13 October, 1876.

I regret being compelled to report Mr. Mining Surveyor Simpson, Wellington, which I do under the following circumstances: Being lessee of a gold area at Ironbarks, and wishing to have the boundary defined, I wrote to Mr. Simpson on 8th and 21st of August, and also on 2nd instant, to proceed to Ironbarks and re-survey the ground, "as the Warden directed a re-survey"; and for him, Mr. Simpson, to telegraph to me the time he would be there and his fee, so that if I did not meet him I would send cheque to my partner, Mr. Ferguson, to pay him; and up to the present time he has not replied to any of my letters, which has caused a great pecuniary loss, as work is at present suspended. Will you be pleased to direct that he proceed at once and survey as directed.

I have, &c.,
P. GRIMLEY,
Lessee.

Inform that Surveyor has been so instructed.—H.W., 17/10/76.

No. 25.

Mr. L.-S. Simpson to The Under Secretary for Mines.

Sir,

Wellington, 21 October, 1876.

In compliance with instructions received in B.C., 29th August, 1876, from the Chief Mining Surveyor, and memo of instructions of the 12th October, 1876,—I have now the honor to transmit report on application by Messrs. Grimley and Read relative to their Gold Mining Lease, No. 1,826.

I visited the land in company with Ferguson, who was acting as representative for Messrs. Grimley and Read, and who stated that he now held Read's interest, and Henry Dreier, representative for Dreier and Smith, who applied for a quartz claim of 120 feet at the Mining Registrar's, Ironbarks, on the 24th August, 1876. I found that Dreier and Smith had been working on the leased land formerly surveyed by me for Grimley and Read, and there was a considerable quantity of stone on the ground raised by them. Messrs. Grimley and Read in the first instance claimed the adjoining lease of 8 acres applied for by Thomas McFadden; they a short time ago prevented a Mr. Fleming from taking stone from the lease, stating it was their 10 acre lease; subsequently they claimed the land worked by Dreier and Smith as their 10-acre lease, which is the case.

Relative to the remarks by Grimley and Co., that I had been misled in the original survey of their land is not correct, as I was guided by the notices on the pegs, in my surveys made on the "Poor Man's Reef" in 1863, and surveyed the lands accordingly, there not being anyone present to represent the leases or in any way to mislead me. The facts of the case are, that when Grimley and Ferguson ascertained that Mr. Fleming, owner of a crushing machine, was obtaining stone from the "Poor Man's Reef" under the impression that the leases were abandoned, they made a claim that the blow in which he was working was on their land; subsequently, when they ascertained that Dreier and Smith were obtaining stone from the "Poor Man's Reef," they claimed their workings as on their lease, thus claiming the whole of the reef as being some part of their 10 acre lease. Messrs. Grimley and party have not done any work on their own ground, with the exception of what has been done lately by Dreier and party. There has been no work done on their ground since the application for lease. They have not even put large square pegs on the land as required. The adjoining leaseholder McFadden had. With the exception of one, I found the whole of my pegs on the land and plainly marked as I had driven them four years ago, and at the present time, Ferguson said that he did not know where his 10-acre lease was until I came on the ground to show him the pegs.

I am of opinion that as the regulations have not in any way been complied with by Grimley and Party, their lease should be by their own action forfeited, and that Dreier and Smith who have actually procured the stone have the better right to it, although it was taken from the land originally applied for by Grimley and Read.

The

The application by Webster, Haines, & Co., No. 3,978, of 10 acres, was intended to embrace the same portion of land as formerly applied for by Grimley and Read; this application for lease appears to be abandoned by the applicants, as nobody claims on their behalf, and being subsequent to lease by Grimley and Party could not be entertained.

I have, &c.,

W. B. SIMPSON, L.-S.

Send copy of this report to the Warden; inform Messrs. Grimley and Read of the result of the surveyor's investigation, and that they will be required to observe the labour conditions of the lease.—H.W., 24/10/76.

Submitted. Approved.—J.F.B., 25/10/76. Mr. Simpson's charge is submitted; it appears to be reasonable.—W.S.C.-26. The Under Secretary for Mines.

The account may be submitted. Submitted. Vide Minute of 15/8/76.—E.F.

[Enclosure 1 to No. 25.]
Memorandum of Instructions.

Department of Mines, 12 October, 1876.

Subject.

Reply.

Mr. Licensed Surveyor W. B. Simpson is requested to investigate and report upon the case of Messrs. Grimley & Read (particulars of which are given in the accompanying copies of papers), in accordance with the direction of the Hon. the Acting Minister for Mines. The several persons mentioned in the Under Secretary's Memo. are willing to give evidence in the case.

Reply forwarded in my letter 21st October, '76.

W. B. SIMPSON.

Very urgent.

W. S. CAMPBELL,
For the Chief Mining Surveyor.

[Enclosure 2 to No. 25.]

Pay Voucher.—Contingent Expenses.—Department of Mines.

Date of Period of Supply or Service.	Claimant and Service.	Amount.
21 October, 1876.	Claimant: Licensed-Surveyor W. B. Simpson, Wellington. <i>Special Charge.</i> Travelling to and investigating case of Messrs. Grimley & Read at Ironbarks, as directed in Memorandum of Instruction of the 12th October, 1876,—One day, at £3 3s.....	£ s. d. 3 3 0

W. B. SIMPSON, L.-S.

I hereby authorize the amount of the above certificate in my favour to be paid on my behalf to Bank of New South Wales, Sydney.

W. B. SIMPSON.

Received.—W. B. SIMPSON.

No. 26.

Messrs. Dreier & Smith to The Secretary for Mines.

Sir,

Ironbarks, 28 October, 1876.

We, the undersigned, being holders of an ordinary claim of 120 feet on a quartz reef known as the "Poor Man's Line of Reef," Ironbarks, said claim being situate in a northerly direction 2 chains from McFadden's lease of 8 acres. The claim in question is in a lease held by Webster and party, whose permission we had to mine on the ground; we commenced work about the middle of March last, and registered our claim on the 13th April following, and carried on operations in the mine without interruption up to the 2nd October, upon which date Mr. Sharpe, Warden for the district, held a Court at the suit of Messrs. Grimley and Read, and decided that we cease to work on the claim, and put Messrs. Grimley and Read in possession thereof, upon the grounds that they were the original lessees whose claim dated prior to Webster and Party. On or about the 17th April last, Messrs. Grimley and Read gave notice to Bailey and Party, then in occupation, and mining in ground known as McFadden's lease of 8 acres, before mentioned, to cease work, which was complied with; and Messrs. Grimley and Read took possession of same, which they held up to 2nd October. We beg leave here to remark that Messrs. Grimley and Read in this instance put forward claims identical with those assumed at a subsequent date to dispossess us of our claim. When Mr. Warden Sharpe ordered us to cease work we complied, protesting at the same time against the proceedings, for reasons hereinunder mentioned. Firstly, we were not aware that Messrs. Grimley and Read held a lease on or had any claim to the ground, said ground being known as Webster and Party's lease of 10 acres. Secondly, having permission from Webster and Party to mine on said ground. Thirdly, we considered ourselves in lawful occupation of the ground by virtue of Miners' Rights; and having from the time of taking up the ground until ordered by Mr. Warden Sharpe to cease work continuously carried on operations in the mine, both by our own and hired labour, in evidence of which from 60 to 70 tons of stone may be now seen on the ground, raised at a cost to us of £50, we think it a great wrong and hardship to be deprived of this, the more so as the stone appears to be of a better quality than any we have raised before, having been brought from a greater depth. To-day Mr. Ferguson and Party, representatives of Messrs. Grimley and Read, gave us notice to remove our tools from the ground and took possession thereof. We now submit our case, praying that you give the matter timely attention and take early steps to prevent us suffering such a loss.

We remain, &c.,

HENRY DREIER.
ROBERT SMITH.

Inform that a copy of the Surveyor's Report has been forwarded to the Warden, who will probably hold a further inquiry into the matter of Messrs. Grimley and Read's claims. It is not clear that the inquiry can affect the rights of Messrs. Dreier and Smith, as by their own showing they were occupying under Miner's Rights land demised by lease to other persons.—H. W., 31/10/76.

Submitted. Approved.—J. F. B., 31/11/76. Messrs. Dreier and Smith.—7/11/76.

No. 27.

No. 27.

The Under Secretary for Mines to Messrs. Dreier and Smith.

Gentlemen,

Department of Mines, Sydney, 7 November, 1876.

I am directed to acknowledge the receipt of your letter dated the 28th ultimo, with reference to the decision of Mr. Warden Sharpe respecting your quartz claim on the "Poor Man's Line of Reef," Ironbanks, and to inform you that a copy of the Mining Surveyor's report has been forwarded to the Warden, who will probably hold a further inquiry into the matter of Messrs. Grimley and Read's claims to the ground in question.

I am to state, however, that it is not clear that the investigation can affect your rights, as by your own showing you were in occupation under Miners' Rights of land demised by lease to other persons.

I am, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 28.

Mr. E. Clarke to The Under Secretary for Mines.

[Immediate.]

Sir,

Mudgee, 4 November, 1876.

Ironbanks, near Wellington, Lease No. 1,826, Grimley & Read, and 3,978, Webster & Party, for same ground.

I have the honor, with reference to the two leases mentioned in the margin, to bring under your notice the following, and to apply on behalf of Henry Dreier and Party that the Lease No. 1,826, held by Grimley and Read, may be cancelled for non-fulfilment of the labour conditions.

It appears Grimley and Read applied for ground in Lease 1,826, on 2 March, 1872. Some time afterwards, finding ground vacant, and no pegs, &c., Webster and party applied for the same ground; it was surveyed, and Lease No. 3,978 granted to them. Webster and party gave permission to Dreier and party to work a quartz claim (120 feet on the base line) within the leased ground, and they worked accordingly, and have raised some 60 or 70 tons of payable stone—having worked since the early part of the year. Messrs. Grimley and Read now claim the ground as theirs, under Lease 1,826, and upon the 2nd October Mr. Warden Sharpe ordered Dreier and party to discontinue trespass. Dreier and party have not yet left the claim.

They ask for the Lease 1,826 to Grimley and Read to be cancelled for non-fulfilment of labour conditions, upon the following facts:—Grimley and Read, in taking possession of their supposed ground, took possession of McFadden's Lease of 8 acres, which was being worked by a Mr. Fleming with fifteen miners, turning Fleming and his men out. Grimley and Read worked this ground for nine weeks and then knocked off, and four months afterwards finding my clients, Dreier and party, are obtaining gold, claim Webster and party's lease as theirs, and the Warden gives them possession or orders it to be given.

It is but fair to the Warden to state, that the surveyor stated Dreier's claim is upon what is included in Lease 1,826, and at the same time to mention that the ground in 1,826 is the same ground as granted to Webster in Lease 3,978. Upon 1,826 Grimley and Read have never done any work at any time, nor did they claim it until lately when they found Dreier and Co. obtaining payable stone.

Whether there has been any mistake in the last survey, or how it came to pass that the same piece of ground has been surveyed, paid for, and leased twice,—and whether leaseholders without claiming the ground or interfering in any way with it for over four years, to the detriment of four working miners who have worked seven months and discovered good stone, can now obtain it,—are matters to which I beg respectfully to draw your attention, with a view to justice being administered between the parties.

I have, &c.,

EDW. CLARKE.

Date of issue of lease to Grimley & Read? Date of Grimley's first letter objecting to survey, &c.? Date of execution of lease, 18th May, 1876.

On 8th June complained of error in survey; complaint not yet disposed of. Dreier & Smith can show no title, as they claim under Miners' Rights, in virtue of a permission given by Webster and party, whose title is of a later date than Grimley & Read's.

If it should turn out that the wrong piece of land has been surveyed for Grimley & Read, their lease could not be declared forfeited for not proceeding to work, seeing that under the lease they might have been working land which did not belong to them.

Acknowledge receipt, and inform that this statement shall be considered in connection with the matter in dispute respecting Messrs. Grimley & Read's lease.—H.W., 8/11/76. Mr. Clarke, 10/11/76.

These papers may be sent to Mr Warden Sharpe if he needs them. Ask the Warden by telegram.—H.W., 10/11/76. Telegram, 10/11/76.

No. 29.

The Under Secretary for Mines to Mr. E. Clarke.

Sir,

Department of Mines, Sydney, 10 November, 1876.

I am directed to acknowledge the receipt of your letter, dated the 4th instant, with reference to Gold Mining Leases Nos. 1,826 and 3,978, at Ironbanks, and to inform you that the statement therein made by you will be considered in connection with the matter in dispute respecting Messrs. Grimley & Read's lease.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 30.

Telegram from The Under Secretary for Mines to The Warden, Hill End.

Sydney, 10th November, 1876.

PLEASE say if you require papers in matter of dispute respecting Messrs. Grimley & Read's lease, Ironbanks.

No. 31.

15

No. 31.

Mr. E. Clarke to The Under Secretary for Mines.

Sir,

Mudgee, 10 November, 1876.

May I urge upon you the case of Henry Dreier and Party as to Leases 1,826 and 3,978, in Ironbarks, Wellington, as contained in my letter of the 4th instant?

My clients inform me this morning that Grimley & Read are preparing to crush the stone raised by my clients, and worth some £300, and that the same will be crushed early next week.

I have, &c.,

EDWARD CLARKE.

As far as is known in the office, the stone has been raised from the land demised by lease No. 1,826 to Messrs. Grimley & Read, and therefore it does not appear how this department can aid Messrs. Dreier & Smith. The Warden will most likely hold further inquiry into the matter of the leases and lease applications on the "Poor Man's Line of Reef" as soon as he returns to Hill End. If, in the meantime, the writer desires to take any steps to protect his clients, there is an Acting Warden at Hill End.—H.W., 11/11/76. Mr. Clarke, 13/11/76.

No. 32.

The Under Secretary for Mines to Mr. E. Clarke.

Sir,

Department of Mines, Sydney, 13 November, 1876.

With reference to your letter, dated the 10th instant, further as to the conflicting applications of Messrs. Grimley and Read, and Messrs. Dreier and party, respectively, for certain land at "Poor Man's Reef," Ironbarks, I am directed to inform you that, as far as is known in this office, the quartz stone you allude to has been raised from the land demised by lease No. 1,826 to Messrs. Grimley and Read, and that therefore it does not appear how the Department can aid Messrs. Dreier and party in the matter.

2. The Warden will most likely hold a further inquiry into the question of the leases and lease applications on the "Poor Man's Line of Reef" as soon as he returns to Hill End; but if in the meantime you desire to take any steps to protect your clients, there is an Acting Warden at that place, who will, of course, take cognizance of any representations made on the subject.

I have, &c.,

HARRIE WOOD,

U. S. for Mines.

No. 33.

Messrs. Dreier & Smith to The Secretary for Mines.

Sir,

Ironbarks, 13 November, 1876.

Your letter of the 7th instant is to hand, in which you state, in conclusion, "that a further investigation may not affect our rights, we having shown that we were in occupation, under Miners' Rights, of land demised by lease to other persons."

It is true that we were aware of the ground being leased to Webster and Party, they having given us permission to mine on the ground, and we believe this to be a very material proof in favour of our claim; for if Messrs. Grimley and Read had a grant of lease, why were they not there to represent their interests therein? We understand the Mining Act to specify, that after execution of lease labour conditions should be observed, and this Messrs. Grimley and Read have neglected to carry out. We may also add, that Messrs. Grimley and Read were in utter ignorance of the locality of their lease, being unable to distinguish it by landmarks or posts, both of which should be conspicuous.

Hoping you will give this matter your best attention,

We remain, &c.,

HENRY DREIER.

ROBERT SMITH.

No. 34.

Telegram from Mr. Acting Warden Flood, Hill End, to The Under Secretary for Mines.

16 November.

PAPERS in matter of dispute, Grimley and Read lease, Ironbarks, required. Please forward.

Forward at once, and inform such will be done.—H.W., 16/11/76.

No. 35.

Telegram from The Under Secretary for Mines to The Warden, Hill End.

16 November.

PAPERS in matter of dispute between Grimley and Read, and Dreier and Smith, forwarded by to-night's post.

No. 36.

Mr. F. King to The Under Secretary for Mines.

Sir,

Ironbarks, 13 November, 1876.

I beg to submit the following statement of a case which came under my notice during a recent visit to the Ironbarks Gold Field, and which appears to me to demand your interference.

Two men named Henry Dreier and Robert Smith took up 240 feet of ground on the "Poor Man's Line of Reef," at Ironbarks, and worked it for some weeks. After getting out about 60 tons of stone which appeared to be rather better than the ordinary quartz, they were forcibly ejected by two men

men named Ferguson, who stated that they were owners with Grimley and Read, who had obtained a lease of the land. It appears from inquiries I have made that Grimley and Read applied for a lease of the land in 1872, and received the title approved by the Crown in May, 1876. They neglected to fulfil any of the labour conditions and virtually abandoned their right till October, when hearing that Dreier and Smith were getting out good stone, they took with the two Fergusons forcible possession, and drove Dreier and Smith off the land. The case is one of great hardship, and in the interest of these poor men I appeal to you to cause them to be reinstated in their claim, if on investigation my statement of the facts is correct; but in the first instance, I would suggest that an order be sent to the two Fergusons to prevent them from appropriating the stone which has been raised by Dreier and Smith until the matter is settled one way or the other.

This case has excited much attention on this gold field, and the general impression is that Dreier and Smith have been wrongfully put off their claim.

I have, &c.,

FREDERICK KING.

N.B.—Please to address your reply to my office, at the Hyde Park Asylum.

All the papers connected with this dispute, and with the several applications to lease the parcels of land affected by the dispute, may be forwarded to Mr. Warden Sharpe, with a request that he will be good enough to proceed without delay to investigate and report upon the matter. The several parties may be informed that such will be done, and that they will be duly notified of the date on which the inquiry will be held.

Request the Warden to notify accordingly.—J.L., 15/11/76. Parties informed.—16/11/76. The Warden, Hill End.—B.C., 16th Nov., 1876.—H.W. Report herewith.—ERNEST A. L. SHARPE, Warden. B.C., 4 Dec., 1876. The Under Secretary for Mines.

No. 37.

The Under Secretary for Mines to Messrs. Dreier & Smith.

Gentlemen,

Department of Mines, Sydney, 16 November, 1876.

Adverting to your letter of the 13th instant, to former correspondence in respect of the conflicting applications of yourselves and Messrs. Grimley and Read, as to a gold claim on the "Poor Man's Line of Reef," Ironbarks,—I am directed to inform you that the whole of the papers in the case have now been sent to Mr. Warden Sharpe, with a request that he will be good enough to proceed without delay to investigate and report upon the matter.

I am to add, that you will be duly notified of the date on which the inquiry will be held.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 38.

The Under Secretary for Mines to Messrs. Grimley & Read.

Gentlemen,

Department of Mines, Sydney, 16 November, 1876.

With further reference to the dispute between yourselves and Messrs. Dreier and Smith, as to a gold quartz claim on the "Poor Man's Line of Reef," Ironbarks,—I am directed to inform you that the whole of the papers in the case have now been sent to Mr. Warden Sharpe, with a request that he will be good enough to proceed without delay to investigate and report upon the matter.

I am to add, that you will receive due notice of the date on which the inquiry will be held.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 39.

Mr. P. Grimley to The Under Secretary for Mines.

Sir,

Orange, 17 November, 1876.

I beg to remind you to instruct Mr. Warden Sharpe to hold a Court at Ironbarks, for the proof of the Lease 1,826, Grimley and Read's, as originally marked.

I am, &c.,

P. GRIMLEY.

The Warden has been so requested; inform.—H.W., 18/11/76.

Mr. Grimley.—22/11/76.

No. 40.

The Under Secretary for Mines to Mr. P. Grimley.

Sir,

Department of Mines, Sydney, 22 November, 1876.

I am directed to acknowledge the receipt of your letter dated the 17th instant, and in reference to the subject thereof to inform you that Mr. Warden Sharpe has been already requested to hold a Court at Ironbarks, for the purpose of inquiring into the dispute between yourself and Mr. Read on the one part and Messrs. Dreier and Party on the other.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 41.

[76-7,509.]

No. 41.

The Warden, Hill End, to The Under Secretary for Mines.

THE facts of this case are as follows:—

On the 29th March, 1872, Messrs. Grimley and Read applied for 10 acres of land for gold mining purposes, on the "Poor Man's Reef," Ironbarks, application No. 1,826.

On the 11th October following, Messrs. Webster and Haines marked out and applied for the same land, application No. 3,978; and on the 19th of the same month, Messrs. McFadden and company applied for 8 acres in the same locality, application No. 3,991.

All these leases have been approved and measured, and No. 1,826 has been issued. Soon after this lease was executed and delivered, Messrs. Grimley & Co. complained that the land measured as Lease No. 1,826 was not the land they applied for, and the evidence which accompanies this report goes to show that their statement is correct. The plan accompanying Mr. Mining Surveyor Simpson's report shows Leases Nos. 1,826 and 3,978 as embracing the same portion of ground, and Lease No. 3,991, Messrs. McFadden's 8 acres, as adjoining on the south. I have visited the leases in question, and taken evidence concerning the position of the original pegs marking Lease No. 1,826. It appears from that evidence that the ground marked out and applied for by Messrs. Grimley and Read in 1872 comprehends about 7 acres of the land measured as Lease 3,991, and about 3 acres of that measured as Lease No. 1,826. John Ferguson and James Harris (see evidence) both agree as to the position of the pegs; and another witness was present to prove the same thing, but I did not consider it necessary to call him as he stated he could only give the same evidence as Ferguson and Harris. The confusion with regard to the position of these leases seems to have been caused by the applicants, Messrs. Webster and Haines, and then Messrs. McFadden & Co., not making proper inquiries as to whether the land they wished to lease was already applied for. The evidence of Mr. Hanley goes to show that Mr. McFadden had knowledge when he marked his lease that the ground was already applied for. I would therefore recommend that the land as originally marked be measured for and granted to Messrs. Grimley & Co., and that Lease No. 3,991 be measured south and adjoining it if the lessees are willing to accept it. Lease No. 3,978 has, I presume, been cancelled, as the preliminary notice was published in the *Government Gazette* of the 28th of September last.

With respect to Messrs. Smith and Dreier's complaint that Messrs. Grimley and Ferguson have failed to comply with the labour conditions of Lease No. 1,826, it seems to me that it must fail, because the land they applied for—except a small portion on which the complainants were working—had not been granted to them. In conclusion, I may add that there seems no doubt but that Messrs. Dreier and Smith have been trespassing on Lease No. 1,826, taking that lease as at present measured or as originally marked. It is true that they have raised a considerable quantity of valuable stone which has been crushed for the benefit of Messrs. Grimley and Ferguson, but I am informed that Messrs. Dreier and Smith had several more or less remunerative crushings before they were disturbed. Mr. Dreier admits too, in his evidence that he was told by Mr. Ferguson that he was trespassing; he should then have made the necessary inquiries before incurring further expense. I am also of opinion that Messrs. Grimley and Ferguson had no intention of taking up Lease No. 1,826 until they heard that Messrs. Dreier and Smith had discovered payable gold, and for that discovery they are indebted to them.

I annex a rough sketch showing the position of the various leases as measured at present, and No. 1,826 as originally marked.

B.C., 4th December, 1876.

ERNEST A. L. SHARPE,

Warden.

Inform Messrs. Grimley and Read that as they have claimed, and taken possession of, and applied to their own use the gold from a certain parcel of quartz in virtue of the lease issued to them, they cannot now refuse that lease and ask that a lease of different land be granted to them in lieu thereof. If they surrender the deed issued to them, they will then be in the position of applicants to lease the land which they now allege they originally marked out, and they may be called upon to lodge the gold with the Warden to abide the result of their application.—J.L., 11/12/76.

Messrs. Grimley and Read, 15th December, 1876.

Make a precis of this case, but don't complete it until Mr. Korff's statement has been received.—H.W., 2/2/77.

[Enclosure 1 to No. 41.]

Notes of evidence taken.

Court-house, Ironbarks, 29 November, 1876.

Peter Grimley, being duly sworn, saith: I am a storekeeper, resident at Orange, and one of the lessees of Gold Mining Lease 1,826, which lease I produce; I executed it on the 18th March, 1876; in the terms of the lease, the lessees are required to employ five men on the lease fourteen days after the document of lease had been delivered; we have had five men employed since the beginning of this present month; we were unable to put the labour on sooner, because we could not ascertain where our ground was until the surveyor came and pointed out the lease to my partner, Mr. John Ferguson; this was about the latter end of October, and we then put five men on to work our lease, and they have been continuously working from the latter end of October up to the present time.

By Mr. Dreier: I will swear that I have employed five men from about the commencement of this month.

Taken and sworn this 29th day of November, 1876,—

ERNEST A. L. SHARPE, J.P.,
Warden.

P. GRIMLEY.

Robert Smith, being duly sworn, saith: I am a miner, resident at Ironbarks; I hold a miner's right for the present year; I know Gold Mining Lease No. 1,826; there has been no labour employed on that lease until the 28th of October last.

By Mr. Ferguson: I recollect that you did tell me that I and my partner were working on the lease you had marked out originally, but I don't recollect the date.

Taken and sworn this 29th day of November, 1876,—

ERNEST A. L. SHARPE, J.P.,
Warden.

ROBERT SMITH.

Henry Dreier, being duly sworn, saith: I am a miner, and hold a miner's right for the current year; I complain that Messrs. Grimley and Read have not complied with the labour conditions under which they hold their lease. There has been no labour employed on Lease No. 1,826 since the execution of the lease in May last till the 2nd of October last. Since the 28th of October there has not been five men employed constantly; there have been sometimes five and sometimes only four.

By Mr. Ferguson: How many days was I away from my work? About a week—nearly a week; it was between the 28th of October and the present time. The surveyor was here on the 20th, and you commenced to work on the 28th of last month.

Taken and sworn this 29th day of November, 1876,—

ERNEST A. L. SHARPE.

HENRY DREIER.

John Charlton, being duly sworn, saith: I am a miner, resident at Ironbarks; I was working on Lease No. 1,826 in June last for about a fortnight, and no one interfered with me; I didn't find anything payable, and left it and went further north; John Ferguson then came to me, and proposed to sink a shaft in the lease measured for M'Fadden; I refused; there has been no labour employed on Grimley and Read's lease till very lately.

Taken and sworn before me, this 29th day of November, 1876,—

ERNEST A. L. SHARPE,
Warden.

JOHN CHARLTON.

Court House, Ironbarks, 29 November, 1876.

John Ferguson, being duly sworn, saith: I am a miner, and reside at Ironbarks; in March, 1872, about six or seven days before the 29th of that month, I came over to Ironbarks with a miner named John Read, and marked out a lease of 10 acres on the "Poor Man's Reef," near Ironbarks; I marked it by putting up two base pegs—one at the north end, and the other at the south; I think the ground I marked would comprehend about 10 acres or about 250 or 260 yards on the base line; I put up notice of intention to apply for the lease in question on the north and south pegs; we then went back to the "Root Hog" and told Mr. Peter Grimley, who was a mate of mine at that time, and I believe he made application to the Commissioner at Bathurst for the lease; I and Read were holders of Miners' Rights for the year 1872 at the time we marked the ground; I wish to qualify what I have said about a Miner's Right; I cannot positively swear I had a Miner's Right in 1872 when I marked Lease No. 1,826, but I believe I had; there was no other lease marked on the "Poor Man's Reef" at the time we marked No. 1,826 that I was aware of; we put no labour on Lease No. 1,826 until we got the document on the 18th of May this year; I know Lease No. 1,826 has been measured, but I don't know when the measurement took place; the lease as measured does not embrace the land we marked; the land we marked embraces 2 acres or about that quantity of the land measured for us by Mr. Simpson, and the adjoining 8 acres marked by M'Fadden; in March or April last Mr. Grimley told me that Lease No. 1,826 was advertised, and I saw it myself in the *Town and Country Journal*, that it would be cancelled if not executed; we then sent for the lease, and it was duly executed; when I marked Lease No. 1,826 I put in posts at either end of the ground about 3 or 4 inches in diameter and about 4 feet out of the ground.

Taken and sworn this 29th day of November, 1876,—

ERNEST A. L. SHARPE, J.P.,
Warden.

JOHN FERGUSON.

Peter Grimley, being duly sworn, saith: I am a storekeeper, resident at Orange; about the 1st of April, 1872, I was in Bathurst, and I went to the Gold Fields Office and paid for a 10-acre lease at Ironbarks, which my mate John Ferguson had marked out; I paid £7 10s. (seven pounds ten shillings), and got a receipt, which has been lost; the application No. 1,826 was in the names of Peter Grimley and John Read; I got printed forms—the usual forms for posting on making application to lease; I enclosed them in an envelope and sent them to James Harris, Ironbarks, for him to post them on the lease; I am not positive whether I had a Miner's Right when I applied for Lease No. 1,826, but I believe I had; I don't know how long time elapsed between the time Ferguson marked the Lease No. 1,826 and the time the notices were posted that we had applied for the lease; I believe we complied with the Regulations then in force.

Taken and sworn before me, the 29th day of November, 1876,—

ERNEST A. L. SHARPE,
Warden.

P. GRIMLEY.

James Harris, being duly sworn, saith: I am a miner, and reside at Ironbarks; in March, 1872, I was employed by John Ferguson to post some notices on certain lease pegs on the "Poor Man's Reef," and to re-peg the lease he had marked out; I knew the ground, and had no difficulty in discovering the pegs that Ferguson had put in; I fixed them in the ground and put up some printed notices; I recollect that the names of Ferguson and Read were on the forms; I don't know the date when I posted these notices; when I put up the forms there were no other pegs in the ground than Grimley and Ferguson's; five months after Ferguson marked out his lease, a man named M'Fadden came to me and asked me to go in with him for some land on the "Poor Man's Reef," that Ferguson had applied for, Ferguson and his party had not paid for it; I told him that they had, and I would not have anything to do with it; he told me afterwards that he had marked out an 8-acre lease on the "Poor Man's Reef"; I know where the survey pegs of M'Fadden's lease and Grimley's are; I know the ground originally marked by Ferguson; the survey pegs on the south end of M'Fadden's 8-acre lease are 20 or 30 yards outside the ground originally marked by Ferguson; the sketch shown me shows the position of the pegs as put in by me and Ferguson, and the ground as measured by the surveyor; M'Fadden's lease as at present measured takes in a considerable portion of the land applied for by Ferguson.

Taken and sworn this 29th day of November, 1876,—

ERNEST A. L. SHARPE, J.P.,
Warden.

JAMES HARRIS.

Michael Hanley, being duly sworn, saith: I am a Senior-constable of Police, stationed at Stony Creek; in March, 1872, I was Mining Registrar at Ironbarks; I knew a man named M'Fadden, a miner; he took up some ground on the "Poor Man's Reef" early in 1872; he came to me on several occasions for information about pegs that were in the ground he had marked out with the intention of leasing it on the "Poor Man's Reef," and also about papers that were on those pegs; he said that the papers purposed to be the preliminary notice to lease, and the names of Read and either Grimley and Ferguson attached to them; he brought one of the notices to me, and said he took it off the peg; the writing was faded, but it was a notice of intention to apply for a lease; I told him that I could give him no information about whether the land was taken up or not, and that he had better apply for information to the Gold Commissioner at Wellington; I also told him that lease applications were made at Wellington and not at Stony Creek, and for that reason I could not tell him whether the land he was inquiring about was leased or not.

Taken and sworn this 29th day of November, 1876,—

ERNEST A. L. SHARPE.

M. HANLEY.

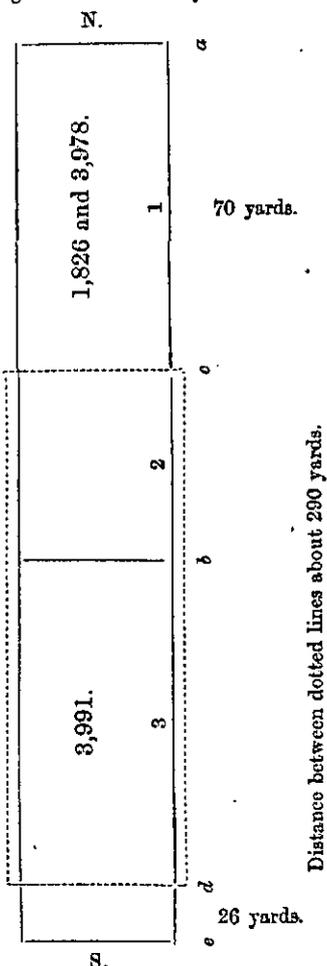
It may, perhaps, appear hard that Messrs. Dreier and Smith should lose the fruits of their labour, especially if, as stated, they have proved the value of Messrs. Grimley and Read's property, and thereby induced Messrs. Grimley and Read to take up the lease, which they would not have done had the proof depended upon their own labour; but as Messrs. Dreier and Smith were trespassers, and were informed that they were so, they have placed themselves in such a position that the Department cannot afford them any relief. If the statement respecting non-work be true, Messrs. Grimley and Read's title might be forfeitable; but the land is not open to be occupied by other persons until the title has been cancelled by the Governor and Executive, and notice thereof published in the *Gazette*. It appears from the report of the case that Messrs. Dreier and Smith have not laboured absolutely without reward, as they have crushed some parcels of stone and retained the gold therefrom.

J.L.

[Enclosure

[Enclosure 2 to No. 41.]

Sketch showing Ground claimed by Messrs. Grimley & Read.



Dotted lines show alleged marking by Grimley & Read; black, leases as at present measured.

- 1,826.—Grimley and Read. Their lease is granted and issued for 10 acres from *a* to *b*; they claim from *c* to *d*. The surveyor has surveyed it as from *a* to *b*. He was instructed to go over the ground again, which he did, and still persists in stating that he has surveyed the ground applied for.
- 3,978.—Applied for by Webster and Party. Lease not issued.
- 3,991.—*b* to *e*. Applied for by M'Fadden and Party, 1873; since transferred to Korff. Dreier and Smith were working between *c* and *b*, under Miner's Rights, with Webster's sanction. Grimley and Read took the proceeds of their labour by virtue of their lease.

No. 42.

The Under Secretary for Mines to Messrs. Grimley & Read.

Gentlemen,

Department of Mines, Sydney, 15 December, 1876.

Adverting to my letter of the 16th ultimo, to the effect that Mr. Warden Sharpe would investigate and report upon the matter in dispute between yourselves and Messrs. Dreier and Smith as to the right to certain land on the "Poor Man's Line of Reef," Ironbarks,—I am now directed to inform you that an inquiry has been held accordingly, and the Secretary for Mines desires me to state that, as you have claimed and taken possession of and applied to your own use the gold from a certain parcel of quartz in virtue of the lease issued to you, you cannot now refuse that lease and ask that one of different land be granted to you in lieu thereof.

2. I am to add that, if you choose to surrender the deed already issued to you, you will then be in the position of applicants to lease the land which you allege that you originally marked out, and you might then be called upon to lodge with the Warden the gold taken from the land to abide the result of your application.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 43.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Sydney, 29 December, 1876.

Referring to your letter of 15th instant, I do myself the honor to inform you that I have objected from the issue of the lease to the ground as surveyed. I have at very great trouble and considerable expense got the ground surveyed, and now request that the lease as originally marked out by us may be granted to us. We are at present working in the 2-acre portion of our ground, and object to occupy the whole of the lease. At the Warden's Court held on 29th ultimo, it was proved that M'Fadden and Party knew that the ground was ours though they took it up, and also that they took our paper off the pegs. The 8 acres of our original ground there is no person to dispute it, and I request that it may be granted.

I have, &c.,

P. GRIMLEY.

No. 44.

No. 44.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Orange, 11 January, 1877.

Reverting again to the Lease 1,826, Grimley & Read's, Ironbarks, I do myself the honor to forward the following facts, viz. :—

1. That on March 29, 1872, we marked out the ground, as sworn to before the Warden, Mr. Sharpe, in Court, on 29th November, 1876; that it appears that we were notified by letter on 28th October, 1872, but such letter has not been received by us; that on 19th October, 1872, M'Fadden, Hickey, & Hernfield applied for 8 acres of our 10 acres, and it appears that it has been granted to them, though Harris in his evidence on 29th October, *vide* Warden's Court papers, that he was requested by M'Fadden to join him, and he said that he would not as the ground belonged to Grimley & Read; that it is clearly proven that the ground is ours. And I now request that it may be granted to us as originally marked by us.

I am, &c.,

P. GRIMLEY.

No. 45.

Mr. G. Korff to The Secretary for Mines.

17, Church Hill, Sydney, 3 February, 1877.

Re Peter Grimley & Co's Application, No. 1,826, for Lease at "Poor Man's Reef," Ironbarks.

REFERRING to the mining dispute which has recently taken place between Messrs. Grimley & Co. on the one side, and Messrs. Smith & Dreier on the other, respecting the boundaries of the above lease and those numbered 3,978 and 3,991 respectively, and to the evidence taken therein on the 29th day of November last before Mr. District Warden A. L. Sharpe, the latter by his report, dated the 4th day of December last *inter alia* recommending, "that the land as originally marked be measured for and granted to Messrs. Grimley & Co., and that lease No. 3,991 be measured south and adjoining it if the lessees are willing to accept it,"—I have the honor to inform you that I am entitled to the lease No. 3,991 and the land therein comprised, and I now respectfully object to any re-survey of the land therein comprised or to any interference with or alteration of the present boundaries. Without prejudice to my position, I submit that Messrs. Grimley & Co. are not entitled to the said lease, the lease they claim, inasmuch as none of them had a Miner's Right at the time of their application; therefor.

Yours obediently,

GORDON KORFF.

Seen. Make a precis.—J.L., 6/2/77.

Herewith.—C.O.H.

No. 46.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Orange, 15 February, 1877.

I do myself the honor to again address you on the subject of the Gold Mining Lease 1,826, Grimley and Read's, Ironbarks. It is now nine months since the execution of the lease by us, and we have used every endeavour to have our boundary defined, which has been done; and at a Warden's Court held at Stony Creek on 29th November, it has been proven that we were the first applicants.

The case was to be brought before a Cabinet Council soon after the Christmas Recess, but up to the present time we have heard nothing. I now beg to know what decision, if any, has been arrived at; and also that the ground will be handed over to us, as we are the first parties to lease the ground.

I have, &c.,

PETER GRIMLEY.

Expedite the preparation of the precis, and inform that owing to pressure of business the Cabinet has not yet been able to deal with it, and time was allowed to Mr. Korff to state his case; but he shall be informed of the result as soon as a decision has been arrived at.—J.L., 20/2/77.

Mr. Grimley informed, 23rd February, 1877.

No. 47.

The Under Secretary for Mines to Mr. P. Grimley.

Sir,

Department of Mines, Sydney, 23 February, 1877.

In reply to your inquiry by letter of the 15th instant, further respecting your Gold Mining Lease No. 1,826,—I have the honor, by direction of the Secretary for Mines, to inform you, that owing to pressure of business the Cabinet has not yet been able to deal with the matter, and some little delay was occasioned in allowing Mr. Korff an opportunity to state his case; as soon however as a decision has been arrived at, the result shall be communicated to you.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 48.

Precis of the Case, with Minutes.

Gold Lease Applications.—"Poor Man's Reef," Ironbarks.

No. 1,826. Messrs. Grimley and Read, made on 29th March, 1872, for 10 acres of land. Lease executed in May, 1876.

No. 3,978. Messrs. Webster, Haines, and Party, made on 11th of October, 1872, for the same parcel of land as was subsequently surveyed for Grimley and Read. This lease has not been issued, nor has it been asked for.

No. 3,991. Made by M'Fadden & Party on 19th October, 1872, area 8 acres, adjoining the portion above named. A promise to grant this lease was published in the *Gazette* on the 29th day of June, 1873.

Shortly

Shortly after the execution by Grimley and Read of their lease, Grimley objected that the 10 acres measured for them were not the 10 acres for which they had applied, but that only about 2 acres of it were so, the remaining 8 acres being embraced by lease 3,991 (applied for by M'Fadden and Party), transferred to Gordon Korff, and they (Grimley and Read) asked for a re-survey for the purpose of securing the land which they allege they marked out. After some delay the surveyor went to the ground, and then reported that the land had been correctly surveyed, as shown in the diagram, within the lines *a, b, c, d*.

Vide area bounded by lines a, b, c, d, on diagram annexed. Vide area enclosed by dotted lines on the diagram annexed.

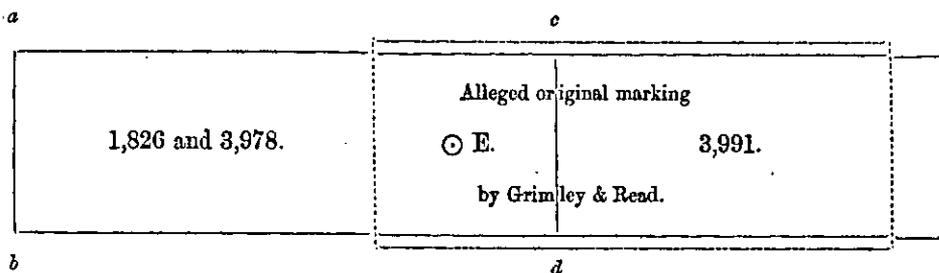
It is stated that Messrs. Webster and Hains had in the meantime given permission to certain parties, Dreier and Smith, to work upon the land taken up under application No. 3,978, and that several tons of stone were by them raised from the point *E* in the diagram.

Grimley and Read, who had done no work upon the land then applied for an injunction against Dreier and Smith, and an order was made by the Warden, who visited the ground, prohibiting both parties from working until the surveyor had pointed out the boundaries. Dreier and Smith, in the month of November, 1876, applied to have Grimley's lease cancelled for non-fulfilment of the labour conditions, but it was thought that Grimley and Read were not under obligation to work until the position of their boundaries had been definitely fixed.

Mr. Licensed Surveyor Simpson in his report states that on visiting the ground he found that Dreier and Smith had been working on the land originally surveyed by him for Grimley and Read.

The Warden also, who has held an inquiry into the matter, states that Dreier and Smith have been trespassing on land demised under Lease No. 1,826 to Grimley and Read.

Since then Grimley and Read have seized some 60 tons of stone raised by Dreier and Smith, and have appropriated the gold crushed therefrom; this, it is submitted, they could not have done except in virtue of the lease already issued to them, and therefore having adopted that lease for the purpose aforesaid they cannot now demand another lease in lieu of it, especially as the land which they desire is under promise of lease to Mr. Gordon Korff. On the 3rd February, 1877, Mr. Korff, in a letter to this Department, objects to any alteration in or interference with the boundaries of the land comprising the 8 acres applied for under application No. 3,991, and submits that Grimley and Read are not entitled to the lease they claim, as none of the party held a Miner's Right at the time of their application therefor. [The Act under which Grimley and Read applied did not require them to hold Miner's Rights, but the Regulations did.]



[77-1,028.]

Notes:—Grimley and Read, and Korff.

SEE diagram at foot of precis. The land surveyed for Messrs. Grimley and Read is shown by black lines, *a, b, c, d*, and a lease of that piece of land has been granted and issued to them. The land claimed by Messrs. Grimley and Read as having been pegged out by them is shown by dotted lines.

If a lease were granted to Messrs. Grimley and Read of the 10 acres embraced by the dotted lines, the 8-acre lease promised by notice in the *Government Gazette* to M'Fadden and Party could not be granted, and Mr. Korff who has purchased the interests of M'Fadden and Party on the strength, he alleges, of the notice in the *Gazette*, will probably claim compensation. Messrs. Grimley and Read were the first applicants.

At the point marked *E* in the diagram, some persons (trespassers) raised some 60 tons of quartz. Messrs. Grimley and Read, in virtue of the lease of the 10 acres bounded by the black lines *a, b, c, d*, seized the quartz and appropriated the gold. Thereupon, the late Minister decided, that as they (Grimley and Read) had used the lease in that way, they cannot now repudiate that lease and demand a lease of the land embraced by the dotted lines.

At the request of Messrs. Grimley and Read the late Minister promised to submit the matter to the Cabinet, but was prevented by pressure of business from doing so.

After careful consideration of this case, I am of opinion that the decision of the late Minister for Mines, on 76/7,509, should not be disturbed. The parties interested may be informed.—G.A.L., 31/5/77.

Grimley and Korff informed, 4 June, 1877.

Application 3,978 must be refused, as the land was not available at the date of the taking possession. Application 3,991 may be granted to Gordon Korff, as assignee of the applicants. Prepare a minute recommending that such be done.—G.A.L., 5/6/77.

3,978 was prepared and tendered before the survey of 1,826 was complained of, and was declared void on 21st December, 1876, for non-execution. 3,991 has already been granted, and lease prepared in the name of the transferee, G. Korff, after usual search has been made.—P.A., 6.

No. 49.

The Under Secretary for Mines to Mr. P. Grimley.

Sir,

Department of Mines, Sydney, 1 June, 1877.

Referring to my letter of 23rd February last and previous correspondence, touching your Gold Mining Lease No. 1,826, I have the honor to inform you, that after a careful consideration of the matter the Secretary for Mines is of opinion that the decision conveyed to you in my letter of the 15th of December last ought not to be disturbed.

I have &c.,

HARRIE WOOD,

Under Secretary for Mines.

Copy

Copy of decision above alluded to is annexed,—

“That as you have claimed and taken possession of and applied to your own use the gold from a certain parcel of quartz in virtue of the lease issued to you, you cannot now refuse that lease and ask that one of different land be granted to you in lieu thereof.”

No. 50.

The Under Secretary for Mines to Mr. G. Korff.

Sir,

Department of Mines, Sydney, 4 June, 1877.

Adverting to your letter of the 3rd February last, in support of your claim to Gold Lease No. 3,991, transferred to you by Messrs. M'Fadden and Party, I have the honor to inform you that the Secretary for Mines, after a careful consideration of the matter, is of opinion that the decision conveyed to Messrs. Grimley and Read, in a letter from this Department dated 15th December last, ought not to be disturbed.

I have, &c.,

HARRIE WOOD,

Under Secretary for Mines.

No. 51.

LEASE OF AURIFEROUS LANDS.

(Under 30 Victoria No. 8, section 7.)

Register No. 3,991.

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

To all to whom these presents shall come, greeting :

WHEREAS Gordon Korff, in our Colony of New South Wales, who is hereinafter styled the lessee, has made application for a lease of the portion of waste lands in our said Colony described in the "Schedule of Land" hereinafter written, for the purpose of mining for gold under the provisions of "The Gold Fields Act of 1866," and the Governor for the time being of our said Colony, with the advice of the Executive Council thereof, hath consented to grant a lease of the said lands for the term of fifteen years, and at the yearly rent of one pound per acre, and under and subject to the terms, conditions, exceptions, reservations, and provisos hereinafter contained: Now know ye, that in consideration of the premises, and of the sum of eight pounds in hand, paid to the Colonial Treasurer for the time being of our said Colony before the issue hereof as and for the first year's rent of the said lands, and also in consideration of the yearly rent, covenants, provisos, and agreements hereinafter reserved and contained, on the part of the lessee, his executors, administrators, and assigns, to be paid, observed, and performed,—We do hereby, for us our heirs and successors, demise and lease unto the lessee, his executors, administrators, and assigns, all that parcel of land described in the said Schedule of land hereinafter written, with free liberty for the said lessee to dig, sink, drive, make, and use all such pits, shafts, levels, watercourses, and other works which may be necessary for obtaining gold, and to use the said land or any part thereof either under ground or on the surface in such manner as may be proper and requisite for working and obtaining gold: Reserving unto us, our heirs and successors, and unto the Secretary for Lands of our said Colony, and to any and every person or persons hereinafter appointed by him in that behalf, free liberty at all times during the continuance of this demise to enter into and upon the lands hereby demised and all mines and works therein or thereon in order to view and examine the condition thereof: And also saving and reserving unto us, our heirs and successors, and to the Minister for Lands for the time being of our said Colony, and any person or persons authorized by him, the right to enter upon the said land or any part thereof, without compensation to the lessee, and to cut, dig, and remove all timber, stone, gravel, and other material in or upon the said land which may be required for any public purpose: To have and to hold the said land, and all and singular other the premises hereinbefore mentioned and hereby demised, with the appurtenances, unto the lessee, his executors, administrators, and assigns, from the first day of July, one thousand eight hundred and seventy-three, for and during the full term of fifteen years from thence next ensuing and fully to be complete and ended; and upon the terms and under and subject to the laws in force for the time being respecting Crown Lands of our said Colony, and the provisions of the "Gold Fields Act of 1866," and the Regulations which have been made thereunder and are now in force for the management of the gold fields of our said Colony, or which may at any time hereafter be made by the Governor of our said Colony with the advice of the Executive Council and also subject to the conditions, exceptions, reservations, and provisos hereinafter contained, yielding and paying therefor unto us, our heirs and successors, yearly, and every year during the continuance of this lease, the clear rent or sum of eight pounds, by yearly payments thereof, in advance, on the thirtieth day of June in each and every year, into the hands of our Colonial Treasurer for the time being of our said Colony, at the Treasury, in Sydney, in our said Colony, the first of such payments after the issuing of this lease to be made on the thirtieth day of June now next ensuing, being the period up to which payment of the first year's rent has been made as aforesaid: Provided always, and we do hereby declare that these presents are made upon the conditions following (that is to say): Upon condition that the lessee, his executors, administrators, or assigns, shall well and truly pay, or cause to be paid, unto us, our heirs and successors, the rent hereby reserved, upon the several days, and when and as the same shall become payable in the manner hereinbefore appointed for that purpose: And that if the lessee, his executors, administrators, or assigns, shall make default in payment of the rent hereby reserved for one month after the same shall have become payable, and shall not pay the same, together with a fine equal to twenty-five per cent. of the annual rent, within the period of three months after the same shall be payable, and shall make default in payment of the said rent for three months after the same shall have become payable, and shall not pay the same, together with a fine equal to fifty per cent. of the said annual rent, within the period of six months after the said rent shall have become payable, and if the same or any part thereof shall be in arrear and unpaid for the space of six months after any of the days and times upon which the same shall have become payable, the demise hereby made shall cease and determine, and that the lessee, his executors, administrators,

or

or assigns, shall and will at all times, after the expiration of fourteen days from the date of delivery of this our lease, as indorsed hereon, and during the continuance of this demise, keep employed continuously in gold-mining upon the said land not less than four men, or such amount of steam or water-power as shall by any regulation now in force, or which hereafter during the continuance of this demise may be in force, is or may be permitted to be employed by the lessees of lands leased for gold mining purposes in lieu of manual labour: And do and shall, at all times hereafter during the continuance of this demise, well and truly observe, perform, and keep all and every such Regulations now in force for the management of the gold fields of our said Colony, or which may at any time hereafter be made for the management of the said gold fields, by the Governor of our said Colony with the advice of the Executive Council, under the said Gold Fields Act, as shall be applicable to the leases of lands leased under the said Act for gold-mining purposes, or under any Act of the Parliament of our said Colony which may at any time hereafter be passed for the management of the gold fields of our said Colony; and do and shall in all things well and truly observe, perform, and keep all and every the requirements of all, every, and any Acts of Parliament of our said Colony, which shall or may at any time during the continuance of the lease hereby granted be in force in our said Colony, relating to leases of land for gold mining purposes: And shall not nor will work any of the mines commenced or worked in and upon any of the lands hereby demised out of or beyond the limits or boundaries of the said lands, nor work any mines upon the said land for any mineral or metal other than gold: And that if the lessee, his executors, administrators, or assigns, shall at any time or times permit or suffer a breach of any of the conditions hereinbefore contained (excepting in respect of the payment of rent which is hereinbefore provided for), it shall be lawful for us, our heirs and successors, or for the Governor or the Officer for the time being Administering the Government of our said Colony, to declare by notice to that effect in the *Government Gazette* this lease to be forfeited, whereupon the lease hereby granted shall cease; and that if the lease hereby granted shall cease and determine on account of the non-payment of rent, or shall be determined by notice in the *Government Gazette*, under the condition in that behalf hereinbefore contained, it shall be lawful for us, our heirs and successors, or for the Governor or Officer for the time being Administering the Government of our said Colony, or any person or persons authorized by him or them in writing under his or their hands, to re-enter upon the lands hereby demised or any part thereof, and therefrom to remove the lessee and all servants and occupiers thereof: Provided lastly, and we do hereby declare, that this our lease shall not take effect until the actual issue thereof by our Secretary for Lands or other officer authorized in that behalf by our Governor or other Officer for the time being Administering the Government of our said Colony, notwithstanding that the same shall previously and in anticipation of the payment of the said yearly rent have passed the Great Seal of our said Colony: And we declare that the following is the schedule of land hereinbefore referred to.

In testimony whereof, we have caused this our lease to be sealed with the Seal of our said Colony.

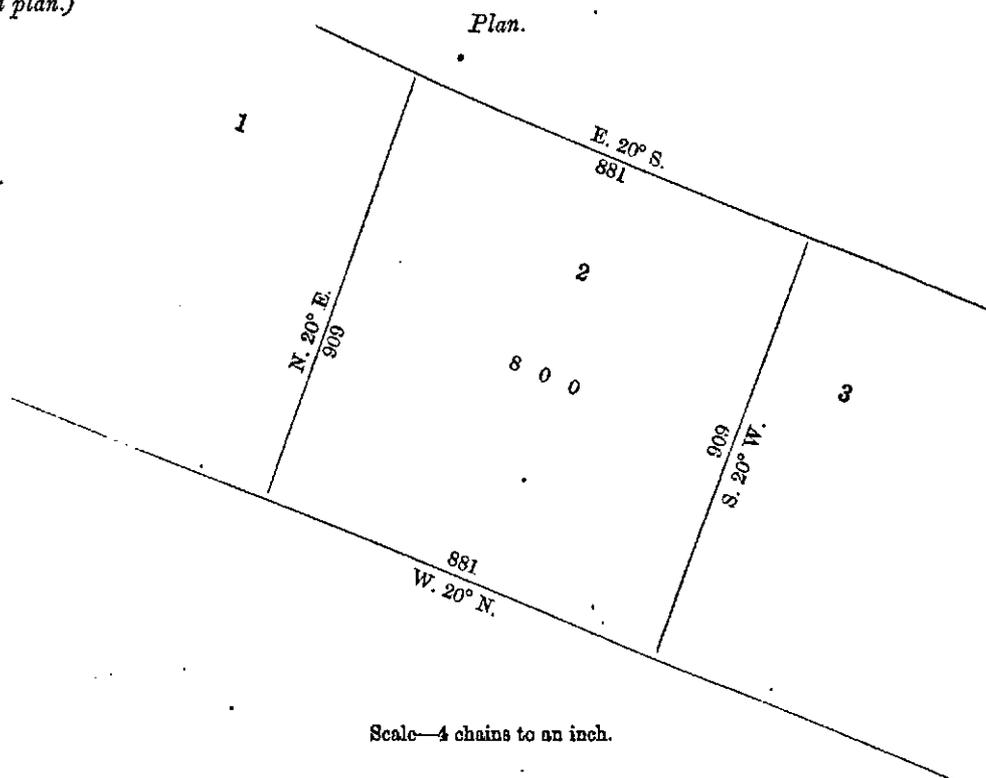
Witness His Excellency Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, our Governor and Commander-in-Chief of our said Colony of New South Wales, at Government House, Sydney, in New South Wales aforesaid, this tenth day of February, in the year of our Lord one thousand eight hundred and seventy-seven.

HERCULES ROBINSON.

Entered at Gold Commissioner's Office, this _____ day of _____ Commissioner.

SCHEDULE OF LAND.

Situated at Ironbarks, "Poor Man's Reef," and described by survey as eight acres, county of Wellington, parish of Ironbarks, portion two: Commencing at the north-east corner of portion one, and bounded thence on the north by a line bearing east twenty degrees south eight chains and eighty-one links; on the east by a line bearing south twenty degrees west nine chains and nine links; on the south by a line bearing west twenty degrees north eight chains and eighty-one links; on the west by a line bearing north twenty degrees east nine chains and nine links, to the point of commencement. (*Vide annexed plan.*)



INDORSEMENT.

Lease for Gold Mining Purposes, dated

I CERTIFY, that on this
auriferous tract to

day of

, 187

, I handed the within lease for an

Commissioner.

I hereby accept the within lease subject to the terms, conditions, exceptions, reservations, and provisos therein contained, and also subject to the provisions of the regulations made or to be made by His Excellency the Governor, with the advice of the Executive Council, and which may now or shall hereafter during the term created by the within lease be in force relating to leases of auriferous lands. And I hereby covenant with Her Majesty, her heirs and successors, that I will during the term created as aforesaid, well and truly pay the rents reserved under the within lease at such times and places as are therein specified and appointed, will at all times during the said term observe and perform all and singular the covenants, conditions, stipulations, and provisos therein contained.

In witness whereof, I have hereunto set my hand and seal, this _____ day of _____ 18 ____ .
Signed, sealed, and delivered by the within named _____
In the presence of _____

No. 52.

Mr. P. Grimley to The Under Secretary for Mines.

Sir,

Orange, 6 June, 1877.

I am in receipt of your letter of 1st instant, and have to request that you will inform me if that document is meant to be decisive. I now lodge protest against the execution of lease to M'Fadden or agents.

I have, &c.,
P. GRIMLEY.

Let the Lease 3,991 be kept back for a few days, to allow Mr. Grimley to take any action he thinks proper.—G.A.L., 8/6/77.

No. 53.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Orange, 8 June, 1877.

I am in receipt of letter of 7th instant, and have to refer you to mine of the 6th, in which I beg to know if your letter of 1st instant is meant to be final, in the case of Gold Mining Lease 1,826, "Poor Man's Reef," Ironbarks. It's now twelve months since I lodged my complaint; and I now request your decision for or against me in this case, if the document already alluded to is not.

I have, &c.,
P. GRIMLEY.

Inform the action taken is intended to be final.—G.A.L., 11/6/77. Informed.—12 June, 1877.

No. 54.

The Under Secretary for Mines to Mr. P. Grimley.

Sir,

Department of Mines, Sydney, 12 June, 1877.

I have the honor, by direction of the Secretary for Mines, to acknowledge receipt of your letter of the 8th instant, further respecting your application, No. 1,826, for a gold mining lease, and in reply to the inquiry therein made to inform you that the action already taken in this case is intended as final.

I have, &c.,
HARRIE WOOD,
Under Secretary for Mines.

No. 55.

Mr. P. Grimley to The Secretary for Mines.

Sir,

15 June, 1877.

I am in receipt of your letter of 13th instant, and herewith beg to return Lease 1,826, as it does not represent the ground applied for by us. You will be pleased to send receipt for same, and direct that a proper survey be made, and that we be put in possession of ground applied for by us and granted. *Vide* letter of 26 October, 1872.

I have, &c.,
P. GRIMLEY.

Mr. Grimley now returns his lease after a transfer of an interest in it has been made and sanctioned, and after the lessees have in virtue of it seized and applied to their own use the gold obtained from a quantity of stone raised from the land demised by this lease; and Mr. Grimley now asks that a lease may be granted of a different parcel of land, alleging that the within lease does not demise the parcel of land for which he applied. *Vide* decision on 76/7,509 and 77/1,028.—H.W., 18/6/77.

[Enclosure

[Enclosure 1 to No. 55.]

Lease of Auriferous Lands.

Register No. 1,826.

(Under 30 Victoria No. 8, section 7.)

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

To all to whom these presents shall come, greeting :

WHEREAS P. Grimley and J. Read, in our Colony of New South Wales, who are hereinafter styled the lessees, have made application for a lease of the portion of waste lands in our said Colony described in the "Schedule of Land" hereinafter written, for the purpose of mining for gold under the provisions of "The Gold Fields Act of 1866," and the Governor for the time being of our said Colony, with the advice of the Executive Council thereof, hath consented to grant a lease of the said lands for the term of fifteen years, and at the yearly rent of one pound per acre, and under and subject to the terms, conditions, exceptions, reservations, and provisos hereinafter contained: Now know ye, that in consideration of the premises, and of the sum of ten pounds in hand, paid to the Colonial Treasurer for the time being of our said Colony before the issue hereof as and for the first year's rent of the said lands; and also in consideration of the yearly rent, covenants, provisos, and agreements hereinafter reserved and contained, on the part of the lessees, their executors, administrators, and assigns, to be paid, observed, and performed,—We do hereby, for us our heirs and successors, demise and lease unto the lessees, their executors, administrators, and assigns, all that parcel of land described in the said schedule of land hereinafter written, with free liberty for the said lessees to dig, sink, drive, make, and use all such pits, shafts, levels, water-courses, and other works which may be necessary for obtaining gold, and to use the said land or any part thereof, either under ground or on the surface, in such manner as may be proper and requisite for working and obtaining gold: Reserving unto us, our heirs and successors, and unto the Secretary for Lands of our said Colony, and to any and every person or persons hereinafter appointed by him in that behalf, free liberty at all times during the continuance of this demise to enter into and upon the lands hereby demised and all mines and works therein or thereon, in order to view and examine the condition thereof: And also saving and reserving unto us, our heirs and successors, and to the Minister for Lands for the time being of our said Colony and any person or persons authorized by him, the right to enter upon the said land or any part thereof, without compensation to the lessees, and to cut, dig, and remove, all timber, stone, gravel, and other material in or upon the said land which may be required for any public purpose: To have and to hold the said land, and all and singular other the premises hereinbefore mentioned, and hereby demised, with the appurtenances, unto the lessees, their executors, administrators, and assigns, from the first day of July, one thousand eight hundred and seventy-three, for and during the full term of fifteen years from thence next ensuing and fully to be complete and ended: and upon the terms and under and subject to the laws in force for the time being respecting Crown Lands of our said Colony, and the provisions of the "Gold Fields Act of 1866," and the regulations which have been made thereunder, and are now in force for the management of the gold fields of our said Colony, or which may at any time hereafter be made by the Governor of our said Colony with the advice of the Executive Council, and also subject to the conditions, exceptions, reservations, and provisos hereinafter contained, yielding and paying therefor unto us, our heirs and successors, yearly, and every year during the continuance of this lease, the clear rent or sum of ten pounds, by yearly payments thereof, in advance, on the thirtieth day of June in each and every year, into the hands of our Colonial Treasurer for the time being of our said Colony, at the Treasury, in Sydney, in our said Colony, the first of such payments after the issuing of this lease to be made on the thirtieth day of June now next ensuing, being the period up to which payment of the first year's rent has been made as aforesaid: Provided always, and we do hereby declare that these presents are made upon the conditions following (that is to say)—upon condition that the lessees, their executors, administrators, or assigns, shall well and truly pay, or cause to be paid, unto us, our heirs and successors, the rent hereby reserved, upon the several days, and when and as the same shall become payable in the manner hereinbefore appointed for that purpose; and that if the lessees, their executors, administrators, or assigns, shall make default in payment of the rent hereby reserved, for one month after the same shall have become payable, and shall not pay the same, together with a fine equal to twenty-five per cent. of the annual rent, within the period of three months after the same shall be payable, and shall make default in payment of the said rent for three months after the same shall have become payable, and shall not pay the same, together with a fine equal to fifty per cent. of the said annual rent, within the period of six months after the said rent shall have become payable, and if the same or any part thereof shall be in arrear and unpaid for the space of six months after any of the days and times upon which the same shall have become payable, the demise hereby made shall cease and determine, and that the lessees, their executors, administrators, or assigns shall and will at all times, after the expiration of fourteen days from the date of delivery of this our lease, as indorsed hereon, and during the continuance of this demise, keep employed continuously in gold mining upon the said land not less than five men, or such amount of steam or water power as shall by any regulation now in force, or which hereafter during the continuance of this demise may be in force, is or may be permitted to be employed by the lessees of lands leased for gold mining purposes in lieu of manual labour; and do and shall, at all times hereafter during the continuance of this demise, well and truly observe, perform, and keep all and every such regulations now in force for the management of the gold fields of our said Colony, or which may at any time hereafter be made for the management of the said gold fields, by the Governor of our said Colony, with the advice of the Executive Council, under the said Gold Fields Act, as shall be applicable to the leases of lands leased under the said Act for gold mining purposes, or under any Act of Parliament of our said Colony which may at any time hereafter be passed for the management of the gold fields of our said Colony; and do and shall in all things well and truly observe, perform, and keep all and every the requirements of all, every, and any Acts of Parliament of our said Colony which shall or may at any time during the continuance of the lease hereby granted be in force in our said Colony, relating to leases of land for gold mining purposes; and shall not nor will work any of the mines commenced or worked in and upon any of the lands hereby demised out of or beyond the limits or boundaries of the said lands, nor work any mines upon the said land for any mineral or metal other than gold; and that if the lessees, their executors, administrators, or assigns, shall at any time or times permit or suffer a breach of any of the conditions hereinbefore contained (excepting in respect of the payment of rent which is hereinbefore provided for), it shall be lawful for us, our heirs and successors, or for the Governor or the officer for the time being administering the Government of our said Colony, to declare by notice to that effect in the *Government Gazette*, this lease to be forfeited, whereupon the lease hereby granted shall cease, and that if the lease hereby granted shall cease and determine on account of the non-payment of rent, or shall be determined by notice in the *Government Gazette*, under the condition in that behalf hereinbefore contained, it shall be lawful for us, our heirs and successors, or for the Governor or officer for the time being administering the Government of our said Colony, or any person or persons authorized by him or them in writing under his or their hands, to re-enter upon the lands hereby demised or any part thereof, and therefrom to remove the lessees and all servants and occupier, thereof: Provided lastly, and we do hereby declare, that this our lease shall not take effect until the actual issue thereof by our Secretary for Lands or other officer authorized in that behalf by our Governor or other officer for the time being administering the Government of our said Colony, notwithstanding that the same shall previously and in anticipation of the payment of the said yearly rent have passed the Great Seal of our said Colony: And we declare that the following is the Schedule of Land hereinbefore referred to.

In testimony whereof, we have caused this our lease to be sealed with the Seal of our said Colony.

Witness His Excellency Sir Hercules George Robert Robinson, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, our Governor and Commander-in-Chief of our said Colony of New South Wales, at Government House, Sydney, in New South Wales aforesaid, this nineteenth day of January, in the year of our Lord one thousand eight hundred and seventy-six.

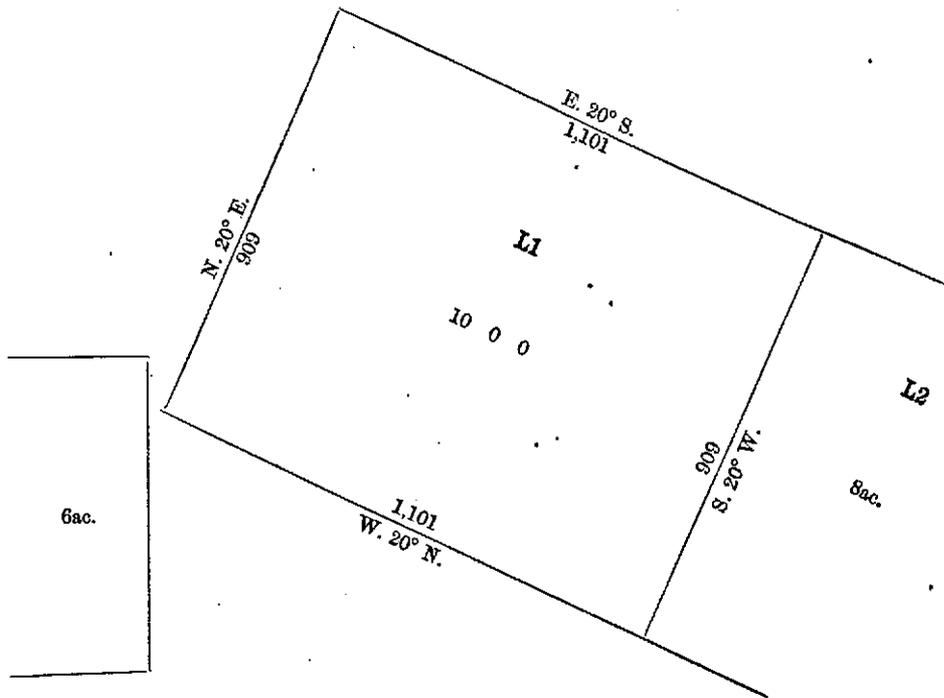
HERCULES ROBINSON.

Entered at Gold Commissioner's Office, this _____ day of _____ Commissioner.

SCHEDULE OF LAND.

Situated at Ironbarks, "Poor Man's Reef," and described by survey as ten acres, county of Wellington, parish of Ironbarks, portion one: Commencing at the south-western corner of portion No. 2, and bounded thence on the south by a line bearing west twenty degrees north eleven chains and one link; on the west by a line bearing north twenty degrees east nine chains and nine links; on the north by a line bearing east twenty degrees south eleven chains and one link; on the east by a line bearing south twenty degrees west nine chains and nine links, to the point of commencement. (*See annexed Plan.*)

Plan.



Scale—4 chains to 1 inch.

INDORSEMENT.

Lease for Gold Mining Purposes, dated

certify that on this

day of

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, I handed the within lease for an auriferous tract to

Commissioner.

We hereby accept the within lease subject to the terms, conditions, exceptions, reservations, and provisos therein contained, and also subject to the provisions of the Regulations made or to be made by His Excellency the Governor with the advice of the Executive Council, and which may now or shall hereafter during the term created by the within lease be in force, relating to leases of auriferous lands. And we severally hereby covenant with Her Majesty, her heirs and successors, that we will during the term created as aforesaid, well and truly pay the rents reserved under the within lease at such times and places as are therein specified and appointed, will at all times during the said term observe and perform all and singular the covenants, conditions, stipulations, and provisos therein contained.

In witness whereof, we have hereunto set our hands and seals this 18th day of May, 1876.

PETER GRIMLEY. (L.S.)

JOHN READ. (L.S.)

(By their Attorney, A. M. McLeric.)

Signed, sealed, and delivered by the within-named Peter Grimley and John Read, in the presence of—

F. CAMERON MACARTHUR.

No. 56.

Mr. P. Grimley to The Secretary for Mines.

Sir,

Orange, 18 June, 1877.

I am in receipt of your letter of 16th instant, acknowledging receipt of Lease 1,826, and stating that it would have your immediate attention. I now do myself the honor to request your particular and immediate attention, and request your communication of same forthwith.

I have, &c.,

P. GRIMLEY.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

DISCOVERY OF GOLD.

(PETITION—MESSRS. WILLIAM TOM, JOHN H. A. LISTER, AND JAMES TOM.)

Ordered by the Legislative Assembly to be printed, 19 December, 1876.

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

The humble Petition of William Tom, the younger, of Rob Roy, Guyong, in the Colony of New South Wales, farmer,—John Hardman Australia Lister, of Guyong, aforesaid. farmer,—and James Tom, of Melbourne, in the Colony of Victoria, settler,—

SHOWETH:—

That early in the month of February, 1851, Mr. Edmund Hammond Hargreaves arrived at what is now known by the name of the "Guyong Inn," situate about 24 miles from Bathurst, on the Wellington Road. He arrived at the inn and informed Mrs. Lister (the mother of your Petitioner John Hardman Australia Lister), and your Petitioner John Hardman Australia Lister, that he was on his way to Wellington in search of gold, whereupon your Petitioner John Hardman Australia Lister showed him some stones, which your Petitioner John Hardman Australia Lister supposed to indicate the presence of auriferous matter, and which your Petitioner John Hardman Australia Lister had brought from the Turon and Macquarie Mountains and River, and which had been picked up by him in his peregrinations in search of gold in those localities. After some conversation with your Petitioner John Hardman Australia Lister, Mr. Hargreaves gave up the idea of going to Wellington; and it was agreed between him and your Petitioner John Hardman Australia Lister that they should become partners or colleagues in searching for gold; and accordingly, on the 12th February, 1851, your Petitioner John Hardman Australia Lister and Mr. Hargreaves commenced their search, and your Petitioner John Hardman Australia Lister took Mr. Hargreaves to a part of the country within three or four miles of what now bears the name of Ophir, on the Lewis Ponds Creek, where Mr. Hargreaves washed several panfuls of earth, from which he obtained four or five minute specks of gold, thus verifying an opinion long before entertained that this was a gold country. Having proceeded thus far, the next object which your Petitioner John Hardman Australia Lister and Mr. Hargreaves had in view was, the discovering a payable or working gold field. After this your Petitioner John Hardman Australia Lister and Mr. Hargreaves determined to further prosecute their inquiries for a payable gold field, and to proceed down the Macquarie River and thoroughly examine the creeks in the neighbourhood of Ophir; and not being acquainted with the bush or the country they were about to explore, they agreed with your Petitioner James Tom, who knew the whole of the country well, that he should join them in their search, with the full understanding that each person was to share alike in any benefits to be derived from their joint exertions, to which he consented; and after explaining to him the method of washing gold, your Petitioners John Hardman Australia Lister and James Tom started with the said Mr. Hargreaves on their journey, and after being engaged some days on their search, returned without having made the discovery of a working gold field. This journey being over, Mr. Hargreaves prospected no more in the Lewis Ponds and Ophir neighbourhood, but probably thinking a gold field might be found about Wellington, he made a journey thither, and after a lengthened exploration of that district he returned to Guyong without having met with any success. On his return to Guyong, Mr. Hargreaves informed your Petitioner he was obliged to return home, and your Petitioner James Tom having to go to Adelaide on business, it was arranged that your Petitioner William Tom should take his place and continue, in company with your Petitioner John Hardman Australia Lister, the inquiries in search of gold, your Petitioners having determined, if possible, to ascertain if Australian soil would pay for working. When Mr. Hargreaves was about to start from Guyong, he told your Petitioners that as soon as he arrived home he would make a tour to Moreton Bay, and give the whole of that part of the Colony a thorough search, and that if he did not succeed in finding gold in payable quantities he would go to California immediately on his return; but if he did succeed in finding gold he would let your Petitioners know as quickly as possible after the discovery. Your Petitioners made a similar promise to Mr. Hargreaves, as to informing him of the success of their search. Upon this understanding your Petitioners and Mr. Hargreaves parted.

This agreement having been made between your Petitioners and Mr. Hargreaves, your Petitioners John Hardman Australia Lister and William Tom started from Guyong on the morning of the 7th of April, 1851; and from the circumstance of a piece of gold having been picked up some time previously at a place now known by the name of the Fitz Roy Bar, your Petitioner William Tom suggested to your Petitioner John Hardman Australia Lister the importance of making a good search on that Bar; and the suggestion being approved of, your Petitioners William Tom and John Hardman Australia Lister repaired thither, and upon arriving at the place, your Petitioners turned out their horses, and after partaking of some refreshments, which they had with them, commenced searching for gold; and after looking for about ten minutes, your Petitioner William Tom succeeded in finding a piece of gold worth about £2 7s. This circumstance encouraged your Petitioners to prosecute their search further, and induced them to go into the mountains around the next morning for the cradle, which had been made by your Petitioner William Tom on a previous occasion, for the purpose of prospecting, and hid by him. About 2 o'clock the same day your Petitioners commenced working at the Bar, and by sun-down had accumulated about 30s. worth of gold dust, besides a nugget weighing about a quarter of an ounce. The next day your Petitioners collected about 300 grains weight of gold, and the day after about £2 worth. In prosecuting their labours your Petitioners carried the soil they dug up to the cradle in two 3-bushel bags.

As your Petitioners had now succeeded in ascertaining that the ground would pay for working, they determined upon proceeding down the creek to see if they could find any pieces or lumps of gold, in case any were exposed to view from the washing-away of the soil by the water. Accordingly they saddled their horses and proceeded to where a tributary creek emptied itself into the main creek, and your Petitioner John Hardman Australia Lister picked up a piece of gold immediately at the junction of the two creeks, which weighed eight sovereigns. John Hardman Australia Lister first saw this piece of gold while sitting on horseback: it was held above the ground, a portion of it being wrapped round the root of a tree. Your Petitioners' provisions being by this time exhausted, they were obliged to return home to Guyong the following day.

Your Petitioners communicated the result of their search to Mr. Hargreaves at the earliest opportunity they had, according to the agreement made between them, before alluded to; and considering themselves indebted to him for a knowledge of how to procure gold by the use of the tin dish, your Petitioners placed in his hands all the gold they had procured as before stated, in order that he might, on behalf of your Petitioners and himself, disclose the discovery made by your Petitioners to the Government, as his discretion and sense of honor might dictate. The money arising from the sale of gold your Petitioner had procured was received by Mr. Hargreaves, and by him divided equally between your Petitioners and himself. Your Petitioners respectfully submit to your Honorable House that this fact shows conclusively the fact of the agreement between your Petitioners and Mr. Hargreaves, and the understanding that any profit arising from the gold actually discovered was to be shared between Mr. Hargreaves and your Petitioners as partners in the business.

While your Petitioners admit that Mr. Hargreaves, as a partner with your Petitioners, was entitled to participate in the profits of the gold actually found in the course of their search, by virtue of the agreement between them before referred to, they respectfully submit to your Honorable House that they themselves were primarily entitled to be considered as such real and *bona fide* discoverers of such gold field, because they actually discovered such gold field in Mr. Hargreaves' absence from the spot where the discovery was first made.

In the year 1853 the then Government of the Colony made a grant to your Petitioners, upon the foregoing facts being brought to their knowledge, of £1,000, of which your Petitioners each received a third part; and this is the only sum ever received by your Petitioners from the Government for their discovery.

Your Petitioners entrusted the prosecution of their claim upon the then Government of the Colony to Mr. Hargreaves; and they have every reason to believe, from facts which subsequently came to their knowledge, that he did not fairly represent your Petitioners' share in the discovery, but that he gave an unfair prominence or importance to his own exertions to the prejudice of your Petitioners.

As a further reason in support of your Petitioners' claim as the discoverers of the first payable gold field in Australia, they beg to state, for the information of your Honorable House, that during the time Mr. Hargreaves and themselves were engaged in their searches for gold your Petitioners themselves paid Mr. Hargreaves' expenses consequent upon such search, and they did so in virtue of the agreement between themselves and Mr. Hargreaves before referred to. These expenses your Petitioners have never been repaid.

Your Petitioners have been informed a grant was made to Mr. Hargreaves, in or about the year 1853, of a large sum of money as a reward for his being the first or sole discoverer of a payable gold field, and that such sum was duly paid to him.

Your Petitioners have delayed bringing their claim before your Honorable House until the present time, solely that time might be given for the development of the resources of the gold fields of Australia, and in order that their value might be ascertained; and they submit that now the extent and value of such gold fields are fully known, they have a fair right to present their claims to your Honorable House as the first discoverers of the same as producing gold in payable quantities, and as being the persons by whose means the public attention was directed to the subject.

Your Petitioners therefore humbly pray that your Honorable House will be pleased to appoint a Committee to consider the prayer of this their Petition, and to report to your Honorable House whether or not your Petitioners are entitled to be considered the real and *bona fide* discoverers of the first payable gold field in Australia; and, if necessary, that your Petitioners may be at liberty to give evidence before such Committee in support of their claims, and may be heard by counsel in support thereof, either at the Bar of your Honorable House or before such Committee.

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

WILLIAM TOM, JUNR.
J. H. A. LISTER.
JAMES TOM,

(By his Agent,—WILLIAM TOM, JUNR.)

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

TYAGONG GOLD FIELD.

(PETITION OF JOHN O'BRIEN.)

Ordered by the Legislative Assembly to be printed, 11 May, 1877.

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

The Petition of the undersigned resident of the Tyagong Gold Field, near Grenfell,—

RESPECTFULLY AND HUMBLY SHOWETH:—

That your Petitioner, on the 29th May, 1871, applied for a site upon which to sink a dam at Prince Alfred Gully, near Seven-mile, for mining purposes, 1,000 yards square.

That your Petitioner sunk a very large dam thereon, and at a cost of upwards of two hundred and fifty pounds (£250) erected ten puddling-machines, with all the necessary machinery.

That in consequence of the late Government throwing open the Tyagong Gold Field for selection, the ground upon which the aforesaid dam and machinery had been erected was selected.

That not less than fifty (50) miners were employed on this Gold Field at the time of its selection.

That owing to a decision in a case of a selector against a party of diggers, given in favour of the former by Mr. District Court Judge Forbes, at the Grenfell District Court held on the 24th January last, miners have relinquished further operations at the Tyagong.

That your Petitioner, for the reasons above mentioned, is deprived of the power and opportunity of carrying on his business.

That your Petitioner estimates the loss he has sustained in the making of a dam, the purchase and erection of machinery, and the loss of time, at upwards of nine hundred pounds.

Your Petitioner humbly prays that your Honorable House will take the foregoing premises into your consideration, and grant such relief as it may think fit.

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

JOHN O'BRIEN,
Miner.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

COAL.
(EXISTENCE OF, UNDER SYDNEY.)

Ordered by the Legislative Assembly to be printed, 28 May, 1877.

RETURN to an *Order* made by the Honorable the Legislative Assembly of New South Wales, dated 23 May, 1877, That there be laid upon the Table of this House,—

“ A copy of the Report of Mr. Wilkinson, Geological Surveyor, and Mr. Lewis, Inspector of Coal Mines, as to the probable depth at which workable coal would be obtained in the neighbourhood of Sydney.”

(Mr. Cameron.)

COPY of the Reports of the Geological Surveyor and Inspector of Coal Mines as to the probable depth at which workable coal would be obtained in the neighbourhood of Sydney, in return to an Order of the Honorable the Legislative Assembly of New South Wales, made Wednesday, the 23rd of May, 1877.

The Government Geological Surveyor to The Under Secretary for Mines.

Geological Survey of New South Wales.

Sir,

Wellington, 17 July, 1876.

I have the honor to acknowledge the receipt of your letter of the 14th instant, requesting me to state, for the information of the Secretary for Mines, my opinion as to what depth coal will be found under Sydney and its suburbs, and to furnish the data upon which my opinion is based.

As to the existence of seams of coal under Sydney there can be but little doubt, but the depth at which they occur can be ascertained only by a careful geological survey, which I have not yet had time to make, and by actual test by boring.

My own geological notes of those portions of the coal districts which I have as yet examined, together with the published observations of the Rev. W. B. Clarke, M.A., F.R.S., and of others who have written on the subject, I have not here with me for reference. I will however state generally the geological points to be considered.

The seams of coal in question occur in the upper coal measures. This formation is overlaid by the Hawkesbury rocks, which form those bold sandstone cliffs around Sydney harbour and along the southern coast for about 28 miles from Port Jackson, where, as seen in the hills a short distance inland these rocks cannot be less than 1,000 feet thick. At this point the coal measures appear at the sea-level and gradually rise, until near Jamberoo they attain an elevation of 1,800 feet, still overlaid by the Hawkesbury sandstones, which are here only about 200 feet thick.

In

In this splendid coast section we thus see that the Hawkesbury rocks have a thickness of from 200 to 1,000 feet. Now, if we take the northerly dip of 4° of the beds at Coal Cliff to be persistent for 28 miles, the upper coal seam of Illawarra would underlie Sydney at a depth of 7,700 feet, which, with 650 feet of coal measures between the coal seam and the base of the Hawkesbury sandstones, would give the latter a thickness of 7,050 feet below the sea level; this, with the 360 feet of rock above sea-level, as seen in the hills about Sydney, would make at least 7,410 feet as the thickness of the Hawkesbury formation, which is highly improbable. We must therefore arrive at the conclusion that either there must have been enormous denudation of these rocks, amounting to 7,210 feet in the Jamberoo district, and that at Sydney a thickness of 7,700 feet of strata will have to be pierced to reach the uppermost coal seam, or else that this formation is unconformable to the underlying coal measures, in which case the depth of the latter can be ascertained only by boring, for the position of the surface of the coal measures will of course depend upon the amount of upheaval or denudation, or of both, to which the beds were subjected before the deposition of the Hawkesbury sandstone.

But if we take 1,000 feet to be the total thickness of these sandstones, as shown in our Illawarra section, and suppose them to be conformable on the coal measures, then it is clear that instead of the dip at Coal Cliff continuing the same for any great distance, the coal beds must "roll" or undulate, and that the coal may occur within 1,250 feet of the surface at Sydney.

Again, at Catharine Hill Bay, near Lake Macquarie, 48 miles north of Sydney, the dip of the coal seams is stated by the Examiner of Coal Fields to be from 1 in 20 to 1 in 30 in a westerly direction. If this dip continue the same as far south as Sydney, the coal will be reached at a depth of about 2,600 feet. But this depth is improbable, for in most of the coal fields the strata frequently "roll," are sometimes faulted and intruded by igneous dykes, and occasionally even within a short distance the dip varies.

It has not yet been determined whether the Illawarra coal seams are the equivalent of those at Newcastle, or whether they are above or below them. I am inclined to regard them as below, judging from the identity of some of the fossil fauna from the marine beds at Wollongong with those from the Hunter River marine series. This is of considerable importance to ascertain, for if the Newcastle coal seams be the uppermost, their southern out-crop will probably be found immediately under the Hawkesbury sandstones in the neighbourhood of Port Jackson; if otherwise, the Illawarra seams will occupy that position.

This consideration at once suggests that the Hawkesbury formation rests unconformably on the upper coal measures, which, I believe will be confirmed by future observation.

From the scanty information now at our command, perhaps the most instructive is that to be derived from the study of the Hawkesbury sandstones, which a few miles north of Bulli have been observed 1,000 feet in thickness.

If this be their greatest development, then the upper coal measures will be found within 640 feet below the sea-level at Sydney; and if the two formations be conformable, the Bulli coal seam will lie at a depth, as before stated, of about 1,250 feet, but if unconformable the coal measures may lie even nearer the surface, but the position of the coal seams cannot be stated owing to the varying dip of the beds.

Assuming therefore the thickness of the Hawkesbury rocks to be 1,000 feet, whether they be conformable or not to the coal measures, I am of opinion that the coal seams may be met with at a depth of from 600 to 1,500 feet below sea-level in the vicinity of Sydney. To settle this question it would be most desirable that the Government should undertake this exploration both on account of the valuable scientific information which would be gained, and of the commercial interests attaching thereto.

I may be permitted to suggest that in contemplation of this exploration by boring being carried out, the Department of Mines should now communicate with the Rock Drill Diamond Boring Company (Limited), in England, and ascertain if they would undertake, and upon what terms, to make borings in this Colony.

I have, &c.,
C. S. WILKINSON, L.S., F.G.S.,
Government Geological Surveyor.

The Inspector of Collieries to The Under Secretary for Mines.

Sir,

Newcastle, 18 July, 1876.

I have the honor to acknowledge the receipt of your letter, dated the 15th instant, requesting me to be good enough to state for the information of the Honorable Minister for Mines my opinion as to the depth coal may be found under Sydney and its suburbs and to furnish the data upon which my opinion is based, and to state in reply,—

1st. I believe that coal may be found at a depth of about 1,500 feet under Sydney and its suburbs.

2nd. However, I must confess that the data upon which I form this opinion is necessarily vague, mainly because it is based on local observations in the districts of Jamberoo and Wollongong only, rather than close examination of the rock formation along the coast between Illawarra and Sydney.

3rd. If the prevailing opinion in which I share be correct, viz., that there is a nearly uniform dip of about 1 in 100 in the strata from the Illawarra district to Sydney, then the only conclusion must be clearly in favor of my expressed opinion.

4th. For example, supposing the distance from Jamberoo to Sydney to be about 60 miles, the coal in the Jamberoo Ranges is about 1,500 feet above sea-level. At Coal Cliff, about midway between Jamberoo and Sydney, the coal is down at sea-level; consequently, if the dip be the same thence to Sydney the coal must be about 1,500 feet below sea-level at the latter place.

I have, &c.,
THOMAS LEWIS,
Inspector of Collieries.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SEWERAGE OF THE CITY.

(PETITION OF CITIZENS OF SYDNEY AND OTHERS.)

Ordered by the Legislative Assembly to be printed, 24 April, 1877.

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

The Petition of the undersigned Citizens of the City of Sydney, and other persons interested in the health, commerce, and property of this Colony,—

RESPECTFULLY SHOWETH :—

1. That the situation of this city, upon the shores of the harbour of Port Jackson, is naturally one of the most salubrious in the world.

2. That the healthfulness of the inhabitants of this city during very many years preceding the committing of the nuisances aftermentioned was notorious and proverbial.

3. That in the year 1850, an Act of the Legislature empowered the Council of the City, and in the year 1853, another like Act empowered Commissioners to construct sewers for the draining and cleansing of the city.

4. The preamble of the first Act utters the policy of the measure, and declares that the health and comfort of the inhabitants might be greatly improved if proper and suitable common sewers were made.

5. Under such authority, the present system of sewerage has been established, which has resulted in depositing all the filth of the city in the harbour, rendering all business occupations upon its shores disgustingly offensive, largely increasing the sickness of the citizens, and silting up year by year navigable water to a large extent.

6. The experience of the cities and large towns of Great Britain has shown that a superior degree of health has been attained by all such communities as commit their sewage to the earth, and draws a contrast unfavourable to the condition of those which commit it to the water.

7. At the time when the Sydney sewerage system was resolved upon, it had become notorious that the stream of the river Thames was unable to scour away the deposit from the London sewers; and measures were adopted for carrying it upwards of twenty miles, and there deodorizing it for the purpose of manure.

8. The example of London, however, was not sufficient, and the Commissioners made the experiment of depositing the sewage in the harbour, which has been attended with the like result, with this addition, that there being no river here, the accumulation of deposit has been much more rapid.

9. The heat of the climate largely favouring the generation of noxious gases, the accumulation of a large mass of sewage all round the city, except the south side, is highly dangerous to life, and is utterly destructive of the comfort and enjoyment of life, and the condition of the city is driving every one out of it who is able to reside elsewhere.

10. This unsalubrious condition is becoming well known in various parts of the world, and threatens to damage the city and Colony generally, by discouraging immigration and hindering trade.

11. In addition to the general public mischiefs enumerated, some of your Petitioners, who are owners of waterside properties, are injured by having cast upon them, under a statutory allegation that the doing so "will greatly improve the health and comfort of the inhabitants," the excreta and offscouring of a hundred thousand people.

12. Your Petitioners have by very many hundreds of their number frequently sought redress of this terrible grievance, this unhappy mistake, by humble Petition to and interviews with Honorable Ministers, but without avail.

13. The sewer evil was brought upon your Petitioners by no act of their own, but was enforced upon them by the power of the Legislature of the Colony, and it is wholly beyond your Petitioners' power to remove it; and they submit that its palliation not less than its removal should be an act of the Government.

Your Petitioners, therefore, humbly pray that your Honorable House will take the premises into consideration, and that some immediate relief may be afforded to your Petitioners, whereby the insanitary condition of the city, arising from the discharge of sewage into the harbour of Port Jackson, may be improved, and that as soon as possible a comprehensive mode of dealing with the sewage, apart from the harbour, may be adopted.

And your Petitioners will ever pray.

[Here follow 3,800 signatures.]

1876-7.

NEW SOUTH WALES.

SYDNEY SEWERAGE AND WATER SUPPLY.

(TWENTIETH ANNUAL REPORT OF MUNICIPAL COUNCIL OF SYDNEY—1876.)

Presented to Parliament, pursuant to Act 20 Vic. No. 36, sec. 75.

The Town Clerk to The Principal Under Secretary.

Sir,

Town Clerk's Office, Sydney, 20 February, 1877.

I have the honor, by direction of the Right Worshipful the Mayor, to transmit herewith, for the information of the Parliament of New South Wales, the Twentieth Annual Report of the Municipal Council of Sydney, of their proceedings under the Water and Sewerage Acts, during the year 1876.

I have, &c.,

CHAS. H. WOOLCOTT,

Town Clerk.

TWENTIETH ANNUAL REPORT of the Municipal Council of the City of Sydney, of their proceedings under the Water and Sewerage Acts.

THE Municipal Council of the City of Sydney have the honor to furnish, for the information of the Parliament of New South Wales, the following Report of their proceedings in connection with the Water Works and Sewerage Works during the year 1876, together with Statements of their Receipts and Expenditure under each fund for the same period.

WATER WORKS.

The engines and pumping machinery at Botany have been working throughout the year 1876 in a most efficient manner. Two of the engines have been constantly at work, excepting occasionally for three or four hours at a time, when the reservoirs have been signalled full.

The total quantity of water pumped up from Botany into the service reservoirs during the year 1876 was ten hundred and seventy four million five hundred and eighty-three thousand four hundred and seventy-two (1,074,583,472) gallons, being a decrease on the year 1875 of four hundred and twenty-seven million two hundred and forty-two thousand one hundred and sixty-four (427,242,164) gallons. This decrease is attributable to the further enlargement of the dams in the Lachlan, the water from which is delivered in Sydney by gravitation, and also to the great saving effected in the consumption of water to closets by the enforcement of the "Water Pollution Prevention Act," which came into operation on 22nd July, 1875.

In consequence of the decrease in the quantity of water pumped up from Botany during 1876 a saving of £1,228 in the cost of coal was effected.

The several works throughout the Botany and Lachlan watersheds are in good order, and have been kept in thorough repair by ordinary attention.

The embankment comprising portion of the work ordered by the Council to be constructed in the Bunnerong watershed is nearly finished.

The contract entered into with Mort's Dock and Engineering Company for the supply and erection of a pumping engine and machinery at the Crown-street Reservoir, is progressing satisfactorily. The engines, &c., are nearly complete. The engine-bed and foundation of chimney are laid, and as soon as the engine-house is finished the engine will be fixed in position.

The extension of the High-level Reservoir, for which work Mr. W. Watkins is contractor, will be completed in a few weeks. The work throughout has been done in the most satisfactory manner.

A contract was entered into during 1876, with Messrs. Lorimer & Rome, for the supply of 150 tons of 12-inch and 100 tons of 4-inch pipes; the pipes have been shipped, and their arrival is expected in a few weeks.

The number of houses connected with the water-mains during the year was one thousand and ten (1,010); and the total number of houses now receiving and paying for water is twenty-one thousand eight hundred and forty-three (21,843).

The number of meters fixed at the end of the year was two hundred and ninety-seven, and the quantity of water registered as passing through them during 1876 was seventy-five million eight hundred and thirty-five thousand (75,835,000) gallons.

The total length of pipes laid during the year for the extension of the water supply to the City and Suburbs is seven miles fourteen hundred and fifty-nine yards (7 miles 1,459 yards). (See Appendix A.)

APPENDIX B.

STONEWARE SEWERS laid during 1876.

9-INCH.		feet.	16-INCH.		feet.
M'Credie-street		188	Edward-street, Pyrmont		238
Plunkett-street		60	Waterloo-street		280
M'Lean-street		70	Riley-street		340
Pawley and Bourke Streets		80	Ann-street		80
		<u>398</u>			<u>888</u>
12-INCH.			18-INCH.		
Beaufort-lane		200	Ann-street		80
Mary-street		120	Bay-street		850
Smith-street		165	Blackwattle Creek		1,995
Brougham-street and lane rear of Victoria-st...		560	Hay-street		74
Macquarie-street South		165			<u>2,999</u>
Edward-street		143			
Gloucester-street		150			
Kippax-lane		600			
Bay-view-street		40			
Little John-street		80			
M'Credie-street		62			
Lane at rear of City Buildings		138			
Lane off Palmer-street		230			
		<u>2,653</u>			<u>665</u>

ABSTRACT of the Receipts and Disbursements of the Municipal Council of the City of Sydney, on account of the Water Fund, for the half-year ending 30 June, 1876.

Receipts.			Disbursements.		
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Union Bank—Due by 1 January		6,011 14 3	Due to 1 January—		
From Waterworks	21,375 11 5		The Colonial Government	218,337 19 3	
Miscellaneous	840 0 3		Debentures outstanding	104,100 0 0	
Premium and Interest	77 12 4				317,437 19 3
		21,703 4 0	For General Works	13,426 5 2	
Due to 30 June—			Botany Works	6,889 12 4	
The Colonial Government	218,337 19 3		Salaries of Officers	1,611 4 3	
Debentures outstanding	106,100 0 0		Office Expenses	351 7 4	
		319,437 19 3	Interest Expenses	3,123 0 0	
			Incidental Expenses	970 16 6	
			Union Bank, due by 30 June		28,272 5 7
					8,582 12 8
		£ 347,242 17 6			£ 347,242 17 6

Audited, examined, and found correct,—

R. A. TAYLOR,
PHILIP CALLACHOR, } City Auditors.

ABSTRACT of the Receipts and Disbursements of the Municipal Council of the City of Sydney, on account of the Sewerage Fund, for the half-year ending the 30th June, 1876.

Receipts.			Disbursements.		
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
From Miscellaneous Receipts	13 6 6		Balances due to 1 January, 1876—		
Premium and Interest	4 6 10		The Colonial Government	200,000 0 0	
		17 13 4	Debentures outstanding	197,400 0 0	
Balances due to 30 June, 1876—			Union Bank	12,333 2 8	409,733 2 8
The Colonial Government	200,000 0 0		For General Works	684 18 6	
Debentures outstanding	200,000 0 0		Salaries of Officers	380 10 5	
Union Bank	16,932 1 7		Interest Expenses	6,201 3 4	
		416,932 1 7			7,216 12 3
		£ 416,949 14 11			£ 416,949 14 11

Audited, examined, and found correct,—

R. A. TAYLOR,
PHILIP CALLACHOR, } City Auditors.

ABSTRACT of the Receipts and Disbursements of the Municipal Council of the City of Sydney, on account of the Water Fund, for the half-year ending 31st December, 1876.

Receipts.			Disbursements.		
	£ s. d.	£ s. d.		£ s. d.	£ s. d.
Union Bank—Balance due by 1 July		3,582 12 8	The Colonial Government	218,337 19 3	
Water-works	20,180 13 3		Debentures	106,100 0 0	
Miscellaneous Receipts	136 16 6				319,437 19 3
		20,317 9 9	General Works	19,433 17 11	
The Colonial Government	218,337 19 3		Botany Works	8,001 13 8	
Debentures	106,000 0 0		Salaries of Officers	1,625 13 4	
Union Bank—Balance due to	9,351 9 8		Salaries of Auditors	25 0 0	
		323,689 8 11	Office Expenses	450 2 3	
			Interest Expenses	3,394 13 8	
			Incidental Expenses	159 11 8	
		£ 352,579 11 4			38,101 12 1
					£ 352,579 11 4

Audited, examined, and found correct,—

PHILIP CALLACHOR,
THOMAS S. O'CONNOR, } City Auditors.

ABSTRACT

1876-7.

NEW SOUTH WALES.

CITY AND SUBURBAN WATER SUPPLY AND SEWERAGE.

(PROGRESS REPORTS FROM HYDRAULIC ENGINEER.)

Presented to Parliament by Command.

No. 1.

The Hydraulic Engineer to The Colonial Secretary.

Sir,

Sydney, 19 January, 1877.

I have the honor to report to you the progress which has been made with my mission to the Colony for the purpose of advising the Government upon the Water Supply and Drainage of this city.

Since reporting by telegram my arrival at Melbourne on the 22nd November, and at Sydney on the 30th same month, to yourself personally, I have been engaged in visiting the various localities from which it has been proposed to furnish the supply of water, as well as the different parts of the country through which the several supplies would have to be conducted, and have also examined the Botany and Lachlan reserves, whence the supply is at present obtained.

To the Botany and Lachlan my first attention was directed on arrival here, and in company with the Surveyor General and Mr. Bradridge, C.E., of the Municipality, the locality was carefully examined, and I have been furnished by the latter gentleman and Mr. F. Bell, C.E., City Engineer, with information on the subject of its capacity for storage, &c.

The project, for an improved supply, of the Water Commission (Report 1869), I have examined from its origin at Pheasant's Nest, on the Upper Nepean and the Cataract River, along the course of the proposed conduit as far as Duck's Creek, near where the pipe line is intended to commence.

In company with the Honorable T. Holt, M.L.C., I have examined the George's and Port Hacking Rivers.

With Mr. James Manning I have visited the watersheds near the head waters of the Cataract and Woronora, also George's River, at the Lodden and Madden Plains; our inquiry extended to the Wingacarrabee Swamp and neighbouring country, also the upper waters of the Nepean River.

My last inspection has been of the Warragamba River, in company with Mr. Thos. Woore.

These inspections have occupied my time entirely until the 13th instant, and have been made in company with the Surveyor General, Mr. Adams, and my assistant, Mr. Wall, in addition to the other gentlemen as severally mentioned.

I have called for some further surveys and levels, and borings, in connection with the Warragamba, George's River, and Port Hacking schemes, and I am now devoting my time to consideration of the different projects in their several details.

I shall shortly be able to take up the subject of the drainage and sewerage of the city. On this question I have already had an interview with the Sewage and Health Board, and have been furnished with a plan showing the levels of the city.

I am, however, expecting more information, as I believe that the Engineers of the Government and of the City have each of them schemes upon which I shall be called to give an opinion.

I have, &c.,

W. CLARK.

No. 2.

The Hydraulic Engineer to The Colonial Secretary.

Sir,

Sydney, 15 March, 1877.

I have the honor to acknowledge the receipt of your No. 38, dated 14th March, calling for a further Progress Report of my proceedings in connection with the Water Supply of Sydney and Suburbs.

On this subject I had the honor to address you a letter, dated 19th January, since when I have been constantly occupied with the consideration of the various schemes which you have placed before me, and the several modifications thereof which you have been pleased to send me, the most recent of which, in reference to Mr. James Manning's scheme, I have now to acknowledge receipt, this morning, in your letter of 14th March, No. 39.

As mentioned in my previous letter, and in order to enable me to put in practical form for examination and comparison these schemes, I have applied to the Surveyor General, Mr. Adams, for further information in the shape of surveys, levels, &c., as follows:—

For Warragamba.

A survey and levels of the mountain at the junction of this river with the Nepean; these plans I received from Mr. Surveyor Binsted on the 8th instant.

For Lower Nepean (Pumping).

Levels and plan of a portion of the mountain on the right bank of the river, 4 miles from Penrith, which appeared suitable; these were received from Mr. Surveyor Binsted on 12th instant. I find therefrom that the area of land available at a suitable elevation is not of sufficient extent, and I have asked for further search for a more convenient site.

For George's River.

Borings and soundings in the river bed, also surveys and levels of the most suitable sites for the construction of a waste weir and dam; surveys and levels have been received from Mr. Surveyor Handcock, on the 14th instant.

Mr. J. Manning's scheme.

Mr. Manning having extended his scheme to the Wingacarrabee Swamp, has at his own cost taken the levels of the country between that locality and Lodden Plains, the better to enable me to judge of its merits. His section was furnished to me on the 17th ultimo.

Upper Nepean.

I have found it desirable to call on Mr. Moriarty to furnish me with a revised estimate for these works. I received this from him on the 10th February, and from Mr. Grundy for his portion on the 8th instant.

Botany and Lachlan.

For the purpose of determining the storage capabilities of the area at present giving the supply to the city, I have requested that several boreholes be made in places marked by me on the map, and that these boreholes should be kept open by tubes.

The level of the water actually present in the sand will thus be capable of periodical inspection, and its variation on level may be noted. The actual quantity stored above the level of the stream can then be approximately measured, the object being to demonstrate practically what has heretofore been a belief only of the capabilities of this area. I have also had under consideration an improved method of drawing the supply from this source.

Since the date of my last report of the 19th January, I have been occupied with the consideration of all these schemes, without being able to make a final comparison to which the information I have asked for is essential. I have not however exclusively directed my attention to them, but have looked for other means of obtaining a supply; one of which has appeared to commend itself for further investigation.

This comprised the connection of the Woronora River with Port Hacking by a tunnel and the damming of the latter, and the supply by pumping the united waters of these rivers. It appeared to me to obviate some objections to the George's River scheme, and promised as I had considered a possible source of supply which had several advantages.

The whole question, however, centered in the possible construction of an efficient dam, crossing the Port Hacking River. To solve this question I have asked for surveys, levels, and borings of one of the sites which appeared suitable for the purpose, and I have made a second inspection of the locality.

These plans, &c., I am now in daily expectation of receiving.

I have made another inspection of part of the line of conduit of the Upper Nepean scheme; I have also requested trial holes to be dug at several places; these are, I believe, now ready for inspection.

I have made a further inspection of the site of the proposed dam for the Prospect Reservoir, in order to satisfy myself more particularly of the presence of suitable materials, and the probability of its being constructed for the estimated cost.

These duties have fully occupied my time; but in the prosecution thereof, it has afforded me opportunities of visiting various portions of the city, during which I have made observations of its sanitary condition, with a view to its requirements; and I have also had opportunity of inspecting the proposed points of outfall of the suggested intercepting sewer.

With reference to my Final Report on the Water Supply question,—having now nearly all the information before me, I hope to be able to furnish it at an early date.

I have, &c.,

W. CLARK.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY CITY AND SUBURBAN SEWAGE
AND HEALTH BOARD.

TWELFTH AND FINAL REPORT

OF THE

BOARD APPOINTED ON THE 12TH APRIL, 1875,

TO INQUIRE INTO AND REPORT AS TO THE BEST MEANS OF DISPOSING OF THE
SEWAGE OF THE CITY OF SYDNEY AND ITS SUBURBS,
AS WELL AS OF PROTECTING THE HEALTH OF THE INHABITANTS THEREOF;

ADOPTED BY THE BOARD ON 11 MAY, 1877.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
16 *May*, 1877.

SYDNEY: CHARLES POTTER, ACTING GOVERNMENT PRINTER.

1877.

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PLANS

Prepared by the Engineering Committee :—

1. General Plan of Sydney and Suburbs, to a scale of 20 chains to 1 inch.
- 2-3. Two large plans, to a scale 4 chains to 1 inch, of Sydney proper and the adjoining Municipalities.
4. Plan of proposed Sewage Farm for intermittent downward filtration of the sewage.
5. Longitudinal section of intercepting sewers on north side of Sydney discharging into the Ocean at Ben Buckler Point.
6. Longitudinal section of main intercepting and branch sewers for southern portion of Sydney and Suburbs.

THE SYDNEY CITY AND SUBURBAN SEWAGE AND HEALTH BOARD.

TWELFTH AND FINAL REPORT.

To the Honorable the Colonial Secretary,—

SIR,

1. We have the honor to present this our final Report upon the Sewerage of Sydney and its suburbs. In doing so we deem it desirable in the first place to review our proceedings since the appointment of the Board on the 12th April, 1875.

2. By direction of the Colonial Secretary, and in consequence of the excessive mortality then prevailing, we directed our inquiries in the first instance to immediate causes of ill-health with the purpose of suggesting temporary remedies or expedients capable of prompt application. An evil was soon brought to light of such magnitude as to engage our attention, in the first place, exclusively. We found that four-fifths of the water-closets were liable to be directly connected with the mains, and that the contents of the closet-pans were drawn into the pipes and mains supplying the inhabitants with water. Not only was this found to have been the case in some instances but there was evidence to show that it was probably of common occurrence. The horrible state of things thus disclosed was brought under the notice of the Government in our *First Progress Report*, which was adopted on the 4th May, 1875, recommending the passing of an Act requiring that every closet should be connected with a main through a cistern of such construction as to secure the water from contamination by any solid, liquid, or gaseous matter, and empowering the City Engineer to cut off all direct connections immediately after the passing of the Act. The result of this recommendation was the introduction of the "Water Pollution Prevention Act," which became law on the 22nd July, 1875.

3. The Board originally consisted of nine members, viz. :—Messrs. M. B. Pell, B.A., Professor of Mathematics and Natural Philosophy, University of Sydney, (Chairman), P. F. Adams, Surveyor General, H. G. Alleyne, M.D., Health Officer, Francis Bell, City Engineer, E. O. Moriarty, Engineer-in-Chief for Harbours and Rivers, Hon. John Smith, M.D., Professor of Chemistry and Experimental Physics, University of Sydney, John Whitton, Engineer-in-Chief for Railways, Chs. Watt, Government Analyst, and Hon. J. B. Wilson. On the 20th April, 1875, two additional appointments were made in the persons of W. C. Bennett, Commissioner for Roads and Bridges, and G. F. Dansey, M.R.C.S., City Health Officer. On the 27th of the same month Messrs. R. B. Read, M.R.C.S., and F. H. Grundy, C.E., were appointed, and the number was still further augmented on the 10th June, 1875, by the appointment of Messrs. Benjn. Palmer (then Mayor of Sydney), and Mr. Alderman M. Chapman, making in all 15 members.

4. In submitting the first Report of the Board to the Hon. Colonial Secretary, the Chairman took the opportunity of pointing out the disadvantage attending the deliberations of a Board so numerically large (the number of members being then 13), however excellent its constitution in other respects.

5. To remedy to some extent this disadvantage, and to provide for that calm and deliberate thought and discussion necessary in the consideration of questions of so much importance as those submitted to the Board, an arrangement, which received the sanction of the Colonial Secretary, was made on the 25th May, 1875, under which the Chairman, with five other members of the Board, Messrs. Moriarty, Bennett, Wilson, Alleyne, and Bell were constituted a Central Board to carry on the general inquiry, and the services of the other members were utilized by the formation of committees to investigate subsidiary matters, and to report to the Central Board from time to time. This subdivision of duty took effect from the 17th June, 1875, and was found to answer very well, as it enabled the Board to grapple with several questions at once, besides affording opportunity to members of visiting localities requiring personal inspection.

6. The next subject which engaged the attention of the Board was the construction and management of cesspits, the mode of cleansing them, and the disposal of their contents.

7. From the faulty construction of the receptacles for night-soil, the state of filth and neglect which was allowed in connection with them, and the absence of any control on the part of the City Corporation over the nightmen, an intolerable and flagrant nuisance existed on every side, sufficient in itself to breed fever and disease, even without the palpable contamination of wells in the immediate vicinity of the closets, which was constantly occurring. The evidence taken by us on this subject, and the careful inquiry we made into the systems adopted and the appliances made use of in other countries for the disposal of night-soil, convinced us that here also special legislation was necessary to reduce the evil.

8. Although disapproving of the cesspit system, and indeed of any system by which such refuse is removed by hand, we could not ignore the fact that to provide an adequate remedy would require some years, whereas the evil was immediate and palpable and should be brought within narrower limits by temporary measures. Accordingly, in our *Second Progress Report*, adopted on the 24th June, 1875, we submitted to the Government the heads of a measure under which owners and occupiers should be relieved from all responsibility in the matter, except that of paying the charges, and the Council of every Municipality should be required to undertake the duty of emptying cesspits and other similar receptacles by means of their own plant and appliances, and under the inspection of their own officers. The Bill contained provision empowering the Councils to make regulations as to the construction, situation, and size of cesspits to be thereafter made and to enforce such alterations in existing privies and water-closets as should be found necessary for the sake of health, decency, and facilities of emptying.

9. The result of this recommendation was the passing of the "Nuisances Prevention Act of 1875," 39 Vict., No. 14, which became law on the 11th August, 1875.

10. In accordance with the arrangement for subdividing the duties entrusted to the Board, referred to in paragraph 5, and in order to expedite the work, Committees were appointed at different times to inquire into minor matters affecting the public health. It may be as well to state them here in numerical order, with the dates of appointment for reference as we proceed.

No.	Date of Appointment.	Subject of Enquiry.	Members.
1875.			
1	May 25...	To inquire into the state of the Botany watershed and the appearance of the water.	Prof. Smith (Ch.), Messrs. R. B. Read, and F. H. Grundy.
2	" 25...	To inquire into the nuisance alleged to exist in connection with the waterhole on the Sugar Co.'s premises.	Messrs. C. Watt (Ch.), G. F. Dansey, and F. H. Grundy.
3	" 25...	To inquire into the disposal of blood from the Glebe Island Abattoirs.	Dr. Alleyne (Ch.), C. Watt, and F. Bell.
4	" 29...	To visit and examine the line of Busby's Bore	M. B. Pell (Ch.), E. O. Moriarty, and W. C. Bennett.
5	June 9...	To examine lands proposed as receptacles for night-soil.	M. B. Pell (Ch.), E. O. Moriarty, and P. F. Adams.
6	July 13...	To examine into the condition of Shea's Creek	W. C. Bennett (Ch.), M. Chapman, and F. H. Grundy.
7	" 16...	To examine and report upon the nuisance arising from the city sewers discharging into the harbor.	Dr. Alleyne (Ch.), E. O. Moriarty, and F. Bell.
8	Sept. 21...	To devise a scheme, and prepare plans and specifications for filtering the sewage at Blackwattle Swamp.	M. B. Pell (Ch.), E. O. Moriarty, and W. C. Bennett.
9	Oct. 8...	To audit the books and accounts of the Board	Hon. J. B. Wilson and B. Palmer.
10	" 21...	To cause plans and surveys to be prepared for the purpose of determining how far it is practicable to divert the every-day dry weather sewage either to the sea or to Webb's Grant, or on to some other suitable land in the same direction.	E. O. Moriarty (Ch.), M. B. Pell, W. C. Bennett, F. Bell, P. F. Adams, F. H. Grundy.
11	" 26...	To inquire into the crowded state of dwellings and areas in the City of Sydney and suburbs, so far as it affects public health.	Prof. Smith (Ch.), B. Palmer, G. F. Dansey, M. Chapman, and R. B. Read. N.B.—Mr. F. H. Grundy succeeded Mr. Read on Feb. 19, 1876.
12	Nov. 20...	To inspect the entrance to the Tunnel and to report upon Mr. Norton's letter, and the alleged contamination of the water by deposits of ashes and refuse by the Corporation.	Dr. Alleyne (Ch.) and P. F. Adams.
13	" 24...	To investigate special cases of scarlet fever reported to the Board, &c., and to report generally as to the causes which have occasioned the prevalence of that disorder.	Dr. Alleyne (Ch.), G. F. Dansey, and F. Bell.
14	Dec. 21... 1876.	To visit and report upon Messrs. York and Walsh's establishment at Glebe Island.	Dr. Alleyne (Ch.), F. H. Grundy, and F. Bell.
15	Oct. 27...	To receive and confer with Hydraulic Engineer	M. B. Pell (Ch.), E. O. Moriarty, and W. C. Bennett.

11. During the discussion of the questions dealt with in the last-mentioned Report, strong representations were made to the Board from different quarters as to the benefits of the dry-earth system.

12. The earth-closet was considered by a great many persons to be the real solution of the difficulty, and it seemed to be expected that we should recommend its general adoption. It was not considered necessary to take any local evidence on this subject, the repeated tests of this new method of treating night-soil made in other countries since its first introduction leaving little or nothing to be learned on the subject. We thought, however, that it was desirable, in view of the strong impression in favour of the use of earth-closets, to deal with the question in a separate Report, and in our *Third Progress Report*, adopted on the 14th July, 1875, we submitted to the Government a *resumé* of the reasons which render the dry-earth system efficient only in the case of private dwellings and public institutions where regularity and careful management can be enforced, and quite inapplicable to large towns. The authorities in Europe and India, where the system has been fairly and thoroughly tried, are so unanimous in this opinion that, so far as the City of Sydney is concerned, the Report of the Board may be said to have set the question entirely at rest.

13. On the 30th July, 1875, the Committee appointed to inspect and report upon the Glebe Island Abattoirs brought up their Report, and having adopted their recommendations, and taken some further evidence from the Colonial Architect in reference to certain proposed improvements, we brought the subject under the notice of the Government in our *Fourth Progress Report*, adopted on the 25th August, 1875. In this Report we advised that the city water be at once laid on to the island, and that arrangements be made to give the animals a sufficient quantity. We also recommended an improved and less porous description of flooring for the slaughter-houses, and the construction of filtering-tanks; while, in order to prevent the palpable nuisance created by allowing the blood to be discharged directly into the harbour, and the more indirect but equally undoubted nuisance caused by disposing of the offal to persons who used it for feeding pigs, we recommended that all the offal, blood, and other refuse should be the property of the Government and be dealt with by them.

14. To carry out these recommendations a new set of regulations for the management of the Abattoirs was framed; but they have not, we are sorry to learn, been carried out very strictly.

15. The blood has been treated so as to avoid all danger of nuisance from that source, but the offal is still openly carted from the slaughter-houses to various piggeries in the suburbs, from which we have received frequent complaints of nuisances.

16. We have been informed that it was not found possible at the time to carry out the intention of the Government in respect to the offal in consequence of the doubtful legal validity of the new regulations. A marked improvement has, however, taken place in the condition generally of the Abattoirs; and the keeping back of the blood from the harbour produced a very marked change for the better in the condition of the adjacent waters.

17. The Committee (No. 5) appointed to select a suitable piece of land to serve as a *dépôt* for night-soil, in connection with the Nuisances Prevention Act, having succeeded after much inquiry in finding a sandy tract of land known as Webb's Grant, at the mouth of Cook's River, on its southern side, consisting of about 300 acres, admirably adapted from its isolated position for the required purpose, reported the result of their labours to the Board. In the absence of the Colonial Secretary, and after a personal inspection of the ground, in company with other members of the Board, the Chairman finding the locality pointed out by the Committee to combine all possible requisites in a higher degree than could have been expected within so short a distance—about 6 miles—from the city, took upon himself the responsibility of purchasing 20 acres of this land, a purchase which was sanctioned by the Colonial Secretary on his return to Sydney. We hoped that the City Council and several of the suburban Municipal Councils would avail themselves of this place of deposit, and that the night-soil would be effectually, if not profitably, disposed of by trenching it into the ground at Webb's Grant, which might possibly form the site of a sewage farm hereafter should the researches of the Board lead them to the conviction that such an experiment would be desirable. With this object the Chairman invited the Mayor of Sydney and the Mayors of the suburban Municipalities to meet

meet in the board-room to discuss the question. On that occasion, there being a full attendance, it was resolved by a considerable majority that the most effectual way of disposing of the night-soil was to take it out to sea. This mode of disposal had also been agreed to by a resolution of the City Council, who had authorized the construction of punts for that purpose. More than twelve months have since elapsed, and up to the present moment we cannot learn that any practical effect has been given to the wish of the Council expressed in the above resolution.

18. Whether they are unable to find a wharf where the citizens will allow them to load the offensive matter, or whether they now admit the force of the objections urged by the Board against this project, is known to themselves only. The Act gives them power to choose their own place and mode of deposit, and it is probable that eventually they will adopt our recommendations.

19. In the meantime repeated complaints are made as to the disposal of night-soil in improper places just outside the city boundary. While however, we feel it right to point out that the Nuisances Prevention Act has not been strictly carried out still in some measure the nuisances arising from this source have been greatly mitigated. Until the Municipal authorities fully carry out the Act by themselves undertaking the duty of cleansing cesspits, the evils complained of will never be entirely removed. In November, 1875, the Board imported from Victoria an air-tight iron night-cart, similar to those used by the Corporation of Melbourne. This was at once placed at the service of the City Council, and has been found a great improvement upon the carts previously in use.

20. In the same Report we made certain recommendations to the Government on the subject of Blackwattle Swamp, which had been inspected and reported upon by Committee No. 8, the main recommendation being the construction, with as little delay as possible, of a sewer to carry the sewage to the water's edge and thence by pipes into deep water as a temporary expedient, pending the consideration of a general system of sewerage. We are glad to be able to state that this very necessary work has been effectively carried out, and that one of the most fruitful sources of sickness has thus been done away with.

21. Acting upon the advice of the Board, in accordance with a letter from the Chairman dated 11th August, 1875, the Colonial Secretary authorized the carrying out of an arrangement proposed some years ago by Mr. Moriarty for carrying into deeper water, by means of iron pipes, the sewage discharged from the main sewer at Fort Macquarie, and in our *Sixth Progress Report*, adopted on the 8th November, 1875, we advised the construction of similar works at the mouths of the Tank Stream and Queen's Wharf sewers in order to mitigate the evils complained of during the previous summer, arising from the foul gases generated by the sewage. We also recommended a change in the wharfage arrangements in Darling Harbour, in order to avoid the accumulation of offensive matter under and between the wharves where there is no room for a dredge to work.

22. Certain complaints from the Imperial naval authorities as to the alleged unhealthiness of the anchorage ground reserved for men-of-war in this port, having been referred to the Board for investigation, we made a careful inquiry into the circumstances of the case, inspected the locality, obtained samples of the mud at the bottom, which were analyzed; and proved, so far as such a matter is capable of proof, that the cases of enteric fever which gave rise to the complaints were not attributable to the sewer; but were probably due to the use of impure water by the seamen. Since that time the measures taken to prevent the contamination of the mains under the "Water Pollution Prevention Act of 1875" by the City Corporation have been carried out so completely and vigorously that no apprehension need be entertained of a similar outbreak. In our *Sixth Report* also, we made certain recommendations in respect to the construction and ventilation of sewers. In order to obtain fresh and accurate information as to the existing state of the City sewers, we employed Mr. W. Davies, an officer in the Harbours and Rivers Department, to make a close personal inspection of them as far as practicable, and to take notes as he proceeded. The evidence thus obtained, embodied in a Report to the Board, together with Mr. Davies's examination on the subject, were appended to the *Progress Report* of the Board.

23. With the sanction of the Colonial Secretary, we ordered and obtained from England several sample street ventilators in order to neutralize the effects of sewer-gas escaping in various parts of the city. The ventilators contain layers of charcoal

charcoal which act as purifiers and prevent any offence. They are much used in England, and so far as we have been able to test them are very efficacious.

24. In the same Progress Report were commended certain negotiations with the Australian Sugar Refining Company with a view to remedy a nuisance complained of in connection with the refuse water stored on their premises in Parramatta-street; we also made certain recommendations in respect to boiling-down establishments and to the state of the water supply (appending to the Report the Reports of Nos. 1, 2, 4, and 7 Committees, together with a Second Report from Professor Liversidge, containing analyses of samples of water taken from the Lachlan Swamp and from Busby's Bore), the probable contamination of the watershed from the Municipalities of Waverley and Woollahra, from the Sheep Quarantine Ground, and from other sources having engaged our serious attention for some time.

25. In our *Seventh Progress Report*, adopted on the 3rd January, 1876, we confined ourselves entirely to the state of the City watch-houses, upon which subject the Committee (No. 11) appointed to make personal inspections of the crowded parts of the City, had made some rather startling disclosures. The Report of that Committee, and the extracts from their notes, afforded ample proof of overcrowding and the want of proper sanitary arrangements, and we found it necessary to make some very strong recommendations in respect of better ventilation, lighting of the cells, the classification of prisoners, &c. We also recommended that a sum should be placed on the Estimates to build commodious watchhouses in the best available situations, to supersede those in George, Cumberland, and Parramatta streets, and to make additions and improvements at Darlinghurst.

26. In the month of January, the protracted drought presenting a very favourable opportunity for inspecting the various watersheds which have been suggested for supplying the city with water, we proceeded with the sanction of the Colonial Secretary, to make observations and to take evidence on this subject. We append all the information we obtained, together with a copy of resolutions unanimously agreed to by the Board on the 28th March, 1876. (*Vide Appendices A and B.*)

27. The Committees (Nos. 6 and 13) appointed respectively to inquire into the condition of Shea's Creek, and the prevalence of scarlet fever, having brought up their Reports, we embodied these in our *Eighth Progress Report*, which was adopted on the 8th February, 1876. In both these cases the evils existing were the results to be expected from the absence of any system of drainage or sewerage in a thickly populated locality. To quote from the Report of Mr. Bennett, Chairman of the Shea's Creek Committee—"The whole of the subsoil of the low ground appears to be saturated with the sewage, giving out the most offensive fumes. Many of the houses have been constructed in what are now green foetid pools, and complaints of illness and mortality during the hot weather of last summer were general; no language can adequately describe the foul and noisome filth of the drains in the immediate vicinity." The malignant cases of scarlet fever which the Committee (No. 13) were specially appointed to investigate were traced to similar causes,—want of proper drainage and ventilation. "Wherever," says Dr. Alleyne, Chairman of the Committee, "we found streets containing houses badly constructed, ill-ventilated, and without proper drainage, there were the dwellings where there had been fatal cases of scarlet fever, and we are forced to the conclusion that it is in such localities, among a population predisposed to disease, and with depressed vital powers less able to resist its attacks, an epidemic finds its ready victims." We pointed out the necessity of at once constructing the sewer recommended by the Committee for draining that neighbourhood, as the only means of remedying these evils. We also recommended the establishment of a suitable hospital for the reception of cases of scarlatina, erysipelas, or other forms of contagious disease, and suggested that a weatherboard building would answer the purpose, and be more suitable than one of stone or brick. The recommendations made by the Board in this Report were based upon the advice given at a conference of medical men convened by the Chairman to consider the subject.

28. Repeated complaints of the nuisance arising from the foul state of Shea's Creek, referred to in the last paragraph, and of the offensive fumes proceeding from the tannery of Messrs. Alderson & Sons, having been made to the Board, we instructed the Committee (No. 6) to make a further inspection of the place, and especially of the tannery and its surroundings; and upon receipt of their Second Report we brought the matter again under the notice of the Government in

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our *Ninth Progress Report*, adopted on the 4th April, 1876, in which we recommended that the opinion of the law officers of the Crown should be taken as to whether an indictment might not be laid by the Attorney General against the proprietors. We also took the opportunity of repeating our former recommendations in respect to the practice of feeding pigs upon offal taken from the Glebe Island Abattoirs, the desirableness of giving authority to the City Council to make sewers through private property, and the nuisance existing on the Sugar Company's premises, and urged upon the Government the necessity of providing immediate relief to the inhabitants of Alexandria, Redfern, and Waterloo, who were suffering from a scarcity of water, many of the wells in those neighbourhoods having been found to be contaminated by percolation from cesspits.

29. Our *Tenth Progress Report*, adopted on the 2nd May, 1876, submitted to the Colonial Secretary the Second and Third Progress Reports of No. 11 Committee, appointed to inquire into the crowded state of dwellings and areas, adopting their recommendations—(1st) in respect to the regulation of common lodging-houses, so as to prevent injurious overcrowding and to secure a reasonable amount of cleanliness and fresh air; and (2nd) in respect to the supply of water to certain suburbs, which the Board had anticipated in their previous Report.

30. In our *Eleventh Progress Report*, adopted on the 10th August, 1876, we submitted the final Report of No. 11 Committee (Crowded Dwellings and Areas), together with the notes of inspection by members of the Committee and the evidence given by witnesses, making altogether upwards of one hundred pages of closely printed matter, and comprising a valuable and exhaustive description of the crowded and unwholesome localities in the different wards of the city. The chief points in regard to which legislation is required were in the opinion of the Committee—the appointment of a Central Board of Health, the passing of a Building Act, giving extended powers to Municipalities to construct drains or open up thoroughfares through private property, and the providing proper dwellings for the working classes. Adopting the views of the Committee, and repeating our previous advice, we recommended the appointment of a Board of Health and Works, to consist of a small number of members, who should not be directly subject to popular control, and who should have a secure tenure of office, and sufficient power, subject to the approval of the Government, to carry out necessary works and to compel the observance of sanitary laws. We also recommended, upon the strength of the evidence obtained by the Committee, a rigid and special supervision of Chinese quarters in Sydney.

SEWERAGE SCHEME.

31. The scheme which we have agreed to recommend for the sewerage of the City and Suburbs is described in detail in two Reports (appended) from the Engineering Committee, which were adopted without amendment, but not without much reflection and discussion. In our *Sixth Progress Report* we stated generally our unanimous determination that the sewage of Sydney should, as far as possible, be diverted altogether away from the harbour. Before entering into any of the details of the system now proposed, we will state briefly our reasons for rejecting all other methods known to us of dealing with sewage matter.

32. *Conservancy Systems*.—At one time the idea prevailed that the offensive and dangerous character of sewage was owing chiefly to the faecal matter mixed with it; and it was supposed that if such matter could be kept entirely out of the sewers, so great an improvement would be effected in the quality of the sewage that the difficulty in disposing of it would be greatly diminished. It was thought also that the excreta might be converted profitably into a portable and valuable manure. It has not been found, however, that the sewage of those towns where conservancy systems have been adopted is in any sensible degree purified; the fact being that the refuse from kitchens, laundries, and other sources common to large towns, after it has become putrescent, is quite as offensive and very much greater in quantity than that which is discharged from water-closets. We need not go far for a notable instance of this truth. In the latter part of the year 1875, when the excessive and intolerable nuisance occasioned by the accumulation of sewage in Blackwattle Swamp gave rise to such an outcry, the number of water-closets connected with sewers leading into that swamp was very small, although the area drained into the swamp is 533 acres, and the weather being continuously dry there could not have been an
overflow

overflow of cesspits, which sometimes occurs during heavy rain. At the same time it will be admitted that the quality of the sewage could hardly have been worse. We found also that a sample of Melbourne sewage, taken from one of the outfalls, was as offensive as could well be imagined, although measures had been taken there which render it almost impossible that any faecal matter should find its way into the drains. All conservancy systems may be abandoned as not effecting the object intended, however efficiently carried out, and leaving the sewage difficulty unsolved.

33. On the dry earth system we have already reported fully. The Liernur system having attracted some attention deserves a passing remark. We need do no more than quote from the Report of a Committee appointed by the President of the Local Government Board in London to inquire into the several modes of treating town sewage, dated 21 July, 1876, and in reference to evidence before them:—

“These statements show that the first cost of the pneumatic apparatus is very great, being at a rate of £4 per head of the population, and that the annual expenses are at a rate of 2s. per head. This is all in excess of ordinary sewers and drains, and ordinary scavenging. The income, it will be noted, is at present unsettled and uncertain.”

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 “The pneumatic system is ingenious, but it is complicated in its construction and working arrangements; and consequently it is liable to derangements which are sometimes difficult to mend. We do not know one English town in which the apparatus, if adopted, would be other than a costly toy.”

34. *Filtration Processes.*—There is no doubt that sewage may be rendered inoffensive and perhaps innocuous by various methods of filtration, of which that in use at the workhouse at Stoke-upon-Trent is a good instance. This process is described in the evidence of Mr. G. R. Dibbs, M.P. (appended) and in a number of documents with which he kindly furnished us, and also in some reports on sewage questions which are before us. Such systems may be well adapted to large establishments, whether private or public, but are obviously inapplicable to the sewage of a populous city, and especially to Sydney, where the sewage has a number of outfalls, mostly in crowded localities, in which the necessary works could not possibly be established.

35. *Precipitation Processes.*—Important results were at one time expected from some of what are called precipitation processes, especially for inland towns in Great Britain. Several of these modes of treating sewage have been proposed and patented and tried. They vary in details, but have the following characteristics in common:—The sewage before being discharged into a watercourse is collected in large settling tanks and allowed to stand. The process of settlement is promoted and accelerated by the addition of various chemical and other ingredients. By these means it is admitted that the sewage is clarified and rendered inoffensive and apparently innocuous. It was supposed that two objects would be gained by these processes: The sewage would be sufficiently purified to allow its discharge into a running stream without offence; and the expense would be more than recouped by converting the sediment, or sludge as it is usually termed, into a valuable manure. Neither of those objects has been attained in any case which has come under our notice in the various reports of inquiries into sewage questions which have been made in Europe. Although the sewage is clarified, it is shown by analysis that the fluid still contains a great part of the organic matter in solution, and with it the greater portion of the ingredients which are at once the most valuable as manure and the most dangerous to health. The sludge is difficult to deal with, and although convertible into a portable manure of some value, it does not appear that it can be profitably treated. The general conclusion appears to be, even in Europe where labor is cheap and good manure finds a ready sale, that city refuse cannot in general be profitably disposed of on a large scale by any system of land carriage.

36. The Committee recently appointed by the President of the London Local Government Board to inquire into the several modes of treating town sewage, say:—

“That, as far as we have been able to ascertain, any mode of treating town sewage by deposition and by chemicals in tanks effects little change other than the separation of solids and clarification of the liquid. That this mode of treatment, however, effects a great improvement, and when carried to its greatest perfection may be accepted. That any rivers or streams receiving the water of sewage so clarified should not, however, be used as a source of water supply for domestic purposes.

“That none of the manufactured manures, made by manipulating town refuse, with or without chemicals, as examined by us, pay the contingent costs of such mode of treatment; neither has any mode of dealing separately with excreta, which paid the cost of collection and preparation by a sale of the manure, been brought under our notice.”

37. It would be easy to quote instances in support of the views above expressed, but it is unnecessary to do so. The reasons which have operated to induce the authorities of some English towns to adopt precipitation processes have been chiefly the following :—

- (1.) The remoteness of the sea.
- (2.) The difficulty, in some cases impossibility, of obtaining a sufficient area of suitable land for irrigation purposes.

Neither of these difficulties exist here, and if once the sewage is collected in an intercepting sewer, which it must be whatever system is adopted, it will be cheaper, casier, and in every way better either to discharge it into the ocean or to turn it on to suitable land, of which there is an ample extent close at hand, than to manipulate it in any more artificial way.

38. A Committee appointed to inquire into the best method of disposing of the sewage of Birmingham, in their report, dated October 2nd, 1871, make the following remarks on the question of sewage farming :—

“Chemists of the highest scientific attainments express absolutely contrary opinions, and engineers of the greatest eminence are equally at variance.

“In this state of uncertainty, it is, therefore, of special importance, in dealing with the immense volume of sewage at Birmingham, to proceed with the greatest caution,—at any rate until some agreement be come to between the various scientific authorities.

“In default of such agreement, the only resource is to turn to those places where the irrigation system has been adopted, and endeavour to ascertain the result of their experience; but in doing this it must be borne in mind that, with a few exceptions, all trials of irrigation are of very recent date.”

39. There is no doubt that, at the date of the Report above referred to, very great diversity of opinion did exist, even amongst those who are justly regarded as authorities; and that this variance extended not only to the irrigation system, but to every known method of disposing of town sewage. It cannot, however, be considered that much difference of opinion now exists amongst competent persons who have fully and impartially inquired into the various systems which have been tried in England.

40. The Birmingham Committee having carried out their enquiry in the spirit of the eminently sensible remarks above quoted, concluded to recommend for Birmingham a modified form of sewage irrigation which is known as the “intermittent downward filtration” system. In this system the main object is the purification of the sewage: the raising of crops is a secondary one, but tends in some degree to diminish the expenses. A very much smaller area is required than would be sufficient to thoroughly utilize the sewage, and to constitute a sewage farm in its proper sense.

41. Since the date of the Birmingham enquiry a great number of similar enquiries have been made among which we may mention particularly :—

- (1.) That of a Committee of the British Association appointed in September, 1873.
- (2.) That of the Executive Committee of the Conference on the Health and Sewage of Towns, whose report was published in May, 1876.
- (3.) That of a Committee appointed by the London Local Government Board to enquire into the treatment of sewage, whose report is dated July, 1876.

42. These Committees consisted of persons of the very highest attainments and standing and founded their reports upon the results of their own observations and experiments, and upon the recorded results of actual experience.

43. Their unanimous conclusions are that the only unexceptionable methods of dealing with sewage, are :—

- (1.) Sewage farming where a sufficient quantity of suitable land can be obtained.
- (2.) Intermittent downward filtration where a smaller area only is available.
- (3.) That for seaboard towns it may be allowable on the score of economy to turn the sewage at once into the Ocean.

And they conclude that precipitation processes should never be resorted to except when neither of the above-mentioned systems is practicable.

44. Some difference having existed amongst us as to the expediency of disposing of even a small proportion of the sewage of Sydney by sewage irrigation or downward filtration, the question was formally debated by us. A full report of the debate is appended, including lengthy extracts from recent reports on the subject.

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It was finally determined, almost unanimously, to recommend that the sewage of the southern slopes, which now finds its way chiefly through Shea's Creek into Cook's River, should be treated by the "Intermittent downward filtration" system on a suitable tract of land on the lower part of Shea's Creek.

45. To turn the sewage referred to into the Ocean by any means which have been suggested would involve a large additional expense considering the quantity to be dealt with, and in the improbable event of the downward filtration system which we propose proving from any cause a failure, all the sewerage works which we recommend would still be subsidiary to any more expensive scheme for otherwise disposing of it.

46. It is satisfactory to us to find that we are fully confirmed in all the conclusions at which we had arrived by the valuable evidence of Dr. Wm. Morris, of this City, who has recently returned from England, and who visited many of the sewage farms and other sewage works in Great Britain, and had interviews with Mr. Rawlinson, Dr. Buchanan, and other leading authorities on the subject.

47. The graver objections which have been made to disposing of sewage upon land have been most conclusively dealt with by the recent reports from which copious extracts will be found in the report of the debate to which we have referred.

48. There is an acknowledged difficulty, however, in sewage farming in Great Britain—the disposal of the sewage during the cold winter months, when vegetation is torpid and additional moisture is an evil. We do not anticipate that any such difficulty will occur here. A luxuriant growth of a great variety of useful plants can be maintained here throughout the year, and it will not be often that an excess of water will be found pernicious on the light sands of Botany.

49. The scheme proposed for the treatment of the sewage of the northern slopes of the city may be briefly described as follows: The sewage which now finds its way into Port Jackson through the existing sewers, or which would otherwise be similarly disposed of through sewers to be hereafter constructed, is to be diverted by means of a system of intercepting sewers into a tunnel discharging at Ben Buckler Point, near Bondi. After much consideration, and we may say some fluctuations of opinion, we decided on recommending this plan in preference to diverting this immense body of sewage to Botany to be there treated upon the land. To utilize it thoroughly would require a very large area of land, and would form we believe a larger sewage farm than exists in the world. We believe that the land disposable in the direction of Botany is well adapted for sewage farming; indeed it has been proved at Dantzic (see Report of Debate, fol. 131) that mere drifting sea-sand answers the purpose. We believe also that our climate would produce results far more favourable than can be hoped in the north of Europe; but these are only opinions, and in the present infant and experimental state of the science of sewage farming we could not recommend an experiment on so large a scale.

50. We do not think, moreover, that anything would be gained by endeavouring to treat the sewage of the northern slopes by "downward intermittent filtration." Under that system the sewage is in a great measure wasted, and if the bulk of it is to be wasted, it is as well to turn the whole of it into the sea.

51. It will be observed that the proposed system of intercepting sewers will divert only the sewage of such parts of the city as are at a sufficient elevation to allow of its discharge by gravitation. The sewage of a narrow area along the shores will still find its way into the harbour. This area, however, is small and occupied mostly by warehouses, offices, and other buildings where little sewage is produced. We do not therefore anticipate any perceptible nuisance from this source, especially if works for conveying the sewage into deep water, similar to those which have been found so successful at Port Macquarie and Blackwattle Bay, be carried out at the mouths of all the sewers; and we strongly recommend that works of this nature be carried out without delay at the mouths of all the principal sewers.

52. The most difficult areas are those of the low-lying inhabited areas about Woolloomooloo Bay, the head of Darling Harbour, and Blackwattle Bay. If, however, these places are relieved by our proposed works from any sewage except what is locally produced, the nuisance will be reduced to a minimum.

53. The discharge of this sewage into the proposed tunnel would require a second set of intercepting sewers and a pumping station where it could be raised to the requisite level. All this would involve a greater immediate and current expenditure than the present circumstances of the case require.

54. It is proposed to intercept only the every-day dry weather sewage. Storm waters must still find their way into the harbour, the navigation of which must be kept open by dredging. A portion only of the storm waters find their way at present into the sewers, and to intercept even the whole of that portion and turn into the Ocean would present great engineering difficulties, and involve an expense altogether out of proportion to the value of the object gained.

55. We adopt also the recommendation of the Engineering Committee that the sewage of the southern slopes, including portions of Surry Hills, Redfern, Newtown, &c., should be similarly intercepted and disposed of as already stated by downward filtration towards the lower part of Shea's Creek. To construct a tunnel to carry this sewage into the main tunnel to the ocean would involve a great expense. The prospective quantity of sewage from the southern slopes is very large, as there are still extensive vacant spaces which will probably before many years be densely peopled. It would therefore be necessary to make the connecting tunnel of far greater capacity than is at present required. It would also be necessary to increase the main tunnel to much greater dimensions, for it would be obviously absurd to construct works of such a character to serve a temporary purpose only. All this would require a far greater expense than it is at all necessary to incur at present.

56. It has been proposed to discharge the sewage of the southern slopes into the system of intercepting sewers of the northern slopes, and thus to convey it a long distance through the most crowded parts of the city. There will be quite enough to do under the most efficient management to prevent nuisances arising from the sewers through the city without the additional burden of the sewage of several large and populous suburbs. It is well known also that sewage should be carried away from populated localities as quickly as possible, but according to this scheme, a large quantity of the sewage of some of the suburbs would be brought into the city, and by such a circuitous course that it would scarcely be got rid of before it had reached its maximum state of putrescence and offensiveness.

57. In the exercise of the discretion which was left to us we have not included Balmain, Camperdown, Marrickville, nor other more distant suburbs in the general scheme of sewerage which we recommend.

58. In conclusion, we trust that you will excuse us for still again urging upon your attention that the necessity which has been found to exist in England, of entrusting the enforcement of all sanitary laws to some independent authority, exists in full force here, and that without some such authority, not subject directly to popular influence, all sanitary legislation will be futile, and all attempts to raise the standard of health in the metropolis to what it naturally should be will end in disappointment.

M. B. PELL,
Chairman.

Board Room,
Sydney, 11th May, 1877.

FIRST REPORT

OF THE

COMMITTEE APPOINTED BY THE SYDNEY CITY AND SUBURBAN
SEWAGE AND HEALTH BOARD.*on the 21st October, 1875.*

“To cause plans to be prepared and where necessary surveys to be made, for the purpose of determining how far it is practicable to divert the everyday dry weather sewage either to the ocean or on to the land known as Webb’s Grant, beyond Cook’s River, or on to other suitable land in the same direction.”

ADOPTED BY THE COMMITTEE ON THE 15TH JANUARY, 1877.

To the Chairman and Members of the Sydney Sewage and Health Board.

1. We, the Committee appointed by the Board, on the 21st October, 1875, “to cause plans to be prepared, and where necessary surveys to be made, for the purpose of determining how far it is practicable to divert the everyday dry weather sewage either to the ocean or on to the land known as Webb’s Grant, beyond Cook’s River, or on to other suitable land in the same direction,” commenced our labours on the 10th November, 1875, and continued to meet from time to time to obtain information, inspect, and confer on the subject until the completion of the detailed plan enabled us to decide on conveying as much of the sewage as possible away from the harbour. This decision involved the consideration and maturing to a greater or less extent of several schemes for purposes of comparison, and the preparation of many plans and sections, which are all embodied in the large plan showing contours and sewer levels, in a more comprehensive way than has yet been done. When this decision was arrived at, the duty of preparing the complete design in detail sufficient for estimate was delegated to the Chairman, Mr. Moriarty, who was assisted by Messrs. Bennett and Grundy; Mr. Bell being unfortunately prevented from co-operating by illness.

2. We have now the honor to submit our Report, together with plans, sections, and estimate of the work which we recommend for Sydney proper.

3. The general plans for an intercepting system of sewers for the suburban portion of the city about Newtown, Redfern, and Waterloo are not in a sufficiently advanced state to allow of our now laying them before the Board, but we hope at an early date to be in a position to do so.

4. Before proceeding to state in detail the works which we propose for the interception of the sewage of Sydney, it will be well briefly to describe the general features of the district with which it is intended to deal.

5. Commencing on the coast, near Benbuckler Point, a little to the north of Bondi, a high ridge extends in a westerly and south-westerly direction, having a mean elevation of about 200 feet at its eastern end, and declining thence to about 100 feet near Newtown. The northern side of this ridge, from which branch off a number of spurs, forms the southern watershed of Sydney Harbour and the Parramatta River, the southern slopes forming the watershed of the north side of Botany Bay and Cook’s River.

6. The ridge is composed of what is commonly designated Sydney sandstone, and the stratification is either horizontal or dipping slightly to the westward. The crest of the ridge lying much closer to the waters of Sydney Harbour than to those of Botany, the slopes on this side are steep and comparatively bare of soil; while on the Botany side they are much more gentle, and the valleys are filled to a greater or less depth with deposits of sand, amongst which are extensive swamps, from which the water supply for Sydney has been derived.

7. The principal and older portion of Sydney is situated on the northern slopes of the main ridge, and the sewers and drains hitherto constructed have followed generally the valley lines, and discharge into the heads of the bays in which they terminate; hence it is that the harbour, to its great injury, has come to be the receptacle for the whole of the sewage, refuse, and offal of the town—Blackwattle Swamp receiving the sewage of about 696 acres, Darling Harbour of about 646, Sydney Cove 267, Woolloomooloo Bay 350, and Rushcutter’s Bay 743 acres, respectively.

8. On the southern side of the main ridge the features are different. Here the town has as yet established but a slight hold, and the large area of the Lachlan water reserve, Moore Park, and the Randwick Racecourse, will long if not ever prevent its being closely built over, except on the western parts near Shea’s Creek, Redfern, Waterloo, M’Donald Town, and Newtown, where occupation is rapidly extending, and where it is therefore necessary that immediate steps should be taken to provide for the drainage.

9. In the earlier times, and before the city had attained its present magnitude, it was inevitable that the drainage of each valley should flow down the natural watercourse and discharge into its own bay.

10. Previous to the year 1854 the drainage of the city was confined to a few square stone conduits, constructed by prison labour. In the years '54, '55, and '56, the conduct of such works being then under the City Commissioners, the principal streets—Pitt, Castlereagh, Elizabeth, Phillip, and Macquarie—had oviform sewers constructed in them, that in Pitt-street being 4 ft. 6 in., and the others 3 ft. 6 in. in depth; the main sewer, commencing at Macquarie-place and terminating at Fort Macquarie, being 6 ft. (A full description of the state of these sewers, when examined some time back, will be found in the report and evidence of Mr. W. Davies, appended to the sixth Progress Report of the Board.)

11. Recently, by the advice of the Board, outlet valves and a pipe, discharging 12 feet below low-water, have been placed at the Fort Macquarie outlet, at a cost of £950, with a view to reduce the offence caused by the discharge of the sewage; this they have been most successful in accomplishing. Such a course was recommended by the Engineer-in-Chief for Harbours and Rivers some years ago, but not carried out.

12. The Tank Stream, the purity and freshness of which induced the adoption of the site selected for the city in the first instance, has been gradually converted into a foul sewer, and has been walled up and roofed over. The construction of the brick sewers already described relieved it considerably, but it is still the outlet for most of the sewage of the low-lying places between Pitt and George Streets. At its outlet an arrangement similar to that at Fort Macquarie was proposed, but its immediate adoption has been postponed till the working of the latter shall have been tested.

13. The Essex-street sewer, which has its outlet close to that of the Tank Stream, will have much of its sewage intercepted; but the remainder should be dealt with in the same manner as the Tank Stream.

14. Since the restoration of the Corporation in 1857 two large and several small systems of sewers have been constructed by them. The most important is that of Hay-street, which receives, near Belmore Gardens, the drainage of that basin in oviform and pipe sewers, and discharges it through a stone main sewer of large dimensions into the head of Darling Harbour, silt pits being provided near its outlet. This system has not been very long in operation, but the contamination of the water at the head of Darling Harbour by the sewage is, if possible, worse than ever. Filters in the silt-pits and a submerged outlet, similar to that of Blackwattle Bay, should be immediately added.

15. The catchment of Woolloomooloo Bay has also been sewered, as shown on the accompanying plan, a flat-stone sewer carrying the united drainage from Woolloomooloo and other streets to the Bay. This system is most defective; the scour is totally inadequate to keep the sewers clear, and in consequence they are silted up in many places to the roof, as described in Mr. Davies's report. Considerable alterations in the sections of these sewers are necessary to render them self-cleansing.

16. That portion of the catchment of Blackwattle Swamp, within the city boundary, has been partially drained for some years, and the drainage works are being further extended by the Corporation at the recommendation of the Board. An outlet-sewer has been formed through the recently reclaimed land; it is 6 feet deep, of the Hawkesley section, and is provided with filtering-tank, silt-pits, trap-pipe, and outlet valves.

17. Numerous minor sewers have been provided, draining the northern slope of the city into Darling Harbour; and to mitigate the offence from them, and prevent in some degree the silting up of the harbour, silt-pits are provided near their outlets.

18. As mentioned in their report on Shea's Creek by the Committee of the Board, no sewerage exists on the southern slopes of the city, but in no part of the entire city is the necessity for such more apparent.

19. Of late years the quantity of sewage, street detritus, and other offensive matters discharged into the harbour, has been so great as to render it absolutely necessary, in order to save it from further injury, that measures be taken to intercept and lead them away to some other outfall, and to this end there are two courses open for adoption. One is, to form a sewer on the north side of the main dividing ridge, which should intercept and conduct to the sea the sewage, and as much of the rainfall as it is proposed to admit into the sewers; the other is to convey the sewage to Botany, and there to dispose of it as hereinafter mentioned.

20. If the former plan, namely, the northern line of interception and the discharge of the sewage at Benbuckler Point, be adopted, the general course of the sewers would be somewhat as follows:—Commencing at the junction of the Newtown and Parramatta Roads, and following Parramatta-street, it would intercept the Abercrombie-street sewer; thence continuing across Belmore Park and receiving

receiving the sewage of the Hay-street system in Elizabeth-street, it would continue along Forbes and Weymiss Streets to the junction of Liverpool and Oxford Streets, at the south-east corner of Hyde Park ; here it would meet a branch intercepting sewer from Kent-street and the eastern side of Darling Harbour, and another main intercepting sewer from the system draining into Sydney Cove. Continuing along Liverpool-street from the point of junction of these two sewers, and taking in the drainage of Woolloomooloo Bay by two branches at as low a level as can be reached, the main sewer would be continued across Rushcutter's and Double Bay valleys ; and thence onwards to the coast, discharging into the sea about 40 chains to the north of Benbuckler Point, which forms the northern headland of Bondi Bay. The point of outfall would be under a high precipitous cliff with deep water.

21. This northern line of sewer, as it seems to possess amongst others the great advantage of finally disposing of the sewage, we feel justified in recommending to the favourable consideration of the Board.

22. We have examined the set of the tides at the above-mentioned point, and find that during ebb the direction of the current is well off the land, although there is somewhat of an eddy setting in towards it to the southward of Benbuckler. On the flood the current sets also to the southward, but from the vast body of water with which the sewage would be mixed, and the constant wash of the waves, we do not apprehend that any nuisance would be caused in the neighbourhood.

23. Further to the south, at Bondi Head, the inward set of the currents is much more pronounced, and we therefore think there would be danger of nuisance if the sewage were discharged at that point, which is to a certain extent embayed by the projection of Benbuckler Head.

24. It is right that we should draw the attention of the Board to the other project, which is not without considerable merit, namely, that of conducting the whole of the sewage to Botany, and there disposing of it over the land at Webb's Grant, or on some other suitable place which might be selected for a sewage farm, in a manner similar to that generally adopted in England and on the Continent where circumstances are favourable.

25. Many and weighty reasons might be urged in favour of utilizing the great fertilizing power which the sewage of a large city possesses, and which under the warm sun and in the occasional dry seasons of this climate might be expected to produce most favourable results ; but it is not clear that the utilization of sewage in Europe has as yet been made a financial success, though in many instances it closely approaches it, as in Dantzic, Banbury, and Edinburgh. We do not feel justified in recommending its trial in the case of the northern outfall sewer.

26. At Edinburgh portion of the sewage is discharged by means of a cast-iron pipe into the Frith of Forth at the Blackrocks, and another portion is discharged over the Craigentiny Meadows, where the most astonishing results in the shape of crops have been obtained.

27. The sewage of London still continues to be discharged into the Thames at Barking and Crossness ; the sewage of Brighton is discharged into the Channel. At Newport, Dundee, and many other towns the sewage is similarly disposed of.

28. In regard to Glasgow, recently reported on by Sir John Hawkshaw, the final disposal of the sewage by discharging it into the Frith of Clyde has been recommended by that gentleman. Not to multiply instances, therefore, while it has come of necessity to be the practice for inland towns to adopt measures to deodorize and purify their sewage before allowing it to flow into the rivers and streams, which are frequently afterwards used for water supply,—in the case of coast towns the opposite practice, namely, that of finally disposing of it by discharging it into the sea, would seem to be generally adopted.

29. For these reasons we recommend an adherence to the principle which has guided many authorities at Home when dealing with the question of the disposal of sewage in the sea-coast towns, which has been to get rid of it at once and for ever in the most effectual manner.

30. We propose, therefore, that the sewage of those portions of Sydney which naturally drain into Port Jackson should be collected into an intercepting sewer such as we have already described, and have shown on the accompanying plans, and be led away by the most direct course, and at as low a level as is practicable, to be discharged finally into the sea.

31. We have given much careful consideration to the practicability of uniting the sewage of the southern slopes of the watershed, which at present flows towards Botany, with that on the north of the ridge, by means of a tunnel ; but after weighing the merits and demerits of each plan, we feel constrained to recommend that the two systems should be kept distinct, and that while that of Sydney proper is sent to sea, the sewage of Surry Hills, Redfern, and the southern portions of Newtown should be collected into a separate system and taken to Botany, and that sufficient land should be resumed at Shea's Creek or on Webb's grant for a sewage farm, where the sewage could be utilized or purified by filtering through the land before being allowed to escape into the Bay. All the circumstances are most favourable for the disposal

disposal of the sewage on the land at Botany, there being an ample area of light sandy soil, which is the most suitable for the purpose, and at a convenient level for irrigation by gravitation.

32. At Edinburgh and Dantzic, and many other places where the soils are composed of raw sea-sand, the most surprising fertility has resulted from irrigation by sewage.

33. As the extent of occupied land draining into Shea's Creek is yet inconsiderable, it would not perhaps for some years to come be necessary to carry the outfall sewer on to Botany, and it would probably be enough in the meantime to filter the sewage through the soil, as has been done with considerable success in many towns in England, allowing the effluent water, which would be sufficiently purified by the process, to run down Shea's Creek as at present; but when population extends in this direction it will undoubtedly be necessary to make provision for the disposal of the sewage on the land, of which the requisite area would require to be resumed in the manner we have suggested.

34. Reverting to the northern outfall sewer, a very difficult question presents itself for consideration, namely, the height at which the outlet should stand above high-water-mark. While on the one hand it is of course desirable to keep it as low as possible, so as to take the drainage of the greatest extent of the low-lying portions of the city; on the other hand, looking to the probable effect of the waves during gales of wind, it is desirable to keep the sewer so high as to be above the risk of having them driven with overwhelming force into it. It is well known that the oscillatory waves of the ocean become converted into waves of translation on meeting the resistance of the shore, and it is to be feared that if the outlet were fixed at so low a level as to be within reach of their full force, so large a body of water would be thrown into it during storms as to seriously interfere with the discharge of the sewer. During southerly, south-easterly, or easterly gales, the waves on the coast attain to enormous magnitude, and strike the coast-line and the cliffs with extraordinary force. In view of the risk of injury to the outfall works from this cause, we have felt that it would not be safe to fix the invert of the tunnel at a lower level than 10 feet above high-water-mark. We should have preferred to keep it higher, but to do so would throw the sewer at its upper end to an inconvenient height for intercepting the Hay-street and Abercrombie-street systems of sewers; we have therefore agreed to take 10 feet above high tide as the lowest safe level for the intercepting sewer at its outfall.

35. Even at a height of 10 feet, there can be no doubt that, in ordinary gales, the waves would break into the sewer with considerable violence, but their action might be greatly diminished by the formation within it, at a convenient distance, of an expanding basin, where the waves would be partially broken and dispersed, and by the construction of valves in suitable positions.

36. We are not acquainted with any instance of a sewer similarly circumstanced as regards its outfall: the probable effects of heavy gales, such as we have experience of on the coast, upon the action of the sewer, must be therefore to some extent a matter of conjecture; but with outlet works judiciously designed, at sufficient height, and with proper arrangement for the arrest and dispersion of the waves, and the strengthening of the exposed portions of the sewer by introducing an iron lining where the cover might be considered insufficient, we do not anticipate any serious objection to the plan we have sketched.

37. Our colleague, Mr. Bell, has suggested that 3 feet above high-water would be sufficient at the outfall, and he has accordingly sketched a line of sewer starting from Bondi Head at that level, taking a course from thence somewhat different from that which we have adopted. We regret exceedingly that, owing to his illness, we have not had an opportunity of discussing the matter with him in detail; but although fully alive to the great importance of keeping the outfall as low as practicable, so as to command the lower levels of the town, we are still of opinion that 3 feet would be too low; at such a level, even in fine weather, every wave would break into the sewer and greatly impede the discharge of the sewage. It would be most difficult, if not impracticable, to construct or maintain sluices or penstocks which could be guaranteed to resist the force of the waves in stormy weather; and no person who has not actually witnessed it can form an idea of the magnitude of the waves which roll on this coast, or of the overwhelming force with which they strike the cliffs in heavy storms.*

38. The difference between 3 feet and 10 feet at the outfall represents of course a proportionate area in the city the sewerage of which must be excluded from the proposed system, unless pumping be resorted to; but the general plan which we have had prepared, and which accompanies this Report, will show that the area of this zone is comparatively insignificant.

39. The lower portions of the city, that is to say those below the 25-foot contour, must remain beyond the reach of the proposed intercepting sewer, and be allowed to discharge their sewage into the harbour, unless it be collected by another system of intercepting sewers, and pumped into the proposed sewer. We do not think however that for the present, if indeed it should ever become so, this would be necessary,

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* Since the above was written we find that Mr. Bell has altered his plan, and has taken high-water-mark as the level of his outlet. This alteration strengthens the objections made to this part of the scheme. Mr. Bell's complete scheme has only been placed before us to-day.

as with few exceptions the low-lying portions of the town are used for purposes of trade, stores, and wharfs; and it is only in one or two places, as at Woolloomooloo Bay and the southern part of Darling Harbour, where the inhabitants residing in those low-lying places are at all numerous; while there is an obvious tendency on the part of residents in those localities to abandon them to their more proper uses, namely, those of trade, and to select other and more suitable and healthy sites in the suburbs for their dwellings. But should it be determined to pump the sewage from the whole or any portion of this area it could be done, as provision has been made in the intercepting sewers for its discharge.

40. In determining the sizes of the sewer, we have preferred following the most modern English practice, with such modifications as the different circumstances of this country and of the case seem to call for.

41. In London, Brighton, and other recent cases, the sewers have been designed of capacity sufficient to discharge the whole of the daily water supply to the inhabitants in twelve hours, or half in six hours; as it has been found by careful examination that about half the daily water supply is delivered, and passes into the sewer within about six hours. To this has to be added the proportion of rainfall likely to be received into the sewers. In London this has been taken at about $\frac{1}{4}$ inch in twenty-four hours, that is to say, intercepting sewers are made large enough to carry off the whole of the water supply in twelve hours, and $\frac{1}{4}$ inch of rain over the whole of the watershed in twenty-four hours. But the water supply of London, which is furnished by Companies, has to be pumped, and it is not therefore likely, considering the vast population to be supplied, that this quantity will ever, or at all events for many years, exceed the present supply, which is about 6 cubic feet or 36 gallons per head. The sewage has also to be pumped into reservoirs before being discharged into the Thames. The rainfall of London is also considerably less than that of Sydney; the sizes adopted for the London sewers are therefore smaller than we have considered it safe to adopt.

42. But in our case we have taken a more liberal view of the question, as we believe the time is not far distant when an ample supply of water must be brought in by gravitation, and it is probable that at least double, say 12 cubic feet or 72 gallons per head, will be supplied. The consumption at New York has recently risen to 100 gallons per head per diem; at Melbourne 15,000,000 gallons per day is being provided for about 200,000 persons, being 75 gallons per head per diem; and in other cities supplied by gravitation, and where there has consequently been less reason to limit the supply, it has risen to that amount. We have therefore taken 72 gallons per head per diem as the quantity for which provision should be made in the sewers, half of which would probably be discharged in six hours.

43. As regards the number to be supplied we have adopted the same standard of population per acre as that of London, namely forty-seven and thirty-one respectively for the city and suburbs. The average density of the population of Sydney in many of the wards, excluding the Domain and Moore Park, approximates very closely to that of London. We have therefore adopted the above standard in regard to the number of persons per acre for whom sewerage should be provided.

44. Then as to the rainfall in Sydney it is nearly double that of London, so that we have made a corresponding provision in the increased size of the sewers, and have allowed for $\frac{1}{2}$ an inch per day. There are times when this amount would be largely exceeded, but the best authorities and writers on the subject have agreed in considering it unnecessary to make provision for taking off the whole of excessive rainfalls in the sewers; to do so would be to incur unnecessary cost, and it is considered more judicious to allow the excessive rainfalls to escape off the surface of the ground by the natural surface drains and channels, or by storm overflows (for which the existing systems of sewers, as well as the conformation of the surface of the ground in our case, afford peculiar facilities) rather than to construct large subterranean channels for the purpose. An examination of the returns of rainfall for the last nineteen years (attached hereto) will show that on an average it has not exceeded $\frac{1}{2}$ an inch per day for more than twenty-seven days in the year, and 1 inch per day for only thirteen days.

45. As even in the most densely built parts of London, with paved and flagged yards and courts, not more than about 60 per cent of the rainfall has been known, even in the heaviest storms, to find its way into the sewers, and at this rate only about $\frac{1}{2}$ an inch per day could flow into the sewers in thirteen days of the year,—we are of opinion that, in doubling the allowance made in London, and taking $\frac{1}{2}$ an inch per day as the amount for which provision should be made, we have adopted a sufficiently liberal scale; and that the sewers, while being sufficiently large, would not be unnecessarily costly. Thus, 12 cubic feet for water supply in twelve hours and $\frac{1}{2}$ inch of rainfall in twenty-four, are the proportions we have agreed to recommend, for the capacities of the sewers.

46. The gradient we recommend for the main intercepting sewer from the outlet up to the point of junction of Liverpool and Oxford Streets, where the three branch sewers unite, is 2 feet 6 inches per mile. In the branch sewers the gradients are proposed to be increased to 1 in 700 for the Circular Quay branch, 5 feet per mile for the Parramatta-street branch, and 1 in 700 for the Kent-street branch.

47. The main intercepting sewer should, we think, be circular in section, from the point of junction of the branch sewers at Oxford-street to the outfall at the coast, as this section gives the highest hydraulic mean depth and greatest velocity of discharge when running full or half-full. It should be 7 feet 6 inches diameter at the outlet, diminishing to 7 feet 3 inches above the inlet of Rose Bay future system of sewers, 6 feet 9 inches above that of Double Bay, 6 feet 3 inches above that of Rushcutter's Bay, and 5 feet 9 inches above the existing Woolloomooloo system.

48. The branch sewer to Parramatta-street should be oviform, the former 5 feet 6 inches \times 3 feet 8 inches to Elizabeth-street, 5 feet \times 3 feet 4 inches to Abercrombie-street, and a 4 feet syphon pipe southward thence to the junction of the Parramatta Road. The Circular Quay and Kent-street sewers would be 4 feet 6 inches \times 3 feet.

49. Storm-water escapes should be formed at the junctions of all the existing sewers, as well as at convenient points on the various valley lines; ventilators should be fixed at convenient intervals along the line of the tunnel and in the working shafts, as well as any penstocks and flushing gates which may be necessary at first or until an adequate supply of water be provided and the entire system brought fully into operation. We do not propose any detailed designs for these minor matters, as time does not admit of it, and we believe it would be premature to prepare them now, such details being better left to the judgment of the engineer who may have the carrying out of the works.

50. As the tunnel for the greater part of its length would pass through the lower and sounder beds of the sandstone, but very little brick lining would be required, except near the outlet, where it passes through a sandy tract for some 1,100 yards. We have, however, thought it safe to estimate for some brick lining in the rock as well as for lining the lower half of the tunnel with cement.

51. Where the sandstone is sound, the tunnel might be dressed, as nearly as possible to the exact circular form, and the lower portions or invert rendered with cement; or perhaps the cheaper plan would be to blast it out roughly to the approximate circular shape, and then fill in the interstices left by blasting to the exact cross section by a lining of concrete in the manner represented on the accompanying sketches. Of course some internal bricking would be required at the junctions, storm overflows, tumbling bays, and shafts, for which we have made due allowance in the estimate.

52. We estimate that the northern intercepting system of sewers will cost £256,000. The southern system we have not as yet had time to work out in detail, but the plans are well advanced, and we hope to be in a position to present the result in a supplementary report in a few days.

E. O. MORIARTY,
Chairman of Committee.

Board Room,
Sydney, 15 January, 1877.

TABLE showing (1stly) the number of Rainy Days in each year from 1858 to 1876; and also the number of days during which there fell (2ndly) more than 1 inch of rain; (3rdly) more than $\frac{1}{2}$ -inch; and (4thly) less than $\frac{1}{4}$ -inch.

Year.	Rainy Days.	No. of days on which more than 1" of rain fell.	No. of days on which more than $\frac{1}{2}$ " of rain fell.	No. of days on which less than $\frac{1}{4}$ " of rain fell.
1858	139	7	22	117
1859	128	11	21	107
1860	182	24	41	141
1861	157	18	25	132
1862	111	5	14	97
1863	152	13	29	123
1864	187	17	41	146
1865	128	7	24	104
1866	149	10	17	132
1867	119	14	32	87
1868	127	9	20	107
1869	134	11	24	110
1870	178	17	32	146
1871	141	7	27	114
1872	161	6	23	138
1873	176	20	36	140
1874	173	19	39	134
1875	163	13	25	138
1876	184	13	26	158
Average ...	152	13	27	125

[No. 10 COMMITTEE.]

SECOND REPORT

OF THE

COMMITTEE APPOINTED BY THE SYDNEY CITY AND SUBURBAN
SEWAGE AND HEALTH BOARD,*On the 21st October, 1875,*

“To cause plans to be prepared, and, where necessary, surveys to be made, for the purpose of determining how far it is practicable to divert the every-day dry-weather sewage either into the Ocean or on to the land known as Webb’s Grant, beyond Cook’s River, or on to other suitable land in the same direction.”

To the Chairman and Members of the Sydney and Suburban Sewage and Health Board.

Gentlemen,

Sydney, 3 May, 1877.

1. In our former Report, under date 15 January, we submitted for your consideration and approval a system of intercepting sewers for that portion of the City of Sydney, lying on the north side of the dividing ridge which forms the watershed of Port Jackson and Botany Bay—and we recommended the final disposal of the sewage by discharging it into the sea at Ben Buckler Point. But we pointed out at the same time that the sewage of those parts of the town lying on the southern slopes would probably require a different mode of treatment. And the evidence which we had the honor to lay before you on the 29th January and 1st February last in favor of temporarily disposing of it on the land by the process termed intermittent downward filtration, having received your approval, we have now the honor to submit our proposal, which embodies that plan, in such detail as the circumstances seem to require.

2. In this latter case we have not confined ourselves to dealing only with the main intercepting sewers, as in the other, but have sketched out a system of branch or minor sewers, most of which are now urgently required; all will shortly be so, as the population is rapidly extending in this direction, and no attempts have as yet been made to relieve the inhabitants from those offensive accumulations of filth which have been described in former Reports as being so injurious to health.

3. The main intercepting sewer is so arranged as to insure its receiving the sewage of all the secondary or minor sewers of the district through which it passes, conducting it away by the most direct route to a suitable and convenient place, where it may be disposed of, after filtration through a sufficient area of land to ensure its deodorization and purification, by being allowed to flow into the watercourse of Shea’s Creek, which is the present, and the natural outlet for the drainage of the district.

4. The portion of the City and suburbs which we now propose to deal with embraces parts of Paddington, Sydney, Redfern, and Alexandria; the remainder of Alexandria, with Macdonald Town and part of Newtown, Marrickville, and St. Peters, may be hereafter connected with the extension of the system, but at present we think there is no absolute necessity to incur the expense of constructing sewers in these sparsely inhabited districts. When the time shall have arrived to deal with them, the sewage of the higher levels may be intercepted and brought into the continuation of the intercepting sewer now proposed, by gravitation, but the sewage of the very low portions will have to be lifted into it by pumping, or be otherwise locally disposed of.

5. The accompanying plan shows the course of the intercepting and branch sewers, which we would recommend should now be constructed.

6. The intercepting sewer would commence in Paddington, at the junction of the Park Road and Upper South Head Road, and continuing along Park Road to the depression below the Barracks, would receive in its course the drainage of the portion of land on the east side of the Victoria Barracks, as well as the sewage of Botany-street and its adjoining streets. The sewer would then take a south-westerly course across part of Moore Park to Dowling-street, where it would receive the sewage of that street and its branches, and crossing Dowling-street to Nobb-street it would pass along the latter to its junction with Bourke-street, where it would receive the sewage of that street and its branches. Thence continuing along Bourke-street, which is situated in nearly the centre of the valley, and receiving the drainage of Cleveland-street and its tributaries, and Elizabeth-street and its tributaries, it would continue to the crossing of the Botany Road, whence, after receiving the drainage of the valleys on either side of the Botany Road, it would follow the new road for a distance of about 60 chains to a point where it would discharge,

discharge, and the sewage be allowed to flow over a tract of land admirably suited to the purpose, which we propose should be resumed at this place, and which should be properly prepared by levelling and subsoil draining.

7. The other branch intercepting sewer would be formed down Botany Road, receiving the drainage of the houses and such of the streets on either side as would flow to it, as far as Buckland-street, and following that street to Garden-street it would continue along Garden-street to its junction with the other sewer before described.

8. These two valleys embrace nearly the whole of Redfern and Waterloo as yet built over. When population extends over the adjoining districts it will no doubt become necessary to construct additional sewers, but for the present, and probably indeed for some years to come, the two main systems which we have here described will be sufficient.

9. As it would not be judicious, and indeed would not be necessary as regards considerations of economy, to limit the size of small pipe-drains to the theoretical dimensions which have been considered proper in large sewers, we have allowed sufficient capacity in the pipe-drains to carry off a much larger amount of rainfall than was allowed for in the large intercepting sewer on the northern side, where, in consequence of the formation of the ground, allowing of frequent storm escapes by means of the existing system of sewers, there would be less danger of the main sewers becoming gorged during heavy rainfalls than would be the case on the southern slopes. On the latter, owing to the more gentle declivities, there will not be the same facilities for getting rid of heavy rainfalls. But at the same time the sandy nature of the soil will to some extent act as a moderator and prevent the rapid discharge of floods from the adjacent land into the drains, while the large amount of sub-drainage from the swampy tracts on either side will tend to prevent deposit taking place in the sewers in dry periods.

10. The areas for which drainage has to be provided at all the principal junctions are shown on the accompanying plan. The sizes of the sewers have been calculated as sufficient to carry off all the water supply to the inhabitants, taken at forty-seven persons to the acre and 72 gallons per head, in twelve hours; together with 1 inch of rainfall on the drainage area. This allowance, owing to the very absorbent nature of the soil, and considering that there are only thirteen days in the year, on an average, on which the rainfall exceeds 1 inch, cannot, we think, but be considered as ample.

11. The sewers up to 18 inches in diameter are proposed to be formed of drain-pipes; above that dimension they should be of brick, oviform in section down to the point of junction with the Botany Road system; thence onward we would propose a circular brick sewer as this form of section would be somewhat less costly, and would admit of the crown of the sewer, which in many cases rises above the surface of the ground, being kept lower, a matter of some moment when it is considered that the whole of this land will probably be built over and inhabited before many years.

12. We propose that for the present the outfall of the sewer should be at the point marked A on the accompanying plan, where the sewage would be turned over the land which at this place slopes gently down to Shea's Creek, to be treated on the intermittent downward filtration principle, and we would recommend a resumption for this purpose of say 100 acres of the swampy land lying between the sewer and the creek. The land, which would require to be fenced and sub-soil drained, would we believe be readily rented for market gardens, of which there are several in the immediate neighbourhood, showing that when properly manured the soil can produce good crops.

13. The outfall sewer is kept at such a height as will admit of the irrigation of about 120 acres of land at this place, while at the same time it also admits of being hereafter extended to Botany Bay, where the sewage may be discharged either over a sewage or filtration farm at Webb's grant, on the south side of Cook's River to be ultimately discharged into the bay.

14. The accompanying estimate gives the probable cost of the main intercepting sewer, as well as of the branch sewers, and in regard to the latter their cost in each Municipality has been taken out separately.

15. An estimate has also been made of the cost of connecting the system of sewers just described with that on the north side discharging at Ben Buckler Head—the latter arrangement would be much more costly than the former, while it would be of comparatively little value, because it would exclude the sewerage of the lower parts of Alexandria, Macdonald Town, Newtown, and Marrickville, which could only be connected by an expensive arrangement of iron pipe sewers and a large and costly pumping establishment, and the relief of these districts which now most urgently require sewerage, must be delayed until the large northern works are completed.

16. If the arrangement for filtration which we have proposed be carried out it will be necessary to improve the outfall at Shea's Creek by straightening and deepening its bed and placing tidal sluices at its junction with Cook's River, but these can be easily and cheaply done.

17. The probable cost of the works above described, including the purchase, levelling, and subsoil draining of (say) 100 acres of land, we estimate at £131,000.

18. Of the minor sewers the probable cost in each Municipality would be as follows :—Sydney, £12,872; Paddington, £2,847; Redfern, £9,248; Waterloo, £9,413; and Alexandria, £3,338.

19. The cost of further extending the sewer to Webb's grant, together with syphon pipes across Cook's River and 100 acres of land for filtration farm, would be £80,000, or £211,000 in all.

E. O. MORIARTY,
Chairman of Committee.

Board Room,
Sydney, 7 May, 1877.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SYDNEY CITY AND SUBURBAN SEWAGE AND
HEALTH BOARD.

MONDAY, 25 OCTOBER, 1875.

Present:—

HON. J. B. WILSON,
B. PALMER, Esq.,
F. BELL, Esq.,W. C. BENNETT, Esq.,
E. O. MORIARTY, Esq.,
Dr. ALLEYNE.

M. B. PELL, Esq., B.A., IN THE CHAIR.

George R. Dibbs, Esq., M.L.A., called in and examined:—

2080. *Chairman.*] I think you have some knowledge of a system called "Weare's Charcoal Filtration," for the filtration of sewage? Yes.

2081. I believe you have visited certain works at Stoke-upon-Trent, where this system is in operation? I have.

2082. Are you in a position to describe the nature of the works which you observed on that occasion? Yes. I visited the Workhouse at Stoke-upon-Trent, which is situate within an enclosure almost as large as the Barracks at Paddington. Outside the walls of this workhouse, where the sewage works are, the whole of the sewage matter, as well as the drainage from baths and elsewhere—all the drainage in fact—was conducted by pipes to certain sewage tanks—deodorizing tanks. I saw the process in full operation, and the best way I can explain what I saw is to refer to one of those little pamphlets I submitted to the Board, in which there is a plan or sketch of the works actually in operation there. I inspected the tanks, and I saw the effluent water as it escaped after passing through the final deodorizing tank, when it was as clear or perhaps a trifle clearer than the water in the sample bottle I sent to the Board. Then I saw the refuse—the dry solid matter which remained—and this, beyond a slight smell of ammonia, was perfectly or almost inodorous; there was no offensive smell whatever about it. There were about 70 or 80 tons of it; it was in a large room, about three times the size of this; it was a sort of pulpy substance, about as dry or a little dryer than mortar which is used for stone-work. There was no drainage from it, but it was hard, sufficiently so to be put in bags, and having only a very slight moisture, while the water which escaped was quite clear, as I have described it. (*Plan produced.*) Supposing this to be one of the tanks (*indicating tank marked on plan*), it is divided into two compartments in order to provide against any stoppage of the works from accident, so that when one tank is working the other is shut off. The first tank in the Stoke-upon-Trent Workhouse which I saw appeared to be about 14 feet square, and about 8 or 10 feet deep. This tank is a large underground chamber into which the sewage flows directly; it receives everything; in fact all the refuse of the establishment. You will find a description of it among the papers I sent you. I was assured by the manager of the workhouse, and by other persons who had seen it, that the entire refuse of the place was thrown into it—that they used to throw in old straw beds, as well as any animals which happened to die about the place; in fact one of the articles thrown in was an old sow and a litter of pigs. Everything goes into this tank, all the ashes of the institution are thrown into it daily, and any bulky matters are shot into it through a trap door. No other labor is required except to throw back from the other deodorizing tanks the charcoal used for filtering, which is done by hand labor.

2083. The accumulated matter in the lower tanks is thrown back into the first receptacle? Yes, as the charcoal becomes charged. The deposit in the first receptacle when it was emptied at the end of six months was dug out and found to be a brown earthy looking substance, showing no trace of dead pigs or other bulky matters. It seemed to have resolved into one mass of the consistency of mortar, having nothing offensive about it. Indeed, so free from any offensive smell was the tank in which this compost was, that after it had been dug out the men took their dinner in the middle of the tank.

2084. Did you observe or inquire how often this receptacle was opened in order to throw down rubbish into it? The ashes were thrown in daily so that there might be a continually fresh surface of absorbent matter; otherwise, from what I could gather, on account of the slimy nature of the contents of the tank the process of filtration would have been impeded.

G. R. Dibbs,
Esq., M.L.A.

25 Oct., 1875.

- G. R. Dibbs, Esq., M.L.A.
25 Oct., 1875.
2085. It was considered necessary then that this stuff should be thrown in daily? Yes, that was the case as far as my recollection serves me. I am speaking after a lapse of about six years, and of course my memory is not so clear as if I had visited the place yesterday. One of the objects of throwing in daily the ashes was to counteract the slimy matter and to allow drainage from it.
2086. Did you examine the effluent water? Yes, I saw it escaping, and it was perfectly clear; I did not taste it, but I might have done so from its appearance if it had been warm weather and I had been thirsty.
2087. How many inmates were there in the workhouse at that time? About 1,200.
2088. What was the distance from the first tank to the place where the water finally escaped? About 200 feet; there was plenty of ground; the land seemed to be of small value there.
2089. It appears from this plan that a considerable fall is required to carry out this process? There was a considerable fall there; but I put the question to some persons there—how would the system act in places where there was not so much fall and they said pumping would have to be resorted to.
2090. They do not pump the sewage at Stoke-upon-Trent? No, because there is a fall there to the river. The stuff which passes away from the second tank was described to me as running away like thick gravy soup, in a condition that might easily be pumped.
2091. Did the rain water which fell on the surface in the yards and about the premises pass through the filter? No. I think the filtering was confined entirely to the sewage; there seemed to be no provision for rain-water.
2092. There was a separate place I suppose for the surface rain water to escape? I did not notice that particularly, but I understood the persons I spoke to there to say that they did not allow the rain-water to go in at all.
2093. Do you think it would be possible to erect works similar to these, only of course on a much larger scale, at the mouth of the sewer which empties at Fort Macquarie? I think so. I have passed that sewer a great many times, for some years, and noticed the discharge from it; and I think in ordinary weather the sewage might be treated in this way.
2094. Do you think there is sufficient surface room to deal with the very large quantity of sewage which would require to be treated? By providing pumping gear I think it could be done.
2095. You think pumping would be required? Yes; unless some kind of mechanical power could be employed to make the water run up hill.
2096. You say that all the refuse matter goes into the first tank;—do you think it would be practicable to put all the refuse from such a large area as that drained by the Fort Macquarie sewer into a tank of this kind. It could not be done at one time? Do you mean the street sweepings as well?
2097. I mean the ashes and refuse—similar matter to that which goes in at Stoke-upon-Trent? I think it might be done. What I saw at Stoke-upon-Trent was the refuse from 1,200 persons, and of course there, where the people are on a shorter allowance of food, and under more discipline, there is not the same waste or the same amount of dirt, bones, and decayed vegetable matter. I think this process might be tried with advantage at, for instance, one of our Lunatic Asylums on the Parramatta River, or in connection with the Darlinghurst Gaol, or some other gaol in the Colony.
2098. Do you think it would be applicable to the Prince Alfred Hospital? Yes. When I was speaking in the House on this subject on one occasion, Mr. Stewart, who knew nothing of this patent, said he had adopted a similar plan at his place at Marrickville. He had arrested the sewage and made it inoffensive by a process of this kind in a very rude form, and had then pumped the sewage-water over his ground.
2099. Do you think it would be possible to apply this system to the mouth of the Tank-stream? Where is that—near Mitchell's?
2100. In the very centre of the Circular Quay? No, I think not; there would not be room enough to spare for it there without impeding ordinary traffic.
2101. Do you think it would be possible to apply it to the sewer at the Queen's Wharf? That is almost the same place.
2102. Do you think it would be possible to apply it to the mouths of the sewers which discharge into Darling Harbour? No, you must have some elbow room, and there it is only street and quay.
2103. What I want to get at is this: You say, and you are probably right, that this process can be advantageously applied to large institutions such as the workhouse you visited at Stoke-upon-Trent, and in this country to lunatic asylums, gaols, and hospitals; but do you think it affords any solution of the sewage question here generally? Well, not unless you have spare ground for the purpose. If you had a quarter of an acre near Mitchell's you might work it. I think you might treat all the sewage matter which is discharged at Fort Macquarie, because there is some room there.
2104. But you would require pumping power all the same? Yes, it would have to be pumped, in order to pass it through the other filters.
2105. And that would be required in every case? Yes, unless there is some mechanical process by which the water could be made to rise above its level. I do not suppose any syphon principle could be adopted.
2106. Have you gained any information relating to this filtration process since your visit to Stoke-upon-Trent? I hear it has been tried at Bradford upon a larger scale. I saw a very flourishing account of it in a local newspaper, and I believe it has been a success there.
2107. Are you aware that when a Committee was appointed to consider the best mode of disposing of the sewage at Birmingham a few years ago, this among other systems was inquired into, and that the Committee pronounced decidedly against it? Very likely.
2108. They stated on one occasion that the water after passing through the tanks came out worse than when it went in? I have heard it said of the A. B. C. process that the water which went away was worse than when it came in. But you have a sample of the water which was drawn five years ago, and there is less sediment in it than I have seen in the city water. (*Sample produced.*)
2109. *Dr. Alleyne.*] Was it carefully corked all that time? Yes.
2110. *Chairman.*] Are you aware that a Committee of the British Association, which has been sitting for some years inquiring into sewage matters, have also pronounced decidedly against this system, and that in their final report they state that the effluent water at Stoke-upon-Trent is weak sewage? I was not aware of it.
2111. You are aware, of course, that water may be perfectly clear, and yet possess poisonous qualities? Yes; I do not call that anything but impure water, strictly speaking, because I suppose you cannot get perfectly pure water except by distillation.

2112. Is it not your opinion that this process is more suitable to particular cases—to large institutions for instance—than for dealing with the sewage of a large city like Sydney? That I should not like to say; if it is applicable on a small scale I should be disposed to think it might be applied on a large scale; but of course certain mechanical appliances would be necessary. If you ask me whether it could be applied with advantage at the Circular Quay where the sewers are close to the street I should certainly say there is no room for it.

G. R. Dibbs,
Esq., M.L.A.

25 Oct., 1875.

2113. I have made myself acquainted with the opinions of most of the engineers of eminence who are inquiring into these matters, and they say that processes of this kind, which are suitable for small places where the number of inhabitants is limited, do not answer when applied to large populations. What is done on a small scale cannot always be done on a large scale? Yes, I believe that is true with regard to many things besides the treatment of sewage, and in this as well as other matters the people will find that nothing can be effectually done without a large expenditure, and they will have to look to the great advantage which will result from it, and take the security of life and health as a set-off against the pecuniary disadvantage.

2114. Do you think it would be advisable to divert as much as possible all the sewage away to the ocean or to some other place by gravitation, and to pump up the remainder to be treated in this way? I fancy some combined scheme would be better than any one scheme.

2115. Do you not think that would be better than attempting to deal with the whole of the sewage by some such scheme as this? Well, I have heard of a scheme to take the whole of the sewage out to Botany in one large tunnel.

2116. Supposing we can get rid of a certain portion of it by gravitation, would not it be better to do so than to attempt to treat the whole of it by some such method as this? I don't think the sewage of Sydney as a whole could be dealt with by this process; nor do I think that the whole of it could be dealt with by any one process; certain parts of it must be treated separately. But it must be deposited in some place, and knowing well what Sydney is and the limited amount of filtration which the soil affords there would be the same difficulty to meet wherever it was discharged.

2117. It has been found in England that the water after passing over land can be purified; and it appears that in this country the conditions are very favourable. Have you considered that view of the question? No, I have always thought that the soil about Sydney was too hard and rocky for the purpose.

2118. But if we can get it on to sand? I do not know where you are to get it.

2119. *Mr. Bennett.*] There was a great deal of labour attached to this system at Stoke-upon-Trent, was there not Mr. Dibbs? No, except the sweeping up and putting in the ashes every day; it was only occasionally they required to shift the charcoal from the filter-beds.

2120. But there was a good deal of labour required and it was gratuitous labour? Yes, workhouse labour.

2121. *Mr. Palmer.*] With respect to this bottle of water, how long have you had it? I believe about five years; I had six bottles sent out to me; this is the only one left; the remaining five were drunk by the City Council; they were precisely like this, and the water was quite clear of sediment when I had it first. I should like to add that I think an experiment of this system might be tried on a small scale at some public institution. £100 would cover the cost of it.

2122. *Chairman.*] I suggested it for the Prince Alfred Hospital, but Dr. Roberts, who has a good deal to do with that establishment, did not seem to favour its adoption. I thought if it were tried there and the effluent water after filtration allowed to run over the land it might answer; it is just the kind of place for it.

TUESDAY, 7 NOVEMBER, 1875.

Present:—

E. O. MORIARTY, Esq.,	H. G. ALLEYNE, Esq.,
W. C. BENNETT, Esq.,	F. BELL, Esq.,
HON. J. B. WILSON.	

M. B. PELL, Esq., B.A., IN THE CHAIR.

His Honor Mr. Justice Hargrave called in and examined:—

2123. *Chairman.*] We have been informed that you have had considerable experience, and can give us some information in reference to the disposal of sewage? Do you mean when it is in a condition to be manufactured for purposes of sale, or while it is in a liquid state?

His Honor
Mr. Justice
Hargrave.

2124. While it is in a liquid state? Yes. The result of all my knowledge on this matter is that the only way in which sewage can be disposed of to advantage is in a liquid state. I saw a good deal of the mode of disposing of sewage while I was in England, for the South London sewage works were erected on some land adjoining property of my own at Deptford Creek. I sent you the Government report of 1853, showing the nature and extent of the works for the whole London drainage system both north and south of the River Thames, and the large area drained; and the enormous lift and engine power at the pumping station at Deptford which were in course of erection when I left England in 1856. All the sewage of the south of London was being intercepted by sewers below low-water mark, and near the mouth of the Ravensbourne River the main low-level sewer passed under that river at my land, and was pumped to a much higher level, about 30 feet I think, from which level the South London sewage proceeds now by gravitation through Greenwich and Greenwich Park across the Greenwich marshes down through Woolwich to Erith, where it is discharged into the river at high tide. That is the way the liquid sewage of the South London districts is disposed of, and it has been found to be a complete success.

7 Nov., 1875.

2125. Is it not turned into the Thames? Not until it is twenty miles below Greenwich, at the Erith Marshes, as I have said, at ebb tide.

2126. It is not utilized in any way? No, not the metropolitan drainage that I ever heard of.

2127. Is it applied to the land on a large scale for purposes of irrigation? It was not when I left England; but it was being discussed to use it in that way by irrigation. I do not think, however, it is likely to be applied generally to that purpose, because there are such enormous quantities of it—millions of gallons to be continually disposed of—every day's sewage from two millions of people on each side of the Thames.

2128.

- His Hon. Mr. Justice Hargrave.
7 Nov., 1875.
2128. And large tracts of land would be required for the purpose? Yes, and the farmers will pay nothing for it, although it is brought to their doors; a few of them might, perhaps, take small quantities of it, but there can never be any regular demand for it—at least that was the case when I left England. But the system of applying sewage to the land in a liquid state has been adopted on a smaller scale at Croydon, and many other places, I believe, all through England. It is only by keeping it in its liquid state, and much diluted, that the ammonia can be retained or the sewage remain valuable as a fertilizer. When it is dried, or manufactured, the ammonia escapes and it becomes utterly useless; at least that is my opinion, notwithstanding the constant publication of deodorizing schemes and patents.
2129. Do you think the best mode of disposing of the sewage of a city like this is to apply it to the land? Yes, in connection with water,—that is to say, in a liquid state.
2130. By irrigation in fact? Yes; if you obtain a suitable sewage-farm near Sydney, capable of utilizing any given quantity of sewage, of course your farm must be proportionate to the sewage you bring to it; otherwise you will only bring the sewage to be discharged at one point instead of another point, and do no good by the transmission. On the other hand, where there is a small sewer discharging itself into the sea, and there are worthless sandy flats or swamps surrounding such outlet, the sewage may be utilized at such outlet, and the surplus if any allowed to escape without any nuisance. This may be done, I should think, at any of the little bays round Sydney.
2131. In England they have found a difficulty in treating the sewage in this way at different seasons of the year. During rainy weather they have too much water, and in cold and frosty weather they are unable to apply it to the soil with advantage. Is it your opinion that in this country, on account of the climate, it could be applied to the land under much more favourable conditions—that we should never have so much water as to destroy its effect, so that there would never be a scarcity of vegetation to absorb it? Yes, I think so, but a great deal of care will be necessary in applying the liquid sewage properly to the ground; if too much of it is applied it has the effect of scorching the plants; it must always be considerably diluted with water. Before I left England I received an invitation from Mr. Mechi, then and now a celebrated man in these matters, to visit his farm in Essex, Tiptree Hall, of which I availed myself. The farm consists of about 400 acres, and was a barren unproductive piece of land until Mr. Mechi took it in hand, and it is entirely by a judicious system of applying liquid sewage to its crops that he has rendered it highly productive. All the sewage of the place, from every animal on the farm, is collected into a large tank about the diameter of this room. Everything available for the purposes of manure goes into it—bones and refuse of all sorts. A dead horse, which died the morning I was there, was thrown into it. The contents of this tank are then pumped over each field of the farm by steam power, and especially whenever a shower comes on. The sewage is forced by steam power through iron pipes all over the farm into each field, and when the sewage is to be applied to the growing crop a man is employed who screws on to the hydrant in each field a leathern hose with which he irrigates the field. I was present and witnessed the whole operation. It is done with best effect when there is plenty of rain. The man in fact had a macintosh on while he was sluicing the lucerne field when I was there. The more rainwater there is the less labour is there for the engine; and the sewage being thus well diluted by natural rain finds its way easily to the roots of the plants. The same system is now, I believe, been adopted pretty generally and with perfect success in all agricultural operations in England. Mr. Mechi told me that a good deal of skill, as well as experience, was necessary in applying the sewage in this way. Your success will depend not upon your engine or pumping machinery but upon the manner in which you manage your sewage in all your farm operations. You must have the whole affair in your own hands. If you attempt to sell the sewage, whether liquid or sewage, people will be sure to find fault with it, just for the sake of finding fault with their purchase; but if you have one or more blocks of land suitable for garden operations near one of these little bays round Sydney, you can apply the liquid manure, say to 20 or 30 acres of garden land, and then the surplus sewage, if any there be, after nourishing your crops, can get away into the sea. If you have your farm or gardens under proper management you will soon acquire experience which will be of great general value to all the people of this Colony in all such farm and garden operations. You must also employ working men who will take an interest in the success of your operations. You have a certain amount of sewage to get rid of somehow or other; you cannot deodorize it so as to obtain any portable dry manure of the slightest value to customers. In 1853 I took a great deal of interest in Mr. Richard Dover's sewage works at Northumberland-street, Strand, in making experiments to convert the London sewage into a marketable commodity. The street sewer was tapped at that place, just before discharging into the Thames, and the contents turned into tanks similar to those described in Mr. Dover's reports in the third volume of the pamphlets I sent you, and the sewage was then subjected to a process of deodorizing, the deodorizing agent being, if I remember rightly, what is called milk of lime. The water came out from the deodorizing tanks perfectly clear; it was colourless and tasteless, and the residue left in the tanks was a black peaty-looking substance, which, when dried, you could crumble in your hands. Mr. Dover said it was worth a good deal of money, but I do not believe it was of any market value whatever, although people say that the ammonia is retained in matter of this kind. I believe it all goes away in the liquid portion or into the atmosphere imperceptibly to the senses; and that there is little or no fertilizing ingredient in the solid matter which remains; certainly none that produces the slightest fertilizing effect after a short time.
2132. Don't you think that in the case of town sewage in this Colony, where there is no danger of its being too strong for vegetation, or rendered useless by too much rain, that we should apply it to the land under much more favourable conditions here than in England, since not only the sewage is valuable but the water also is valuable? I quite agree with you, you could do it under much more favourable conditions in this City of Sydney, because you get the water necessarily combined with the sewage in all your house drains and main sewers also. In London the storm waters cannot be allowed to enter any low-level sewer.
2133. The quantity of water is sometimes a nuisance in England, but it is never so here? In this city you have the two necessary elements of success—sewage and water combined to start with—the water being both a chemical diluent and solvent, and also the cheapest and best vehicle for the ammonia.
2134. Don't you think we have also a great advantage over Europe in our warm winters, which allow the vegetation to become so much more luxuriant? Of course as we have no frost nor ice, all our sewage operations with liquid manure will be continuous, and more easily manageable than in England.
2135. But there is a difficulty in England from the fact that in cold weather the vegetation does not thrive as it does here? There would be no difficulty of that sort in this Colony, as vegetation flourishes all

all the year round, and there can be no difficulty about the continuous application of sewage. I have often observed gardeners and others making experiments with sewage water by growing plants, flowers, and garden produce. I have heard that the prize gooseberries and fruits reach an enormous size simply by the effect of liquid sewage. I believe also that many prize flowers are produced to a great extent by the application of liquid sewage, &c. The two great things to attend to are, first to apply the liquid manure in combination with any quantity of water, and secondly, to give the nourishment under ground, so that the ammonia shall not escape, but shall go direct to the roots of the plants.

2136. The sooner you get it into the ground the better? Yes; and it should be applied to the roots of the plants, and if possible, during a shower or at sundown, so that the dews may help its operation.

2137. Have you had any experience of sewage farms? No; I never saw one until I visited Mr. Mechi's, which was in perfect working order, and is so now; but I believe there are many such farms throughout England.

2138. But Mr. Mechi's was not treated with sewage from a town? No, it was from his own place only; but he was of opinion that the sewage of London should properly be applied to the same purposes. He showed me some fine bullocks he was about to send up to Smithfield market, and he said that the beasts the Kent and Essex farmers sent up to every Monday markets ought to come back again to their farms in the shape of sewage manure. Mr. Mechi, by strictly utilizing all the sewage of every kind on his farm, had converted a poor piece of land in Essex into a farm of great value; and in the face of disadvantages, which you would not like to meet with here, where the City of Sydney not only supplies the sewage, but also offers a daily market for all your produce. With regard to deodorizing;—various processes have been tried for the last twenty years, but not a single patent has been successful that I know of to any extent; they have all more or less proved failures. If a good article of manure is produced, it is always adulterated in the same way as guano has been until it is very difficult for any farmer to get it good. They crush gravel and other worthless matter, and put it in the bags, as well as other things; and even if you succeed in producing good manure by deodorizing you cannot get customers for it; there will always be a suspicion of its value; whereas, if you apply the sewage to the land in a liquid state, you know almost exactly what the effect will be. The whole of my gardens and grass paddocks at Rushcutters' Bay are kept in almost perpetual verdure and fertility by means of my house sewage of all kinds, which flows through earthenware pipes to covered tubs, sunk in various parts of my garden, whence it percolates to the roots of every tree, shrub, flower, and vegetable; and ultimately to the roots of the grass in the paddocks. The poplars, willows, coral trees, magnolias, bamboos, canes, bignonias, bunya-bunyas, and trumpet trees, are all well grown. I have fair supplies of peaches, nectarines, quinces, apples, grapes, guavas, bananas, and other fruits. I used to grow cauliflowers, melons, rhubarb, and other vegetables; and my geraniums, fuschsias, camellias, dahlias, carnations, lilies, honeysuckles, roses, ferns, cacti, and other flowers, are ten times more than I ever want. The soil is mostly the poorest black sand, which I retain on the sandstone slopes by terrace-walks of couch and Buffalo grass, descending about 30 feet to my grass paddock at my sea-frontage at Rushcutters' Bay. I should mention that the public sewer is about 10 feet above the ground-level of my house, so that I cannot use the sewer, except by some sort of lift in place of my present system of percolation by gravitation.

2139. *Mr. Moriarty.*] Then you are of opinion that the proper way to treat the sewage of Sydney is to apply it to the land in a liquid state? Most undoubtedly, and if there is any surplus which ought not to be you can then let it overflow into the harbour or the ocean at any place you select. As for the idea of lifting it into a tunnel at a great height to take it all the way to Bondi, where would there be any means of disposing of it there, except to let it run into the sea, and be utterly useless for every purpose?

2140. You are of opinion that it would be a great pity to throw away such a valuable aid to vegetation? Yes, for there can be no doubt whatever of its value. Every Chinaman in this Colony who has a garden gives us a proof of this. The sewage of this city should be very valuable to the city, both directly to the City Treasury and indirectly to the health and advantage of the inhabitants if it could be profitably applied to its natural uses upon the soil of farms and gardens. It is one of nature's fixed laws that plants of every kind—cabbages and other vegetables—should require to absorb, and in fact live upon, the very ingredients which this town sewage contains. If you plant vegetable produce of every kind in mere sand it will refuse to grow to any size or value; but if town sewage diluted be allowed to percolate through the same sand to the roots of the plants they will all grow and flourish to their full size. Why then should we fight against, or rather blind ourselves to so simple a law of nature as the mutual relations of manure, water, and soil productions? One of the broadest principles of natural philosophy is that all divisions of our physical systems are naturally dependent systems, and the more closely we attend to this broad principle of mutuality in all our practical operations, the less will be our waste of nature's benefits, and the greater will be the ultimate results of our labour of every kind. Thus, for sanitary and productive purposes, the more completely we return into the soil the sewage in combination with the rains and dews of Heaven, or with artificial supplies of water, the greater will be the ultimate results of our labour upon the soil itself. Nor is it irrelevant or immaterial for me to refer, upon the sanitary point alone, to the Israelitish rule, xxiii Deut., verses 12-13: "Thou shalt have a place also *without the camp*, whither thou shalt go forth abroad, and thou shalt have a paddle upon thy weapon, &c., &c., and shall cover up that &c., &c." In all tropical cities and townships I apprehend every sewage scheme should adhere most strictly to this great rule, viz., remove all fecal matter and unhealthy odours *without the camp*, that is, beyond all human habitations; and water is the only "vehicle" for such "removal," or at least the best "vehicle" for such "covered removal" of all sewage matters from all our cities and townships, to be restored to the soil for agricultural, horticultural, or any other productive purposes. Instead of sewage water or sewage itself being a nuisance, the sewage should be considered a boon, and should be used to enrich the soil outside. All towns and cities produce sewage; all vegetable products grow vigorously with manure, and without it they will not grow. Water alone will scarcely make a few special sort of flowers grow; but when water is mixed with sewage manure, both water and manure produce maximum results. Another great advantage you would have in Sydney would be the large market which Sydney offers for all vegetable products. It is perfectly monstrous to be compelled to give a shilling, or even a sixpence, for a single cauliflower; they ought to be procurable at one-third the price, and in this hot country especially vegetables are, in my opinion, a necessity of health. I feel quite certain that under proper management your sewage farm would prove a complete success, both in a sanitary point of view and also as paying all expenses.

2141.

His Honor
Mr. Justice
Hargrave.
7 Nov., 1875.

His Honor
Mr. Justice
Hargrave.
7 Nov., 1875.

2141. *Mr. Bennett.*] You would not hesitate to apply sewage, with every hope of a successful result, to raw sand? I should not hesitate. All the soil in my garden is mere black sand, and I find that the sewage of my house, which soaks down to the roots of the plants and shrubs and trees is effective; in fact they all flourish just in proportion to the sewage applied to them, which their roots find out for themselves.

2142. Do you think if the sewage were allowed to run into the sea, say at Bondi, instead of being applied to some sewage farm, that the nuisance would be got rid of in that way? No, because the scum from the sewage of this large tunnel at Bondi would rise to the surface and be deposited on the shores, especially during easterly winds, which would create a great nuisance for at least a mile on each side of Bondi. In illustration of this point I may mention that ever since the sewer was opened into Ruscutters' Bay, at the end of my paddock, about four years ago, the deposit of this foul scum has increased every year, until all my baths and fish-ponds at the base of my gardens have now become utterly destroyed, and will remain so until the reclamation of the bay by Mr. Moriarty's design (as going on now at the Botanical Gardens), when I hope to be restored to my original comfort by the substitution of botanical gardens and recreation grounds upon the twenty-three acres of fatid sewage sand banks close adjoining my sea-frontage on Ruscutters' Bay. From my own personal experience at Ruscutters' Bay as to the results of the small sewer there discharging, I am sure that if the Sydney sewage be discharged into the Pacific Ocean at Bondi the whole coast will be, for a mile or two on each side of Bondi, quite uninhabitable, especially during easterly winds. I am satisfied you can only deal with the sewage by letting it percolate through the sandy soil to the roots of crops. You must have the courage to do as you think best in spite of any prejudices that may exist or arise. Complaints may be made, but you will of course be able to obtain Government land, and if your system be carried out with judgment, and the management of the farm placed in the hands of some trustworthy person as scientific curator I feel sure it will be a success.

2143. You think its application to sand would be successful? Yes; I do not mean sea sand on the sea-shore but a sort of black sand.

2144. Would you hesitate to apply it to white sand? I think sea sand would have to be mixed with something else, so as to render it more like soil than the sand on the sea-shore is.

2145. The sewage will do that by itself? Very likely.

2146. *Mr. Moriarty.*] Do you know Maplin Sands, on the north side of the River Thames? I do not know them exactly. I have never been there.

2147. It was proposed to reclaim a large piece of ground there, and to cultivate it? I was under the impression that vegetation would not grow in salt sand; but I have had no experience of sewage applied with success to sea sand.

2148. *Mr. Bennett.*] There is evidence to show that that description of sand is particularly fertile? I am very glad to hear it; all I know is that my trees—such as willows and other trees, except mangroves, &c.—all die when the salt gets to their roots.

ADDENDUM.

To M. B. Pell, Esq., Chairman of the Sydney Sewage and Health Board,—

Sir,

After revising the MS. notes of the evidence given by me before your Board on the 7th instant, I find that I have scarcely expressed myself so fully or so clearly as the importance of the subject under your consideration demands at my hands; and I have therefore availed myself of your permission to add the following letter to my oral evidence before you. This letter divides itself into the following topics, viz. :—

First.—The special circumstances and personal knowledge I had in England as to sewage matters, which may give some value to my opinions or advice as applied to Sydney sewage and health.

Secondly.—The more detailed recommendations which I beg to offer to your Board on the numerous detailed questions with which you honoured me at my oral interview last Monday.

As to the first topic, I have to state that in the years 1851-54 I had a great many interviews and negotiations with Mr. Bazalgette, the engineer of the London Commissioners, as to the whole South London drainage operations, the Commissioners being desirous to erect upon freehold land of mine at Deptford Creek their main lifting apparatus for the whole sewage of the South London District, on the Surrey and Kent side of the river Thames, the Commissioners proposing to lift this sewage from the low-level main sewer to the high-level main sewer, passing through Greenwich, Woolwich, and Erith, so as to discharge itself or be discharged by another lifting apparatus into the Thames beyond the possibility of reflux into the metropolitan portion of the Thames. My negotiation with the Commissioners resulted in the erection of all their proposed works, as recommended by Mr. Bazalgette and confirmed by Sir William Cubitt and Mr. Stephenson, on the land adjoining my land at Deptford Creek; and I have already given you the printed official report and description by those eminent engineers of all the London metropolitan works as began in 1853, and now recently completed in 1875, to the utmost efficiency for the perfect management of the sewage of the 4,000,000 population of London and its suburbs, to the great improvement of the health of London, and, so far as I have heard and read to the present date, without the slightest hint of any objection, either in principle or detail, to Mr. Bazalgette's works, which at the present date discharge the sewage of London through covered main sewers into the Thames at a point 20 miles east of London Bridge; the discharge takes place at every ebb tide, so as to be carried beyond reflux before the flood tide returns to the point of discharge.

During my negotiations with Mr. Bazalgette and the London Commissioners, a Mr. Richard Dover, patentee of some sewage deodorizing works at Northumberland-street, Strand, and strongly supported by influential gentlemen, applied to me to be allowed to erect deodorizing sewage works on my land at Deptford Creek, so as to produce there valuable manure—dry, portable, and unlimited in quantity, to be transmitted into the country districts by the Kent railway or water carriage by Deptford Creek and the Thames, available close to the Commissioners' works. The Commissioners decided, however, against Mr. Dover's or any other scheme for deodorizing the sewage into dry manure being erected within the metropolis, and adhered to their original design of only dealing with the London sewage by retaining it in combination with water sufficiently diluted to flow at an easy rate from Deptford Creek to Erith, through a covered main sewer about 9 feet oval, receiving of course all the local sewage along its whole length from Deptford to Erith.

I know that the Commissioners gave all possible examination and reflection to all the various patents and schemes for deodorizing sewage into dry manure, then before the London public, but declined any adoption of that principle. The Society of Arts also discussed the subject in their meetings of March 7th, 14th, and 23rd, 1855, already transmitted by me to you on November 6th last; and from that date to the present I have never heard or read of any deodorizing patent or scheme for dry sewage manure advancing beyond advertisements and puffing articles in newspapers, although of course there are the greatest possible inducements to success if any such discovery could be made of any practical value.

Besides my taking very great interest in Mr. Richard Dover's works at Northumberland-street, to my great pecuniary loss, in 1853, I also about the same time visited the celebrated farm of Mr. Mechi at Tiptree-Hall, Essex, where the liquid manure

manure system was applied with the most successful simplicity. Mr. Mechi personally explained to me how he had improved his 400-acre farm from its harsh, sterile, healthy condition, when purchased by him at a very low price, into a rich, fertile, valuable estate, producing green crops of lucerne, cabbages, and every other succulent product in endless succession either for his stall-fed bullocks, pigs, &c., or for transmission by rail to the London markets.

I observe frequently in the English newspapers to the present date continued reports as to the perfect success of Mr. Mechi's system, both in the numerous model farms established in almost every county of the South of England by wealthy noblemen and landowners, and also in the town sewage works established and now in successful operation at Croydon and Warwick, and I dare say many other municipalities, and I believe long since authorized and encouraged by special English legislation on this subject.

As to the second topic of this letter, viz.,—my opinions on the several detailed questions which your Board put to me on Monday last: as I had no idea previously of these particular questions or inquiries, I could only answer according to my impromptu ideas on each question; but I have since reflected more fully on your topics of inquiry, and request permission to add the following remarks to the notes of my evidence, as kindly taken down by your Secretary, Mr. Barlee.

In the first place, I see not the slightest difficulty in your applying the London system to the city of Sydney and its suburbs, and with scarcely any alteration of the present sewers; in fact only by supplementing the present sewers by the addition of the London system of lifts at one or more suitable points.

For example, why should not a simple lifting apparatus be erected at the corner of the Newtown Road, where it joins Parramatta-street, by the University Pond, immediately south of Bay-street, at the head of Blackwattle Swamp? Referring to Mr. Bazalgette's description of the present lifting apparatus at Deptford Creek, the engineering details of such an apparatus may be ascertained by your engineer, sufficient to deal with all the sewage that either now converge to this particular spot, or can be easily altered so as to converge to this spot. I imagine that about one-tenth of the horse power and one-tenth of the reservoir dimensions of the Deptford Lifting Apparatus and Reservoir will place the whole sewage of this district of our metropolis completely within the engineering powers of the lift I have suggested at this particular spot of our metropolitan sewers.

In the second place, I ask what difficulty or objection can exist to the transmission from this engine-lift, of all the liquid sewage there conducted through the largest earthenware pipes along the present Newtown Road, just below the road surface, across the Cook's River Dam, to some suitable area of 400 acres of worthless land abutting on Botany Bay, precisely as the whole low level sewage of the Surrey and Kent side of the Thames, between Westminster Bridge and Deptford Creek, is transmitted from the Deptford Creek engine lift along the main streets of Greenwich and Woolwich and past Greenwich Hospital, just below the road surface, for many miles in length, at a rate of a mile and a half per hour, till it reaches the outlet into the Thames for discharge into the ebbing tide at that point. The distance from the University Corner along the Newtown Road across the Cook's River Dam to Botany Bay cannot be more than about 6 miles, a mere bagatelle compared with any one section of London main sewers, to remove the London sewage from human habitations.

In the third place, supposing the sewage so far as collected into the lifting apparatus at University Corner, and so far as thus to be transmitted to the 400-acre farm beyond Cook's River Dam, why should not this sewage supply be received at the farm into a reservoir on the highest portion of such farm, and thence allowed to flow among the sandy soil in shallow channels as in the Croydon Farm, nourishing the roots of green crops of every kind—or as is done in a small way in numerous market gardens around Sydney, kept by the industrious Chinamen, who chiefly supply us with the few cabbages and cauliflowers and green peas we can obtain for daily nutriment and health, though at famine prices and quite beyond the general demand by our household population. In alluding to this point when giving my evidence, I forgot to mention that I considered the locality beyond Cook's River Dam (as selected already I believe by your Board) to be singularly suitable for a sewage farm; and for these two reasons, viz., first,—because the vicinity of Botany Bay or Shea's Creek facilitates the ultimate discharge of the sewage water, if any, remaining after depositing all its ammonia and other value at the roots of the farm crops, so that both eyes and nose can prove the success of the percolation system; and secondly, because the fresh water of Cook's River, above the Dam, will enable the curator of your sewage farm to liquefy the Sydney sewage when in the farm reservoir, to whatever degree of dilution may be desirable for the healthy nutrition of each particular crop under growth; a point which Mr. Mechi told me in 1853 was of the utmost importance in the application of all liquid manure to any crop whatever. Every one acquainted with either farming or garden operations knows very well that excessive manure will poison any garden crop, and will overforce the growth of your flowers or fruit trees.

With reference to this branch of your inquiries, viz.,—the disposal of the sewage of Sydney in a liquid state for farming or garden purposes, I entertain no doubt whatever that all the sewage on the south of the metropolis that can be collected into an engine-lift at the corner of the Newtown Road may be transmitted beyond Cook's River into practical utility there; and that all the sewage along the south declivities of Darlinghurst, Redfern, Woollahra, and Waterloo, may be similarly transmitted by gravitation through earthenware mains into similar utility in lesser portions of the sandy land of no present value, along the route bounded by Shea's Creek, so as not to interfere with the City Watershed at the Botany Works, but rather to keep the watershed perfectly pure.

I have sketched out on the accompanying map of Sydney, as coloured red, brown, and green, my ideas on this general question of the application of the liquid sewage of Sydney to agricultural purposes; but of course I submit my ideas to the consideration of your engineers and other professional advisers with great deference, as well as to your Board generally and individually.

With reference to the liquid sewage which would not be carried south from Sydney (on the portions of the map coloured brown), but would remain descending into the harbour down the various declivities at the Blackwattle Swamp, Darling Harbour, Circular Quay, Fort Macquarie, Woolloomooloo Bay, Rushcutters' Bay, and Double Bay, I cannot help thinking that a large portion of this sewage might be intercepted just before the outlets at each bay into silt pits, easily to be emptied without nuisance, and applied in reclaiming additional land at the Botanical Gardens, or in the other swampy lands of any part of Port Jackson. I also think that the ordinary sewage of these outlets, if any, not so intercepted, might flow into reservoirs at each bay, communicating with the low tide and percolating, if possible, through a surrounding area of garden ground or recreation ground; such reservoirs being built lofty enough to prevent any escape of effluvia sensible to the locality.

If these means of utilizing the present sewage of these outlets should yet leave any small residuum to flow noxiously into the harbour at any one of these above mentioned bays, then we must resort to the lifting apparatus already described; and lift such residuum of the sewage into the nearest lifting reservoir communicating with the southern sewage farms and market gardens towards Botany and Cook's River.

The sewage of Darling Harbour may easily be lifted so as to flow southerly along the railway line towards the sewage farms.

I trust that this letter, with my evidence herewith returned, will be of some assistance to the Board in their arduous duties, and wishing them complete success in their labours,

Supreme Court,
Sydney, December 13, 1875.

I remain, &c.,
JOHN F. HARGRAVE.

MONDAY, 13 DECEMBER, 1875.

Present:—

HON. J. B. WILSON, W. C. BENNETT, Esq.,
F. BELL, Esq., E. O. MORIARTY, Esq.,
DR. ALLEYNE.

M. B. PELL, Esq., B.A., IN THE CHAIR.

Mr. Alderman Macintosh, M.L.A., called in and examined:—

2149. *Chairman.*] We have been informed that you have some scheme which you think would be advantageous to carry away the sewage from the metropolis, entirely away from the Sydney harbour, and we are desirous of hearing your views on the subject, if you will state what they are? Some years ago I was under the impression that if there was a main sewer laid down from the western end of Liverpool-street, and

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J. Macintosh, Esq., M.L.A. and carried from there in as direct a line as possible to Bondi, it might take away the storm waters and sewage matters from that portion of Sydney east of Darling Harbour.

13 Dec., 1875. 2150. You propose to construct a large tunnel? Yes.

2151. The western part of Liverpool-street is a very high level, is it not? Yes, it would require to be as low as the gradient would permit for the flow of the sewage.

2152. And you would tunnel from that point direct to Bondi? Yes.

2153. Have you formed any opinion as to the most direct course for carrying that tunnel across to Bondi? I could not tell you exactly; it would of course have to be modified in accordance with the nature of the country.

2154. According to the nature of the country it went through? Yes.

2155. You have not paid any particular attention to the exact course which you think such a tunnel should take? The course would indicate itself. Supposing such a plan were adopted, and you started in the western part of Liverpool-street, you would go on to the lower part of that street, and then to Barcom Glen by the old brewery there; then through the ridge to another glen, so that in two or three places the tunnel would be almost on the surface of the ground. That is, however, a merely rough idea; it would be impossible to lay down the correct course without a survey of the land.

2156. Have you formed any definite idea as to the exact point where such a tunnel would discharge its contents into the ocean? Yes, in deep water.

2157. But at what particular point on the coast? It should be, I think, a little to the south of Bondi beach.

2158. And you propose that this tunnel should carry off, as far as possible, the sewage of the whole of the metropolis? That portion of it east of Darling Harbour as far as possible.

2159. Have you formed any opinion as to the mode in which the drainage from the other parts of the city—say from Woolloomooloo and from that part of Sydney which now drains into the Circular Quay, should be diverted into this tunnel? It could be done by means of intercepting sewers. A good portion of the present sewers would be available for the purpose.

2160. Was it your idea that this tunnel should carry away not only the ordinary sewage and average rains but the flood waters as well? Yes; I think it is more important to carry away the flood waters, because they have the effect of cleansing the city and bringing down a great deal of filth into the harbour which causes the harbour to silt up. They bring down more silt than the ordinary sewage does.

2161. You propose then that this sewer should be constructed of such capacity as to carry off all the flood water that falls in Sydney? Yes, down to the level, say 15 or 20 feet above tide level, and then the sewer would drain the whole of Waverley, Woollahra to Paddington, and the southern portions of the city and Redfern.

2162. Then you would connect the lower portions of the city, such as the portion we are in now, down to Woolloomooloo and that part of the city which now drains into Blackwattle Swamp with this tunnel by means of intercepting drains? Yes, as far as it would be practicable to do so. But this part of what is called Sydney, that is to say east of Darling Harbour, is beginning to be almost of less importance than other parts. Balmain is commencing to be almost as thickly populated as Sydney was thirty years ago, and the North Shore is also getting built upon a good deal. The gradients in both these places is steeper than the gradients in Sydney proper. Then there is a great deal of difficulty about the drainage of the Glebe.

2163. Would you propose to divert the drainage of the Glebe into this tunnel also? I do not know that it would be practicable.

2164. It goes into the Blackwattle Swamp at present? Yes; I could hardly give an opinion upon that point without ascertaining the levels; there is not much of the Glebe that would drain into the tunnel.

2165. Are you aware that the existing sewers in Sydney—in those portions of the city which are sewered—are quite insufficient to carry off the flood waters? I was not aware of it, because I have never observed that they were not of sufficient capacity, except in two or three instances. I believe it is impossible to provide sewers to meet emergencies which will sometimes occur.

2166. Do you think it would be practicable to provide a sewer to carry off the heavy downfalls of rain which we frequently have? I think it would be perfectly practicable.

2167. Have you ever thought of the extreme practical difficulty of intercepting flood waters? Perhaps some small difficulties would occur, but they could be got over. Looking at Sydney as being built on a ridge, with spurs running from it laterally, and to drains running through these spurs to a main sewer, I don't think the plan would be impracticable at all. The further end of the ridge is Waverley; then from the end of Liverpool-street there is a spur running down to Darling Point and Potts' Point, and if sub-drains were laid down it would be practicable enough; but, of course we should have the stream of sewage we have at present to contend with.

2168. The whole of the tunnel you propose would be an underground tunnel, for the most part of considerable depth? Yes, it is merely a suggestion which I made some years ago in the hope that a survey would be made to see if the scheme was practicable. I have thought of it frequently since, and I can think of no better plan.

2169. Have you any idea of the probable cost of such a scheme? No, further than by contrasting it with other works. The distance is about 7,000 yards, or about 4 miles, on the map. Mr. Moriarty, when on the Water Commission, proposed a tunnel $4\frac{1}{2}$ miles long, which I think he put down at the time at about £42,000. That, of course, would not be the same description of work, but it will give an indication of the cost; it is a question of very easy calculation, because it can be cubed.

2170. Would not the cost depend in a great measure on the nature of the country you went through—whether it was rock or sand? I think it would be quite as easy to take out rock as to take out sand.

2171. Would it not cost much less to take out rock than sand? No, I think not, because there are facilities for putting in adits from different points, and you would have nothing but the water to contend with in sandy ground.

2172. What would you propose to do with the drainage of that part of the city which is too low to be diverted into this tunnel? That is a matter which would have to be dealt with in some other way, probably by embanking the sides of our harbour in the same way as the Thames is embanked; but that would be a very expensive process, and I do not know whether the financial condition of the Colony would admit of it, or whether the citizens would approve of it. But if the other portions of the city were drained in the way I have shown the evil would be greatly lessened.

2173. Speaking generally then, it is your opinion that all the sewage of the metropolis and suburbs which cannot be carried away by gravitation without pumping should be got rid of in that way? Yes, without any deodorizing whatever. J. Macintosh,
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2174. Simply to get rid of it? Simply to get rid of it.

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2175. *Mr. Moriarty.*] With regard to the tunnel you propose, Mr. Macintosh, would you provide for occasional discharges at intervals of the surplus storm waters, in the same way as has been done in London in the main drainage system, where they have made provision for the escape at certain places of the excessive storm waters? I should not like the sewer—supposing it to be constructed to allow any waters to escape to the north. I should bring all waters that could be intercepted to the tunnel. No water should go into Rushcutters' Bay or Rose Bay; it should all be intercepted, because the storm waters carry such a quantity of filth and sewage with them.

2176. Have you any knowledge of the currents off the coast—the direction they take where you would discharge the sewage? I believe the tendency of the currents is from the north.

2177. Would not that have the effect of sweeping the sewage into the harbour? Well, the effect of sweeping it into the harbour would be so slight, and the consequences so small, that it would be scarcely worth while to take it into account. And even if it did come into the harbour it would not come up this distance.

2178. Have you ever heard that at Marseilles, where the sewage is also discharged into the sea, it becomes an intolerable offence, and that the smell of it can be perceived 20 miles off—the smell of sewage saturated with water? I was not aware of it; I always understood that to discharge it into the ocean was the lesser of the two evils.

2179. Have you ever thought of discharging the sewage at Botany? I have thought of it, but the prospective evils are so great that I believe the offence would be increased instead of being remedied. Botany Bay is silting up already since our settlement on this coast. We are allowing a great deal of offensive matter to lodge upon the white sands which were formerly cleaned out with every fresh. Botany Bay is silting up every year, and if we discharge our sewage there it would become a regular plague spot. In short, from that which goes down by Sheca's Creek the stench is already intolerable, but the nuisance is small now to what it would be if we discharge the whole of our sewage there. At present there is only the nuisance arising from the silt washed into the bay, and some small additional nuisance from Waterloo and Newtown.

2180. Supposing we were to discharge the sewage on to some land there, as is done in almost all instances in Europe, would you think Botany a suitable place at which to discharge it? No, because I think it would be a commercial failure; and judging from experience if it were a failure commercially it would be a total failure. The sandy soil there would not be suitable for the discharge of sewage. I believe that sandy soil is the most unsuitable for a person to put his house on, simply because it absorbs all the liquid matter, and leaves the offensive matter to create a nuisance. Most of the neighbourhood of Sydney is composed of sand, and as you could not keep the sewage deposited there continually moist, the poisonous matter would be continually offensive. There are many places about Sydney where people have gone to considerable expense in depositing street sweepings and other refuse upon sand, and I do not know that they have anywhere been a commercial success.

2181. Can you give us an instance in point? Yes; Moore Park, where about 6 inches of street sweepings have been put down.

2182. There is nothing offensive there now is there? There was nothing very offensive deposited there—only street sweepings; but nothing grows upon Moore Park that would be a success commercially; there is no consumption for what is grown there which would pay for the expense of manuring the ground in that way.

2183. Are you aware that in England sewage-grown crops have been particularly successful, and are considered particularly wholesome? I am aware that crops are raised in that way, but I am not aware that they are particularly successful. I have seen vegetables grown at Botany, and I am aware that they are grown very quickly; but they will not bear handling, and when exposed to the sun they putrefy in a short time, and when they are taken to the market and kept for a short period they give a peculiar and unwholesome smell.

2184. Is it not the common practice to use manure for growing vegetables? Yes, I believe so.

2185. Is there any essential difference between the sewage of a city like Sydney and the manure used for crops? Yes. The vegetables I have occasionally seen grown at Botany were grown from offensive matter, such as blood, offal, &c., and when they are exposed to the sun they putrefy sooner than vegetables grown with other manure.

2186. Then the poorer the manure the better the vegetable crop;—is that your opinion? I believe that the poorer the manure is the better the crop would be, and that it would stand the heat much longer without putrefying. If you take any vegetable growth from the mountains, where there cannot be any manure, it will stand the heat much longer than one of forced growth.

2187. But is it not a fact that vegetables grown on rich soil are better than those grown on poor land? There may be larger quantities produced, but it is doubtful whether they are of better quality. I have seen oat crops from 6 to 10 feet high, but they have been chiefly composed of rank straw with very little grain in the ear, and very coarse.

2188. You have no doubt heard of the experiments made by Mr. Meechi at Home? Yes.

2189. Do you believe in the accounts you have read of his success in applying sewage to his land? It is done in England under different circumstances altogether; we have no land here available for purposes of cultivation within a reasonable distance of Sydney.

2190. No doubt you are well acquainted with the meadows near Edinburgh irrigated with sewage? I have heard that from the scarcity of green food in the neighbourhood of Edinburgh prices have advanced, and the meadows you speak of are so situated that the sewage can be discharged upon them by gravitation, so that there is no expense for pumping. The soil and climate there are also better adapted for sewage irrigation. I believe too that it has always been a disputed question whether the cattle grazing in those meadows are not liable to certain diseases which do not affect cattle in other places.

2191. Have you read the last accounts of investigations made by the British Association with that subject; because they lay it down as a proved fact that such is not the case, and that cattle fed on land so irrigated are perfectly healthy? I have not read them.

2192. *Chairman.*] Are you aware that a Committee appointed a year or two ago to report upon the best means of disposing of the sewage of Birmingham, addressed letters to the authorities of the various towns

J. Macintosh, in Great Britain where the sewage was disposed of for the purpose of irrigation, asking certain questions, among others, whether any disease either among men or cattle had been created or had been supposed to have been created by this course, and that the answer in every case was invariably that it had not happened in a single instance? I have seen that, but I have always considered it a matter of dispute.

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2193. Have you any evidence that you can give us on the subject, or can you refer us to any authentic report of such a thing having occurred anywhere? I believe I have read of it in standard works.

2194. Can you refer us to any work where cases of that kind are recorded? I do not know that I could at the moment.

2195. Can you do so at some future time? It is quite probable that I can. I look upon the question as applied to this Colony in the light of a commercial success or otherwise.

2196. But with regard to disease, if as you say it is a disputed question we should be glad to know who disputes it and who your authorities are? I have read accounts of it in the papers.

2197. We should not pay much attention to newspaper articles; we should like to have authentic information? I do not put much faith in reports of any kind; I would rather rely upon the opinions of practical men on the subject.

2198. *Mr. Moriarty.*] If the sewage were diverted to Botany for the purpose of discharging it upon a suitable tract of land there, you are aware I suppose that it could be taken there by gravitation quite as rapidly as it could be taken by gravitation to Bondi, so that it would cost no more? No, I think the main sewer could not be made to go towards Shea's Creek at the same expense, owing to the nature of the soil, which is decomposed vegetable matter to a great extent.

2199. Supposing that upon careful investigation it should turn out that it was really cheaper in the first instance to send the sewage by gravitation to Botany and discharge it upon suitable land there; and supposing it should be satisfactorily established that no evil results would arise from that mode of dealing with it, would you then have any insuperable objection to discharge it at Botany? Yes, I think it would be an evil that could never be remedied.

2200. What would be the evil in your opinion? I think the noxious qualities of the sewage would not be absorbed and would remain in the sand, and that in twenty or thirty or perhaps fifty years hence the place would be unhealthy, and it is all sand between this and Cook's River.

2201. *Chairman.*] That has not been the case in Edinburgh where the sewage has been discharged upon the land for a number of years—200 or 300 years? Well, I believe they have diseases there which we have not had here.

2202. *Dr. Alleyne.*] Can you mention one? They have had cholera there which we have not had here yet. We can hardly adopt the same policy in New South Wales which is adopted in England or Scotland, because there a great many of the towns drain into the rivers and it becomes a necessity to deodorize the sewage, which must find its way into the rivers again; the cases are very different. We have not to consider the same circumstances. In England they go to great expense for works of this kind for which they get no return whatever. There is one city, the name of which I forget, where the authorities incurred an enormous expense for deodorizing and sewage works, and then let the whole of the works to a nobleman for £30 a year, taking a bond from him to ensure his keeping them on.

2203. *Mr. Moriarty.*] Are you speaking of recent events? Yes; this occurred only a few years ago. Every town and every city has to be considered in reference to its own local circumstances and not to any general scheme, and I still think that in Sydney the best way to deal with the sewage is to get rid of it altogether. We could if necessary deodorize some or even the whole of the sewage in some of these little bays where it would not be offensive along the line of the tunnel I have suggested to Bondi.

2204. Then you would propose to make arrangements to do that at certain points of the main sewer? Yes, it could be done if it were considered necessary.

2205. And those portions of the city which are below the level of your tunnel you would not propose to deal with at present? There would be many ways of dealing with them; we must look at the money side of the question; it would cost as much to deal with the low levels as with all the rest put together, because there would have to be a sewer surrounding the harbour, through all its indentations.

2206. And do not you think it as important to get rid of the sewage in the low-lying portions of the city as it is in the upper portions? Not in my own opinion, because I think that seven-eighths or even three-fourths of the area of the city would be drained by the main sewer I propose; there would be very little from the lower levels; the silting-up of the harbour would not be benefited by dealing with the low levels first. It would be different if you took the sewage to Botany, because in that case you would have the same expense with the low levels as with the others. I should like to see it all dealt with, but we must look to possibilities.

2207. Then, as far as I can gather, you would not deal at all with these low levels for the present? Well, it might be done in some places where a very large area could be drained, because it could not be done all in one place. Woolloomooloo, for instance, would require separate treatment from Darling Harbour. One of those places might be treated at once if necessary.

2208. That would be a matter for consideration; it might happen that by going sufficiently low they might all be treated at once? Yes, it occurred to me once that the pneumatic principle might be adopted, and that by atmospheric suction at the mouth of the tunnel lower levels might be drained. Sydney is certainly peculiarly well situated for flushing the sewers.

2209. There is no arrangement at present, I believe, for flushing the sewers? No, except with fresh water, which we cannot spare; there are complete arrangements if we had the water.

2210. What are the arrangements;—is there any means of flushing the sewers by means of the ordinary water supply? Yes. I think Mr. Bell will tell you that every sewer is in some way connected with the water main.

2211. But there are no arrangements in the shape of flushing traps in the sewers themselves? No, we can only flush them by pumping the water from Botany or using tunnel water.

2212. *Mr. Bennett.*] Are you aware that the main sewer at Fort Macquarie has on several occasions been quite as full as it was possible to be? About twice, I think, or three times.

2213. And that a great quantity of water was running on the surface into the harbour from that watershed? Yes; I could not tell you the capacity of the main sewer; there is an improper opening in Hunter-street; there is an opening there through a cast-iron pipe, and there were other openings I believe.

2214. With all those aids to relieve it there was still a large quantity of water flowing through the streets and

and over the surface? Not to my knowledge, except on two or three occasions during the heaviest J. Macintosh, Esq., M.L.A. rains. I have been out and watched it frequently, and I have noticed that the sewer in Bridge-street had burst, which, of course, created an obstruction. But there is a sort of connection between the Tank-stream and the main sewer—I don't know whether you have found it out or not—in one or two places, and these obstructions may have caused some of the overflow. I have thought that the main sewer was not large enough opposite the Exchange, because it backed the water up to the *Herald* office. 13 Dec., 1875.

2215. You would propose in your new sewer to carry off even these extreme quantities of flood waters, so that on all occasions all the water should go into the harbour? Yes, nothing would satisfy the people of Sydney except perfect immunity from danger. There are a number of cellars in the city, and some of the proprietors are very influential people, and they would require to be perfectly safe, and to be considered specially in any scheme of this sort.

2216. Don't you think that if the sewage were discharged at Bondi the same offence would arise there which has arisen in Sydney—the faecal matter would float upon the water, and be driven by the prevailing winds in shore until all these nice white sands would become a depôt for filth and sewage matter? I grant you that fully, but if that were ten times the case I should consider it by far the lesser evil than to have it in the Sydney Harbour as at present. Of course we cannot expect to have a perfect state of things.

2217. Do you think that would be better than to deposit the sewage on to a piece of land, and to allow the water to go away pure, as it has done elsewhere, into the bay? It might answer if it could be made a commercial success, but I doubt that, and I doubt the utility of discharging our sewage upon sandy soil. I may be wrong, but that is my opinion. Anyone going to Botany at the present time can perceive, without being told of it, that he is in the vicinity of market gardens.

2218. But if the sewage were properly utilized the water coming from a sewage farm would be perfectly pure? I have repeatedly seen water extracted from sewage which was perfectly transparent, but I do not know whether it was perfectly free from poisonous matter. I don't think that to put poisonous or offensive water through any quantity of sand would purify the water. I know that, with regard to salt water the sand will not take the salt out of it and make it fresh.

2219. But we have statements from the highest authorities in England that it is the case there; and if you will, for purposes of argument, grant that it does take place, would you then see any objection to such a plan, because you admit that in the scheme you propose the sewage would, to a certain extent, be thrown upon the shores? I would prefer to get rid of it at once.

2220. But could you get rid of it at once? I think so, because it would be so diluted that it would create very little offence.

2221. Yes, if it were sufficiently diluted, but we know from experience that it is not, and that it returns, and is landed in our bays and on the beaches, and creates a nuisance there? Well, I am well acquainted with Farm Cove, and 25 years ago the water there was transparent; now it is beginning to get filled up with offensive slimy looking matter. That is a place where there is no current, and every facility for the matter to collect, and yet at that place, so near to the outlet of a sewer, it has not collected to such an extent as would be expected.

2222. Yes, but Farm Cove is hardly a case in point, because there the shore has been advanced three or four times to my knowledge? But I am speaking of the water. I admit that some offensive matter is there in the water, but only to a small extent; and looking to the thousands of tons of sewage which have been deposited, and that the place is in the vicinity of the outlet of a sewer, it is a great wonder, considering also the prevailing winds blowing in that direction, that so little harm has been done, and that it is quite bearable. Now it would be different if the sewage were discharged at sea into deep water; the currents and the storms would have full effect upon it, and the offensive matter would be so diluted that it would be almost impossible to take notice of it.

2223. But you will also admit that the quantity discharged at Bondi would be much greater than the quantity discharged at Farm Cove? The area to be drained would be larger, but the offensive matter would not be so large; taking into consideration the silt that has been deposited there, the vicinity of Darling Harbour, which was at one time a slaughter-yard, and all other circumstances, I don't think that for many years there would be more offensive matter there, though there might be a larger quantity of matter discharged.

2224. *Chairman.*] If I understand you, it would take a great many years for Bondi to become as offensive as Farm Cove? Yes.

2225. What Mr. Bennett says is, that the total quantity of sewage discharged from this tunnel would be much greater, and that it would drain a much larger area? There is the drainage of a large watershed discharged at Fort Macquarie, and there would be about 6,000 acres drained by the sewer to Bondi. Of course that would represent a large quantity of sewage, but the Fort Macquarie sewer drains a very thickly populated portion of the city. (*Map of Sydney produced, and witness made certain explanations.*)

2226. *Hon. J. B. Wilson.*] In a previous answer you stated that the current at Bondi runs from the north? Yes, I think so, but I am not positive about it; I had no idea of being examined on that point.

2227. Are you aware whether there is the same current a short way off the shore,—or does the current there run to the south? I believe the currents vary, and that they are modified a good deal by the headlands; but the natural currents, as I understand, are always from the north.

2228. Are you aware whether the sea at Bondi is deep in shore? In some parts it is; it is the usual depth as far as the beach is concerned; but there is a great depth of water off the rocks, a little way from the side.

2229. How deep do you suppose it is at the rocks? I do not know; you cannot see the bottom a little way off.

2230. Is there not often a very heavy sea running there? Yes.

2231. Do you think it would have the effect of dislodging and removing any deposits that might have taken place in calm weather? I think it would displace the heavier matter, and the lighter portion would be carried away and swept about with the currents.

2232. Then you think that on account of those heavy seas and currents there would be very little danger if any large quantity of sewage matter being deposited? I am convinced that there would be no offensive effects from the sewer.

2233. How far south from the Heads is the point at which you propose to discharge the sewage? I should think at least 4 miles; it is a long way round.

J. Macintosh, Esq., M.L.A. 2234. With regard to sewage farms—are you aware whether the success of a sewage farm is at all dependent upon the description of soil upon which the sewage is deposited? I have always considered that where you have nice fields to lay it on as in England, it may be an advantage. But the people who get it there get it for nothing, and very expensive works are erected for which there is no return.

13 Dec., 1875.

2235. What I wish to know is whether the nature of the soil has anything to do with the success of the farm, or whether a sewage farm would be equally successful in any soil? I think it would depend a great deal upon the nature of the soil, because some soils contain more decomposing properties than others. I do not think sand decomposes to any extent; consequently it would not be adaptable to a sewage farm. All these circumstances should be taken into consideration. You cannot apply the same principle to any two places alike.

2236. Have you any idea of the height above high-water mark of that part of Liverpool-street where you would propose to start your main tunnel? It would take a scientific man to answer that question. It is about 4 miles to Bondi, and it would be necessary to have a fall sufficient to carry away the sewage by flushing. Some sewers are constructed 1 foot to the mile, others 2 feet, and some 2½ feet to the mile, which I believe would be sufficient, but as it is through a sandy soil, I should like to have a little more than 2½ feet.

2237. Do you think 12 feet above high-water mark would give a sufficient fall? Well it depends very much upon whether any aid could be given at the other end. My own opinion is that it would be hardly safe to have it under about 16 feet.

2238. And from your knowledge of the locality do you think this 16 feet could be obtained? Of course you would require to take it; you would have to commence your sewer 16 feet above high water-mark. That is however a question for scientific men to consider. I would not like to give an opinion upon it.

2239. Now, supposing this main tunnel were constructed—with regard to the sewage from the lower portions of the city, from the Glebe and Blackwattle Swamp, and some parts of Darling Harbour—do you think there would be any great difficulty in constructing reservoirs of a considerable depth into which this sewage could be made to run, and from which it could be afterwards pumped into the main tunnel? It would be practicable; but considering that we have occasionally 12 inches of rain water falling in twelve hours, you would not be able to pump the flood waters.

2240. I am talking of the sewage matter? Yes, that could be easily pumped; but I think the storm waters do more injury to the harbour than the sewage.

2241. But there would be a great deposit from them even if they were allowed to run off through an escape pipe? The reservoirs would have to be of great capacity, as we can only allow from 3½ to 4 feet for the rise and fall of tide. In London and the whole of Westminster they are mostly below the level of the tide.

2242. *Chairman.*] We have it in evidence and it is obvious that the worst part of the water that comes down is the first part of a flood. This clears out all the refuse from the yards and drains and brings down a great deal of filth; the rest of the flood water is not so offensive. Is that according to your experience? Yes, it is the earlier part of the flood which is most offensive in character, as far as health is concerned, but as far as regards the silting up of the harbour there is very little difference in the flood water; the silt comes down continuously.

2243. I think you said that vegetables grown with rank manure were liable to putrefy when exposed to the sun, especially when the manure consisted of offal or blood? Yes, they have a very hasty growth.

2244. You think if they were manured with weak manure they would be more wholesome? Yes, that is my opinion.

2245. Are you aware that the sewage which is discharged from Cities is remarkably weak, and that if there is any objection to it it is not that it is too strong but that it is too weak? Yes.

2246. Then that objection would not apply to vegetables? Yes, but still there are objectionable properties in the sewage. We know that the solid matters in sewage are not more than 2½ per cent. of it.

2247. *Mr. Moriarty.*] (*Map produced again.*) Will you look at this map. I wish to ask you, looking at the lines starting from the west side of Bathurst-street, going to Bondi, and at the relative areas on the north side of that line, and the south side, what proportion do they bear to each other? There is a larger surface area on the south side than on the north, but taking into consideration the difference in the levels and the area which could be drained by sub-sewers, I think the position would be central.

2248. Does not the main dividing ridge, which separates the waters draining into the Sydney harbour from those draining into Botany lie very close to the Sydney Harbour—much nearer than to Botany? The natural Botany watershed commences at the Barracks, but we are considering the areas that can be artificially drained by a main sewer. Taking the present populated parts into consideration there is almost as much population on the north watershed as there is on the south watershed; and there is a large portion of the latter which it is not probable will be built upon.

TUESDAY, 21 DECEMBER, 1875.

Present:—

Hos. J. B. WILSON,
F. BELL, Esq.,
W. C. BENNETT, Esq.,

E. O. MORIARTY, Esq.,
F. H. GRUNDY, Esq.,
H. G. ALLEYNE, Esq., M.D.

M. B. PELL, Esq., B.A., IN THE CHAIR.

R. George Massie, Esq., called in and examined:—

R. G. Massie, Esq. 2249. *Chairman.*] I believe that during your recent visit to England you inspected a sewage farm at Croydon? Yes.

21 Dec., 1875. 2250. Will you be good enough to describe what you saw there—you saw the sewage as it first came from the sewer? Yes, I first went to the works at Beddington, where I saw the process of extracting the solid matter.

2251. The whole of the sewage, just as it comes from the town, is discharged into a large reservoir, is it not? Yes. 2252.

2252. What is the first process? There are two large wheels which revolve within this reservoir something on the principle of a dredging-machine, which bring up the solid matter and deposit it on a grating. The liquid matter is allowed to run off in the direction of the sewage farm. The solid matter is placed in a large open cesspit, merely as a temporary place of deposit, and then taken away.
2253. What is its ultimate destination? It is taken away by the market gardeners—I need hardly tell you what a number of market gardens there are there—at a price, as near as I can remember, of 3s. 6d. per ton. And it is taken away very fast, for while I remained there there was only as much remaining as had been raised in the course of three hours.
2254. And the liquid portion is allowed to flow away? Yes, it flows into an open drain or aqueduct.
2255. What time of the year was it when you inspected the works? It was in the winter—one of the most severe winters known in England for some years.
2256. Was the sewage before it entered this aqueduct subjected to any artificial treatment? None whatever.
2257. Was there much smell arising from it? Some, but a great deal less than I expected.
2258. Where did the liquid sewage flow to? I followed it to see where it went. It went first into a kind of open drain with sluice gates at different points, which are shut down at times to allow the land on either side to be irrigated. I followed the course of this drain to where the sewage was allowed to flow over a farm of 300 acres.
2259. There would be nothing growing there at that time; it would be the wrong time of the year for crops? Yes, there were enormous crops of rye-grass and large quantities of cabbages growing.
2260. Then the water is allowed to soak into the land? Yes.
2261. What is its ultimate destination? After it has gone over the land it runs into the river, and by that time it is perfectly clear and lympid; so much so that one of the men who accompanied me wanted me to drink some of it, which I declined, though the water was certainly excellent in appearance. I then went over the farm, which I think comprised 300 acres, from field to field, and saw how the sewage was disposed of from the time it left the engine works.
2262. What was the nature of the soil on that farm? It was hard, clayey soil; very poor land, and obtained chiefly on that account.
2263. Of course, during a severe winter in England people are much restricted by the weather in the crops they can grow? I believe so.
2264. Are you aware that one of the greatest objections to the sewage farm system has been the difficulty of raising crops in the winter? Yes; I was informed that the rye grass was not much liked by the cow-keepers, who used to buy it by the acre.
2265. That has been the objection to sewage farms on a large scale—that during the winter only certain crops could be grown, and if they were grown to a large extent the market would be overdone with them? I did not hear that; but it appeared to me that they grew more cabbages and onions than rye grass; if I had not seen the number of acres of cabbages myself I could hardly have believed that they were grown in such quantities.
2266. It has been objected that if the sewage farms were carried on on a large scale the supply of produce would be greater than the demand? Perhaps so.
2267. Don't you think then that our climate, which allows a variety of crops to be produced at all seasons of the year, would be far more favorable for the cultivation of sewage farms than that of England? I think so.
2268. Did you find any offensive smell on or about the farm you visited? Not the slightest, though it was very damp, muggy weather at the time, with fogs so thick that it was difficult to find one's way about.
2269. And you found nothing offensive to sight or smell about the farm? Nothing at all; it looked fresh and beautiful, just like a garden.
2270. I have heard that frequently visitors—strangers and pleasure seekers—wander about that farm without having any idea that it is a sewage farm? I think it is very probable; but when I saw it it was very dirty, wet weather, and I cannot imagine anyone going there for pleasure at that time of the year.
2271. Probably pleasure seekers would go there in finer weather, when there would be a greater probability of finding offensive odours? No; nothing of that kind is experienced; the farm is close to the village, and I inquired particularly whether there was anything offensive from the farm and found there was not the slightest complaint about it.
2272. You did not hear whether there was any difficulty in disposing of the produce? No I did not hear of any; as far as I can remember the cow-keepers took away the rye grass; they cut it eight or nine times in the year.
2273. Are you aware that this stiff clay is considered most undesirable for a sewage farm? Well as far as my own opinion goes, I should say it was the very worst, because the sewage cannot percolate through it so rapidly as through sandy soil.
2274. From what you saw of this farm, should you be disposed to recommend that the sewage of Sydney should be disposed of in a similar manner if practicable? I should strongly recommend it. I am sorry I have mislaid a letter to the *Herald*, which I wrote immediately upon my return, while the subject was fresh in my mind, as I gave more details in it than I can remember after this lapse of time.
2275. Perhaps you will give us the date of it that we may be able to get a copy of the paper? I will do so; I think it was in 1870 or 1871. I may mention that I visited two other sewage farms while I was in England in company with Major Scratchley, of the Engineers, who was appointed a kind of commissioner to inquire into the disposal of sewage. One was a farm at Cheltenham, which had just been commenced. The principle there was very much the same; not so completely carried out as at Croydon, where there is nothing offensive whatever, and the whole thing conducted in such a simple manner. There were only two men in the engine-room, and two men wheeling away the solid stuff as it came up.
2276. You mean besides the men employed on the farm? Yes. I am not talking of the farm laborers but of the works. The other sewage works I saw were at the Enfield Rifle Works; there they adopted a system of crushing the matter with large wheels, but they had to pump the sewage and the process was not so simple as that adopted at Croydon.
2277. Did you pay any particular attention to the kind of machinery they use for pumping the sewage at Enfield? No, I did not.
2278. Were the works in operation at Enfield? Yes, but I did not pay much attention to them. There had been a great deal of sickness among the labourers, which was supposed to have been caused by the sewage, and this system was adopted as a corrective.

R. G. Massie,
Esq.
21 Dec., 1875.

- R. G. Massie, Esq.,
21 Dec., 1875.
2279. What seemed to be the opinion generally among people in England with whom you conversed about sewage and farms? That they had paid as a commercial speculation; that land which was worth not more than £2 per acre could be made worth £10 or £15 by treating it in this way.
2280. It was generally considered then that this was the best mode of disposing of the sewage? Yes.
2281. You did not hear of any disease arising from it or among cattle fed on the produce from sewage farms? Quite the reverse. I learnt that the people living in and round about Beddington are quite as healthy as any inhabitants in any county in England. Croydon was rather notorious for low fever and typhoid fever in the winter until this process was adopted.
2282. Did you hear any complaints about Beddington? None whatever.
2283. *Mr. Moriarty.*] What was done with the solid matter remaining? It was carted away at once; they did not use the solid stuff on the farm; the market gardeners bought it.
2284. *Mr. Bennett.*] You say that the soil was very poor clay; did you notice that the soil itself of the sewage farm, besides yielding all these large crops, was really being improved? I should think so; because it became of a darker character, and altogether a different quality. It was originally poor, bad clay.
2285. Did you see any sewage applied to raw sand? No.
2286. From what you saw do you think it would be successful with raw sand? I think it would; and I recommended it in my letter to the *Herald* that it should be made use of on the sandy hills between the railway and Newtown. I think I pointed out that that was the situation best adapted for it.
2287. *Chairman.*] You do not think a sewage farm would be objectionable as close to the city as that? I don't think it would cause the slightest offence in any way.
2288. *Mr. Bell.*] Have you any idea of the character of the subsoil on the farm of Croydon, of which you have spoken? No. I merely walked over it; but I may tell you that having been engaged in farming operations for a number of years, I should be sorry to farm a piece of land so poor as that at a high rental.
2289. I understood that the subsoil was gravel, which would allow the sewage to run away? I could not tell you. I traced the sewage to its confluence of the river, and saw it run into the river. The soil did not appear to be all gravel, but it might have been.
2290. Was the soil artificially prepared, or did the sewage run into the river from the natural inclination of the ground? It appeared to be prepared as well as any garden.
2291. Then it must have had subsoil drains? I cannot say. My knowledge was only gained from walking over the farm and observing what was on the surface.
2292. *Hon. J. B. Wilson.*] Did you remark whether the liquid matter appeared to percolate through the soil or to lodge on the surface? It evidently percolated through the soil.
2293. Have you any idea of the depth of the land from the surface to the river level—does it stand very high? No, all the land about Beddington is very low, there is not much fall into the river.
2294. How many feet do you think? I can scarcely tell you; it is a level country and no apparent fall, perhaps 15 or 20 ft., or perhaps not quite so much.
2295. You stated that Croydon was very unhealthy before this sewage farm was commenced? Yes; that I believe is a matter of history.
2296. Do I understand you to say that you attribute the improvement in the health of the people to this sewage farm? Not to the farm itself, but to this mode of getting rid of the sewage.
2297. With regard to the Enfield Rifle Works, is there a large population there? No, there is only the Government establishment there.
2298. I suppose about 5,000 or 6,000 inhabitants? Not so many I should think.
2299. *Chairman.*] Did you reside for any length of time at Croydon? Yes.
3000. How long? I was living with my brother Captain Massie, for two or three months.
3001. And you heard no complaints of this farm being a nuisance? No, there was none. My brother made a point of getting all the information he could for me, and seemed rather surprised at the interest I took on the subject. While I was there, a prospectus was shown to me for taking up some very poor land at a low rental to be converted into a sewage farm as a matter of speculation. I may say that Croydon had been a very unhealthy place, but at the time I was in it it was considered quite as healthy as any place in the South of England.

MONDAY, 17 JANUARY, 1876.

Present:—

HON. J. B. WILSON,	|	F. BELL, Esq.,
W. C. BENNETT, Esq.,	|	DR. ALLEYNE.

E. O. MORIARTY, Esq., IN THE CHAIR.

Wm. Tunks, Esq., Mayor of St. Leonards, called in and examined:—

- Wm. Tunks, Esq.,
17 Jan., 1876.
3002. *Chairman.*] You are Mayor of the Borough of St. Leonards, Mr. Tunks, I believe? I am.
3003. And you have been Mayor for several years in succession, have you not? Yes, about nine years.
3004. The Board are anxious to have your evidence in reference to the disposal of night-soil; we have been told that this is a subject to which you have paid considerable attention, and that you have been treating the night-soil in the Borough of St. Leonards in some way which has been very successful; will you kindly inform us what you have been doing with it? Yes; about three or four years ago the disposal of the night-soil, not only of St. Leonards but also of the whole of the North Shore, became a question of some consideration. Having a reserve of 40 acres of land in the township of St. Leonards, and having also a Council, comprising Dr. Ward, M. W. S. Clarke, Esq., M.A., and other energetic members, who properly appreciate their duties, we collected a little money and trenched a border round this reserve. We, in conjunction with the Borough of Victoria, purchased a night-cart, then entered into a contract with two men to clean out the whole of the closets on the North Shore at the contract price of, I think, 10d. a cubic foot; the Council sinking the holes or trenches, and the contractor depositing the night-soil in them. This plan has answered very well, and, as far as I have been able to learn, no nuisance whatever has been created. The trees which we have planted there absorb the manure and grow remarkably well,

well, and we are now in a position to suppress any nuisance which may arise. In such cases we send the party notice by a policeman, who with the concurrence of the Inspector General of Police acts as our Inspector of Nuisances; he is appointed by the Council under seal, and receives as retaining fee £5 per annum. The notice requires the party only to remove the nuisance; if he does not he is summoned at once to the Police Court. We have had a great many tons deposited in the Reserve, and its presence cannot be detected even by passers-by. It is just thrown into the trench at night and covered over with about 6 inches of dirt, and the whole thing is done in a very short time, as we believe without damage or nuisance to any one.

Wm. Tunks,
Esq.

17 Jan., 1876.

3005. Will you be good enough to describe the process of trenching the ground and burying the night-soil? We trenched the ground to a depth of 18 to 20 inches in the first place with the object of setting out some ornamental trees, and we opened out a number of pits to receive the night-soil; there would only be about 1 foot of night-soil in the pits, and about 6 inches of dirt covered over it. We find that is quite sufficient to deodorize it. The first rain that falls washes the strong properties of the manure and diffuses it among the roots of the trees, which absorb it at once, and the trees grow quickly and well.

3006. And you have never experienced any disagreeable or offensive smells from it? Not the slightest.

3007. Then the result of your experience in the treatment of night-soil at the North Shore has been to convince you that that is the proper way to dispose of it? Yes, I have given a good deal of attention to the subject, and I think that is the most efficient way of treating it; I have seen no other way which has answered so well. I may mention that we have another reserve of 53 acres, which we may perhaps open up in the same way; but the 40 acres to which I have referred, if it were properly trenched, would, I believe, take the whole of the night-soil at the North Shore for a great number of years, supposing trees or green crops to be planted upon the portions operated upon. I feel convinced if a trench a yard wide or so were made across one end of the reserve and soil deposited on it and successive trenches made, that before we got to the further side of the reserve the first portion would be ready for trenching again; by that time all the manure first deposited would have been absorbed and converted into soil.

3008. Have you considered whether the expense would be any obstacle to the adoption of this plan generally? The expense would depend greatly upon the place of deposit and the distance the stuff would have to be carted; it would be expensive to send it several miles. Fortunately we have a place which is very handy and there is not much population near it.

3009. Still as you treat the night-soil there is no nuisance whatever attached to it? None whatever; and it appears to me to be a great saving, after the desultory way in which these matters were managed before. The amateur nightmen, undertook the work with very inefficient machinery to carry it out, and as the police were pretty sharp with them they charged pretty high rates, much higher, I believe, than obtain now that the work is done by the Corporation. We extended our operations so as not only to include our own borough but the whole of the North Shore, as we considered that if any contagious disease were to break out we should be affected by it wherever it might occur.

3010. What charge do you make to the owners of cesspits? We leave the contractor to make his charges, but if any dispute arises between the householder and the nightman, and the matter comes before the Council, we send one of our men to measure the quantity of stuff and fix the charge in accordance with the contract price—10d. per cubic foot. We have had no trouble in this particular.

3011. Per cubic foot of the stuff actually removed? Yes.

3012. Then if any of the residents in the Borough of St. Leonards send to the Corporation to have their cesspits cleaned out the Council take the matter in hand? Yes; the Council Clerk sends the application to the contractor.

3013. You are aware, I presume, that an Act dealing with this question has recently been passed? Yes, I believe so.

3014. It has not been proclaimed as applying to St. Leonards, I believe? No, I think not to our borough.

3015. Have you read, Mr. Tunks, of what has been done in England and elsewhere in reference to the treatment of sewage by disposing of it on land, as you are doing? I have read the ordinary publications on the subject.

3016. And as far as your experience goes you are disposed to think that is the best mode of treating it? Yes, it seems to me to be the best, where there are facilities for disposing of it in that way.

3017. You mean where suitable ground can be obtained within a reasonable distance? Yes. I may mention that all the refuse from Balmain, Pyrmont, and the Abattoirs, could be disposed of at the north side of the Parramatta River if we only had the bridge across near "Five Dock," for which money has been voted by Parliament.

3018. This rate which you charge of 10d. per foot I suppose covers the whole cost of the operation? Yes.

3019. The Municipal Council do not suffer any loss in carrying out this plan? Well, there is a small loss in the expense of opening out the holes. We think it better to do that ourselves than to risk injury being done to our trees by trusting the contractor to open the holes. We therefore send a careful man who prepares them in such a position that the night-soil cannot hurt the trees. We were under the impression that raw night-soil would kill them, but I am very doubtful whether any amount of such stuff as we get would kill a fig-tree. We prefer to keep the matter in our own hands, as we have charge of the park or reserve.

3020. *Dr. Alleyne.*] What is the depth of your pits? They are about 18 inches when they are first dug. Of course if we had a large quantity of stuff to dispose of we could make them deeper, but we should then have to go into harder earth, and we have no occasion to do so at present; "Sufficient for the day is the evil thereof."

3021. So that at present you are merely depositing it near the surface? Yes, it is covered with about 6 inches of earth, which is quite sufficient to render it inoffensive. Your chairman has been by the place several times, and he has never, that I am aware of, noticed it; so that there cannot be much of a nuisance there.

3022. But if you chose to do so you could dispose of a much larger quantity by digging your trenches deeper? Yes, if it were necessary; if we had the night-soil from a large city to deal with. I have no doubt by the time we had got across the reserve the ground first operated upon would be ready for trenching again. I have tried it in dry weather in several places, and it appeared just like dry ashes. There can be no doubt that the gases are disseminated and dispersed by every rain.

3023.

- Wm. Tunks, Esq.
17 Jan. 1876.
3023. Have you any idea of the depth of the soil in the reserve? It varies in different places; the rock crops up to the surface here and there; but there is about 3 or 4 feet of soil between the rocks. Where a well is now being sunk there is a depth of nearly 12 feet of ironstone gravel mixed with loam and earth of various kinds.
3024. I mean the depth of the soil before you come to what is called the Sydney sandstone? That crops up at the surface irregularly, but there is there 3 or 4 feet between the rocks.
3025. *Mr. Bennett.*] You live near the place, I believe, Mr. Tunks? Yes.
3026. And you have experienced no offence from it yourself? Not the slightest; in fact I have taken a number of persons, apparently without design, into the neighbourhood of these pits, and I have never known one of them to make any remark about unpleasant smells. The only occasion when I heard any complaint about it was when a woman allowed her children to run down to the place before the stuff had settled, and they ran into it; that was the only occurrence.
3027. You are not embarrassed by it when the weather is wet? Not in the least.
3028. Do you find, when the weather is wet, any nuisance arising from the leakage from cesspits, generally, on the North Shore? No, I have not noticed anything of the sort; but I may mention a fact which members of this Board can observe themselves: Mr. Davis, one of our aldermen, has a tank near Mount and Walker streets, which is cut down to the rock. It gives out large quantities of water, as many as 60 hogsheads, and one or two days 90 hogsheads of water have been taken from it during the dry weather—a charge of 6d. the hogshead is made for it. It is just in the most thickly populated part of the village. I have heard many different opinions expressed as to the quality of this water. That tank has been emptied once or twice, and it has now some thousands of gallons in it; where it comes from I cannot say.
3029. You are aware, I suppose, that water, which is clean and appears to be good, may still be dangerous to a great extent? Yes; I have not analyzed any of the water I am speaking of.
3030. Do you know that stream passing by Bligh's house—have you noticed that it has become very offensive? Yes, that is becoming the sewer of the neighbourhood. Some time ago, when public attention was called to the question, I wrote to the neighbouring Municipalities, asking them to co-operate with us in providing a proper supply of water, and in dealing with the sewage question; and I sent the inspector to examine that stream. We then found there were several closets in our Municipality openly discharging into it; he sent notices to the owners to remove them, and they were removed, but I am not aware that any action was taken by the other Municipality through which the creek passes to get to Carcening Cove.
3031. Then you think that however successful your present plan may be of dealing with the contents of closets, it will still be necessary to have sewers to receive the slops and drainage from houses? Yes; there is no way of getting rid of house slops except by letting them run through the streets, and then they get into the creeks, and eventually into the harbour.
3032. You are of opinion then that sewers are absolutely necessary? Yes.
3033. *Hon. J. B. Wilson.*] How much night-soil do you suppose is deposited in the reserve you mention, per night, or per week? I tried to ascertain that the other day, when I wanted to obtain the co-operation of the other Municipalities, and I could not. The Inspector told me that 90 loads had been taken there in a few weeks, but that could not be taken as a yearly rate, as that was done under pressure.
3034. Does the man who opens the holes cover them in also? No, that is all done during the night, and the stuff when emptied into the holes is covered over there and then. We do our part of the work during the day. The trenched ground has been dug occasionally. Any inequalities in the surface are then adjusted.
3035. Is much of the night-soil at the North Shore utilized by private persons? I am not aware that there is; I use it myself; all the refuse from my house goes into a tank and is applied to my garden and trees, and they seem to thrive with it. My house is on two acres of land. I cannot give you any idea how many persons utilize it in the same way.
3036. *Mr. Bell.*] What is the nature of the soil in the reserve where you deposit this stuff? It is mixed; it is on the border of some rocks; some of it is gravel, and some of it, about 20 or 30 acres, very tolerable soil; the rest seems to be a mixture of ironstone, gravel, and freestone. There is a vein of apparently pure pipeclay running through it; it would take a great quantity of sewage to poison it. The principal object I had in coming here to-day was to express my opinions about discharging offensive matter into the harbour—for instance in such places as Carcening Cove and Neutral Bay. I was very anxious to impress upon the Board that it is very necessary that the Government should take possession of the heads of these bays before interests are created which eventually it may be very hard to control. I recollect, some years ago, when I was a contractor in the Department of Harbours and Rivers, cutting away the Centipede Rock for the Dyke at Woolloomooloo Bay. Before it was filled in it was one of the most offensive places possible. I knew it a few years before that time and bathed there, when it was a sandy beach. Well, the same thing will happen sooner or later at the heads of all these bays, and the North Shore, if people settle there to any extent, which is almost certain, will be as bad as any place. The washings and other watercourses are fast filling up these bays, and we may in the future have to sacrifice a number of lives before we shall be able to effect what we could at the present time do without any difficulty. All that are born must die, but bad sanitary arrangements undoubtedly, in my opinion, occasion to many persons, especially to infants, a lingering and unenjoyable life and a premature death. It is the pressure of public opinion just now which has enabled you to pass several sanitary measures which you would not have been able to get passed at other times.
3037. *Chairman.*] You are of opinion that a great portion of the mortality in the City and Suburbs is caused by the want of attention to these matters? Yes, but I should like to guard myself against creating anything like a panic. The same thing is occurring up the Parramatta River. This is no new idea of mine. In the year 1866, when I was asked, as Mayor of St. Leonards, to answer certain questions put to me by the Harbour Commission, I expressed the same views, and I have not changed them since. It seems very clear to me that something must be done to secure the possession of these bays before selfishness steps in and hinders us. We may prevent the sacrifice of many lives by acting promptly.
3038. Then you would recommend that the Government should not alienate the heads of any of these bays, or give up its right to reserve 100 ft. back from high-water-mark. Would you go as far as that? Well, the Government have, I think, determined that the public interest shall be the first consideration in alienating these lands. It was considered otherwise at one time, and it was held that every landholder had

had a right to the water frontage to his land ; but Mr. Forster, when he was Secretary for Lands, issued instructions to some officers to report upon these applications. But a great deal depends upon the persons who agitate. If the Government took some action now it would not be a question of agitation hereafter. Any alienations in the interests of commerce or for effecting improvements which would be for the public good might easily be conceded by the Government if necessary. At present large frontages are selected and then there is no other course except to repurchase the land at fabulous prices.

Wm. Tunks,
Esq.
17 Jan., 1876.

3039. Then, unless it could be shown in these reservations that the immediate object of the purchaser was to use the land for purposes of commerce, you would recommend that the Government should refuse to part with them? I should like the Board to understand that I should not object to the sale of any land for *bonâ fide* purposes of improvement, but I think the requirements of the public should be considered before those of the applicants for the land. There are a number of places in Middle Harbour which if not already alienated should I think be set apart for public recreation grounds; there is also a large quantity of land up the Parramatta River to which the same remarks will apply.

3040. *Mr. Bennett.*] If I understand you aright, Mr. Tunks, you are of opinion that these slop lands at the heads of the bays should be reserved for reclamation? Yes; but I do not wish to pledge myself to immediate reclamation. I would begin nearest to the city and continue on where it is most required, as it is a very expensive affair.

3041. *Chairman.*] Are you acquainted with Rushcutters' Bay? I have a general knowledge of it, but it is not sufficiently minute to enable me to give you any information about it. I have seen it a number of times. Careening Cove is one of the places which ought to be reserved and dealt with at once.

3042. *Hon. J. B. Wilson.*] Is there much land to be reserved there? Yes; the silting has driven the water back a good deal.

3043. Your recommendation then amounts to this: That the Government should refrain from alienating any of that land unless it be required for some *bonâ fide* purpose? Yes. I may say that reserves for public health have not received sufficient attention in this Colony, and we ought to avail ourselves of every opportunity to provide them. In Neutral Bay there are a number of acres which could be reclaimed and set apart as a recreation ground. The water from the hill would be sufficient to supply an ornamental pond in the centre. The ground could be planted with ornamental trees, and it would be a great acquisition to the neighbourhood, in fact to Sydney as well.

3044. *Chairman.*] Is there anything else you would like to state in reference to the whole subject—any suggestion you would like to make? I must reiterate the opinion I expressed in reference to conveying the sewage of the city into the harbour; I think there are not half silt-catchers enough constructed. Years ago I recommended two large ones at Macquarie Battery Point; one to be shut off to be emptied while the other was being worked. I also recommended that the stuff should be utilized, and that trees should be planted. I believe that if a large quantity of water were used in the sewers the water system would be the best mode of carrying off the night-soil. I have made myself acquainted with what science may do with one or two; the cases may be stated by way of illustration: Formerly the refuse of gas-works was a great nuisance; it is now turned to account. Some of the beautiful magenta, mauve, and aniline colors, and a number of useful things, are extracted from it; and what was formerly a nuisance is now made into many useful articles. Then again, in and near Manchester, where they get rock-salt, and make all kinds of chemicals, the spirit of salts, the gases from which used to be discharged through high chimneys, and to destroy all the vegetation in the neighbourhood, and into canals, where barges and punts were plying, is now I think, in combination with lime, converted into a bleaching powder, which is very valuable, and has become an article of commerce. I think we shall be able, sooner or later, to utilize our sewage by some method in which the solid matter will be extracted from it, or be used in irrigating land. I think our sewers should have a trap-door in approved situations, to stop the stuff from going through them, until a sufficient quantity had accumulated to sweep them clear of offensive matter. During this dry weather, in many of the streets, the water evaporates from the traps or gully-shafts, and there is nothing to prevent the noxious gases from ascending. I have frequently experienced unpleasant smells, and I have concluded that they occurred because there was no water in the traps. I am not at all sure that the discharge of the sewers could not be dredged up from the harbour as cheaply as they could be carted away, considering the distance to be carted in the future. In the meantime the small quantity of solid faecal matter which could be extracted would not at present be worth while subjecting to any of the processes which they are trying in England.

3045. From what you have seen at the North Shore, and from what you have learned of the disposal of sewage generally, I gather that your opinion is, that it should be utilized on the land and not wasted? Yes, I think it ought not to be wasted; it is only a question of proper appliances to convey it to the place of deposit.

3046. Is there anything else you would like to add? I should like to say, now that I have the chance, that sufficient attention is not paid to the subject of public bathing-places. It seems to me to be a gross outrage upon the rising community not to afford them opportunities of learning to swim, and of keeping their skin in healthy action. That is a question which has troubled me for a long time, and I have not been able to make any progress with it. We have not nearly enough bathing-places in and about Sydney, and in this respect the suburbs are entirely neglected.

3047. I believe that in the old Roman days the subject of baths was one which occupied the Central Government. Do you think it is a question, which in the present day should be dealt with by the Central Government, or that it should with more propriety be left to the Municipal authorities? At present it is a work which is utterly impracticable for the Municipal Councils. There are twenty-five Councils and more than 200 Aldermen in the police district of Sydney alone. I was candidate for a Commissionership, and I had to find out the number of Councils and Aldermen to send the latter a circular. All these people would have to be dealt with and there would be no unanimity among them. Their means are not sufficient to enable them to carry out any plan of the sort, and unless there were a Metropolitan Board to grapple with the whole question there would be no chance of bathing-places being provided. In many of the Municipalities there is no bathing-place to begin with, although of course places might be provided and supplied with water by pumping.

3048. Then, in connection with this question, would you recommend that some central Board or authority should be created to deal with such matters? I think it will be impossible for any but a central Board to deal with works of such an expensive nature as baths or sewage. Why the whole income of some of these municipalities would not be sufficient to pay the cost of one good man to look after them.

Wm. Tunks, Esq.
17 Jan., 1876.

3049. You are aware of course that a sum of money was voted for the construction of baths at the North Shore? Yes, I have about 40 or 50 or £100 in hand for that purpose now, but we could not deal with the question because the place is not within our municipality; the other municipalities did not co-operate with us, and we did not care to spend money outside our own boundaries. The Parliament voted £100 last Session towards improving the township reserve, and the Government have supplemented subscriptions for the same purpose to the extent of the endowment authorized by the "Municipalities Act of 1867."

* Near Manchester, in England, where rock salt is cheap, 2,000 tons per week was said a few years ago to have been used in the manufacture of oil of vitriol and other chemicals in large demand. In making alkali large quantities hydrochloric acid was liberated and for some time discharged from high chimneys, but it destroyed all the vegetation in the neighbourhood. It was subsequently discharged into canals and mixed with the water; it then destroyed the ironwork of the barges and boats. Afterwards the acid was discharged into towers lined with coke, through which water flowed or percolated or the water took up the nuisance and when treated with lime is now called bleaching powder or chloride of lime, and realizes dry £17 per ton. Bleaching was formerly performed by exposure to sun and air.—*Professor Roscoe, Manchester Science Lectures, 1866.*

THURSDAY, 20 JANUARY, 1876.

Present:—

HON. J. B. WILSON,
F. BELL, Esq.,

W. C. BENNETT, Esq.,
DR. ALLEYNE.

E. O. MORIARTY, Esq., IN THE CHAIR.

Mr. Walter Beames, Council Clerk to the Leichhardt Municipality, called in and examined:—

Mr.
W. Beames.
20 Jan., 1876.

3050. *Chairman.*] We understand, Mr. Beames, through the Secretary, that you are in a position to give us some information in reference to the operations carried on at the Glebe Island Abattoirs? Not at the Abattoirs themselves, but in reference to the feeding of pigs upon offal.

3051. Offal obtained from the Glebe Island Abattoirs? Yes.

3052. To what place is this offal brought from the Abattoirs? Into the Municipality of Leichhardt.

3053. Will you kindly describe what takes place there? Pigs are fed upon it. I have only seen two people in the act of hauling it, but there are five or six of them engaged in it—as many as there were at first; there is no diminution whatever; in fact there are more pigs kept now than there were. (*Copy of Orders and Regulations, Glebe Island Abattoirs, produced.*)

3054. And that is done in contravention of the 15th clause of the orders and regulations published on the 16th November, 1875? Yes; I may state that a deputation from the Municipalities of Balmain, Glebe, and Leichhardt, waited upon the Honorable the Colonial Secretary in reference to this matter, and he promised them that it should not be done—that no offal should be taken to the municipality to feed pigs. That was why I was anxious to see the Chairman of this Board, because the thing is still being done in open daylight; in fact the nuisance is worse than it was before.

3055. And this is done in defiance of the deputation and in defiance of the Colonial Secretary? Yes.

3056. Is this offal of a character such as could be removed from the Abattoirs under the colour of being used for human food? No, it is not.

3057. It is of a totally distinct character? Yes; it is merely the entrails of sheep and cattle, and they are occasionally very gamey too.

3058. Is any blood ever taken there? No, I believe not.

3059. Merely the entrails and other offal? Yes, the entrails entirely; at least there may be some other offal taken there; but I have only seen the entrails myself, that is, the paunches, livers, lights, and so on.

3060. And this is being constantly done? Yes, constantly—daily and all day long.

3061. Are you aware whether the Inspector of the Glebe Island Abattoirs knows of this practice? I only know that I told him of it myself.

3062. And has it gone on since you represented it to him? Yes, he told me that these regulations were defective.

3063. Did he say in what respect they were defective? No, he did not; but he said he could not act upon them.

3064. That is to say in respect to this particular matter? In respect to this particular matter.

3065. Is there an Inspector of Nuisances for the Municipality of Leichhardt? There is.

3066. Can he not interfere and put a stop to this practice? He reported about a fortnight ago that all these places were clean; but the same day that his report came in I smelt them a quarter of a mile off. One of our Aldermen is a keeper of pigs.

3067. *Dr. Alleyne.*] When the inspector told you he could not act under these regulations—that is to say, under clause 15 of the orders and regulations—did he give you any explanation—did he say that he had made any attempt to do so, and had been prevented by any existing law, or by the action of any competent authority? I have heard, but not from him, that these regulations were submitted to Mr. Forster, the attorney who conducts their cases, and that he had advised Mr. Oatley not to bring a case into the Police Court.

3068. Did Mr. Oatley ever say to you that he had attempted to prevent the removal of the offal, which is contrary to the orders and regulations under which he holds his appointment, and that he had been prevented by any legal authority? I never heard him say so.

3069. He did not tell you that he had attempted to do so? No, but I have heard incidentally that Mr. Forster told him not to bring any case before the Court. I did hear also that Mr. Williams, the Crown Solicitor, had been applied to, and that he gave Mr. Oatley the same advice.

3070. You do not know whether Mr. Oatley applied to the Government in reference to the supposed illegality of the 15th clause of the orders and regulations? No, sir, I do not, but I understand that the Abattoirs at Glebe Island have been let under these or any other regulations which might be made—that these regulations were not final—and that the Government could make such other regulations as they chose.

3071. *Chairman.*] Are not these the regulations under which the Abattoirs have been let since the beginning of the year? Yes, but the Government have power at any time to alter them.

3072. *Mr. Bennett.*] Have you any objection to name the parties who are infringing these regulations? The two persons I have seen hauling offal are Malachi O'Neil and one of Mr. Hearn's sons.
3073. And on whose premises was the offal delivered? On Alderman Hearn's property—that which was taken away by his son; and O'Neil delivered his on his own property.
3074. *Mr. Bell.*] What appliances have the Government for removing the offal—have they horses and carts? Yes, they are taking it to Callan Park.
3075. *Mr. Bennett.*] Are you quite sure they are taking it there? Yes, they are taking the blood and a portion of the offal there.
3076. They took it down to the Botanical Gardens in the first instance, I believe? Yes. There is one thing I should be very glad if the Commission would do: I am told you have a house to house inspection going on. Could you spare time to come and visit these places? Nothing will be done in our Municipality until some stringent steps are taken by the Government. The Council has not made any by-laws yet or appointed an Inspector of Nuisances.
3077. *Chairman.*] Is it hopeless to expect that the Municipality will itself take the necessary steps? It appears so at the present time.
3078. Has the matter been brought under the notice of the Mayor and Aldermen? Yes.
3079. And the nuisance which you describe is now in your opinion detrimental to the public health? Very much so indeed. At the last meeting of the Council a motion was made by Alderman Burrows that a Committee be appointed to draw up by-laws for the Nuisances Prevention Act. Alderman Parsons was in the chair and could not second the motion, and the other Aldermen present did not take any action in the matter, and the motion lapsed.
3080. Is the smell from these places very offensive at present? Very much so indeed.
3081. Have you heard of any cases of sickness said to have arisen from it? I have heard of several cases of fever; but our municipality is very sparsely populated.
3082. But have those cases of sickness been attributed to this cause? I do not know; but it is a constant source of complaint; people are continually writing to the Council about it but they take no notice of it.
3083. *Dr. Alleyne.*] How are you supplied with water? Rain water from the tanks.
3084. Is there any chance of the water supplied for domestic purposes being polluted by any of these nuisances you have referred to? It is so polluted that you cannot use it. We had some very good streams there, but they are all polluted so that even the cattle won't drink at them. We had the Inspector of Nuisances out from Sydney. I got the Mayor to let him come up, and paid a guinea out of my own pocket towards it, and his report was most damaging. That is why I should like some members of the Board to see the place.
3085. Is there anything else you would like to mention? No, I think not.

Mr. W. Beames.
20 Jan., 1876.

Mr. John Hales, Inspector of Nuisances for Waterloo and Redfern, called in and examined:—

3086. *Chairman.*] You are Inspector of Nuisances for the Municipalities of Waterloo and Redfern, are you not? Yes.
3087. How are they off for water in those municipalities? In Waterloo they have hardly any; some of the wells are better than others.
3088. Are the people suffering at all in health from the absence of a sufficient supply of good water? I should consider so.
3089. Have you heard of any cases of sickness arising from the insufficiency of wholesome water? No, I cannot say I have.
3090. The houses in Waterloo, I believe, are chiefly supplied with privies—cesspits? Yes.
3091. And in Redfern? The water is laid on to the closets in Redfern in most cases.
3092. But in Waterloo there are only open cesspits? They are all open cesspits.
3093. You are aware, I suppose, that there is a new Act in operation having reference to the cleansing of cesspits? Yes.
3094. Has that Act come into operation in Redfern and Waterloo? At Redfern it has—they are making by-laws; the only thing they are deficient in is a place of deposit; they have applied for a place, and they are waiting for it.
3095. To whom have they applied? To the Colonial Secretary or the Minister for Lands; but they have entered into negotiations for a place at Botany.
3096. Can you tell us where the place is? It used to be called Rutledge's formerly, but is now owned by a man who brings in sea-weed.
3097. Is it near the dam, or how far down the dam is it? It is close to Shea's Creek.
3098. Is it above or below the junction of Shea's Creek with Cook's River? It is nearer to the water-works than Shea's Creek.
3099. Have you heard of any objections on the part of the inhabitants to the deposit of night-soil there? Yes, where it is deposited now.
3100. But at the place proposed—near Shea's Creek? No, I cannot say anything about that; no one knows anything about it, but the Mayor told me he was very anxious to obtain the land for this purpose.
3101. And what are they doing at Waterloo—are they taking any steps there to carry out the Act? They tried to open negotiations with Redfern, and they have framed a code of by-laws; but there has never been a meeting since until last night, and I cannot say what they did then, but from what I have heard from one of the Aldermen they have done nothing further; they are fighting between one another.
3102. The Aldermen are fighting among themselves? Yes.
3103. *Mr. Bennett.*] You say that complaints are made where the night-soil is deposited now—where is that? One of the places is Tunbridge's garden, and the other place is Hollinshed's, now belonging to Hardie and Mitchell.
3104. How many loads per night do they bring out? I should say close upon eighteen loads a night; they go close by my place on the Botany Road.
3105. *Hon. J. B. Wilson.*] Is not that from Sydney as well? I would not say it is not; I dare say it is from Sydney as well.
3106. *Mr. Bennett.*] Is night-soil from Sydney still deposited at that place? Yes, and the water-pipes run through Hollinshed's ground; in fact the night-soil is deposited on the pipes, and not only that but I may state that a dead creek runs away from that, and stops the water from going into the reservoir.

Mr. J. Hales.
20 Jan., 1876.

- Mr. J. Hales.
20 Jan., 1876.
3107. *Hon. J. B. Wilson.*] With regard to these privies in Waterloo, I believe, as a general rule, they are very badly constructed? Yes, they are nothing more than sentry-boxes stuck on the sand; three-fourths of them have no holes in the ground.
3108. Are you aware that they are generally full? Yes, but I am doing the best I can; within the last month I have served 300 notices.
3109. It is a fact that wells are very numerous in Waterloo;—now don't you think that in wet weather a great deal of faecal matter, with which the soil is impregnated, must drain into these wells? You will find the wells, closets and all, running together in wet weather. There is very little water now, but when wet weather comes they won't be able to use the water.
3110. Then you think that in dry weather the water in the wells at Waterloo is better than at other times? Yes.
3111. Do you think that much danger to the health of the inhabitants is to be apprehended from a heavy fall of rain? The water will be one-third worse than it is now.
3112. Do you not think some stringent steps should be taken at once? I think the water should be laid on.
3113. Would not the construction of water-tight cesspits be an advantage? Yes, but a great many of the residents are very poor, paying 2s. a week ground rent, for it is all leasehold property, and they have not the means to pay for these cesspits.
3114. But the landlords should do it? They are all their own landlords, as they have got the land on a ninety-nine years' lease, and many of the allotments are sub-let.
3115. But, although this difficulty exists, there must be some way of getting over it—such a state of things must not be allowed to remain; if these people cannot do it themselves the Corporation should do it for them? The Corporation are very hard up themselves, and have not money enough to do the streets. I may mention that since I was here last I have been dismissed by the Alexandria Municipality because they could not afford to pay me £20 a year as Inspector of Nuisances.
3116. *Chairman.*] Is there anything else you would like to state to the Board in reference to the condition of these Municipalities—anything you would like to bring prominently under our notice? No more than this: I would like to see the water laid on to Waterloo and Alexandria.
3117. You think that is urgently necessary? Yes; Redfern is high ground, and a good deal of the drainage goes down into Waterloo, where there is not fall enough to carry it away.
3118. And you think that if good water were laid on from the city it would diminish the risk arising from the use of contaminated water? Yes; five or six persons came to me this morning and said that if the landlord would get the water laid on they would be willing to pay another shilling a week rent.
3119. Then in point of fact you represent the residents in the Waterloo and Alexandria Municipalities as being in great straits for want of water? I will say nothing about Alexandria as I do not belong to it now.
3120. Waterloo then? Yes, I may say that it is a very poor locality; the people have rented one or two acres from Sir Daniel Cooper, and put up small houses, and they cannot afford any expense; in fact most of the properties belong to the Building Societies.
3121. Have the Municipal Councils power to levy a water-rate if water were laid on? No.

TUESDAY, 7 MARCH, 1876.

Present:—

HON. J. B. WILSON,	|	F. BELL, Esq.,
C. WATT, Esq.,		W. C. BENNETT, Esq.,
E. O. MORIARTY, Esq.		

M. B. PELL, Esq., B.A., IN THE CHAIR.

Richard Seymour, Esq., Inspector of Nuisances, called in and further examined:—

- Mr. R. Seymour.
7 Mar., 1876.
3122. *Chairman.*] The Mayor has informed us, Mr. Seymour, that you can give us some information as to the state of the Abattoirs at Globe Island, and how far the recommendations made by this Board have been carried out—have you been there lately? I was there to-day.
3123. What is the condition of the Abattoirs—in point of cleanliness? There has been a great improvement made in the arrangements since the recommendations of the Board.
3124. How long is it since you were there before? I cannot say exactly; it was somewhere towards the end of last year; they were in a very filthy condition then.
3125. And you found a great improvement to-day? Yes.
3126. Could you form an opinion as to whether any of the blood is still allowed to go into the harbour? A small portion of it still goes into the harbour from the drainage; when the floors are washed clots of blood are carried away with the water.
3127. We have been given to understand that a nuisance is created by the accumulation of dung—the contents of paunches;—did you observe anything of the sort? Yes.
3128. Then the offence exists still? Yes; and there is a very filthy place still at the tramway where they shoot it down; it covers a large space of ground, and is very offensive. I suggested to Mr. Oatley that something should be done to confine it to a smaller compass, so as to let it on to the tramway directly from the shoots, instead of letting it spread on the ground.
3129. Then the market gardeners do not take it away readily? There does not seem to be any great quantity left there now, but I think the place might be kept clean enough by a good smart labourer, who might be employed in doing other work about the place.
3130. The intention of the Board was that the offal should not be carted away by the butchers? Well it is still.
3131. As much as before? Yes, there are twelve to fifteen cart-loads taken away daily.
3132. And that is taken mostly to Leichhardt to feed pigs? Yes, I believe so.
3133. Have you been to the Leichhardt municipality lately? No.
3134. Is there a supply of fresh water now on the Island? Yes, the tanks are always kept full.

3135.

3135. And are arrangements made now for watering the cattle there? Yes; they are waiting for some improved arrangements which have been ordered by Mr. Barnet, but still the cattle can get plenty of water to drink.

3136. Did you go to the boiling establishment of Messrs. York and Walsh? Yes.

3137. In what condition did you find it? It was very clean, but there was no boiling-down going on; they were merely drawing off the fat which had been previously melted.

3138. Was there anything offensive in that process? No, the place was perfectly sweet.

3139. Where did the water run to? There was no water running away; they were merely letting the tallow off.

3140. But before that the water had been poured off? No, the tallow floats on the top of the water which is raised to a sufficient height to let the tallow run off.

3141. As far as you could judge do you think such improvements have been made in that boiling-down establishment as would justify the Board in recommending that it be allowed to remain there? I do not know what improvements you mean, but the place is perfectly clean and sweet.

3142. *Dr. Alleyne.*] A large quantity of the refuse, when the digester was cleaned out, used to run down a wooden trough into the sea? There is none of that now; the place is as clean as any private establishment in Sydney.

3143. *Chairman.*] Your opinion then is that only a small portion of the blood from the Abattoirs is allowed to go into the harbour? Only a very small portion; in fact you can see the water looking nice and clear all round the place.

3144. And there is a less offensive odour about the establishment than there was? Yes, and I believe that when these asphalt floors which they are laying down are completed—two of them are finished—the place will be very clean.

3145. *Mr. Moriarty.*] Do you think they will make a good job of this flooring? I do.

3146. Did you see in these two slaughter-houses where the new floors were laid down any preparation made to catch the blood as it flows from the necks of the animals in vessels? Yes, there is a hole in the floor which runs into a small place outside with a curb round it to receive the blood. Then it is taken up and put into pans and carried to the iron tanks which are ready to receive it; there were two of them half full when I was there.

3147. Do you think the arrangements for catching the whole of the blood will be effective? Yes; but I would suggest that the pans used for collecting the blood should be thoroughly washed every day, first with water and then with hot lime. There is another improvement which I might suggest: There are a couple of half-casks where the guts are kept, in which the boy who cleans the guts throws the strippings, small remains of fat, and so on. These are in a very filthy condition, and covered with decomposed matter. I suggested that they should be thoroughly scraped and washed with hot lime.

3148. *Chairman.*] What is done with this refuse? It is sold. The guts are kept until they are thoroughly rotten and then cleaned, and the smell is dreadful.

3149. What are they used for finally? For making sausages. I think there ought to be more strictness observed in keeping these places clean.

3150. Do you think it would be better that the recommendation of the Committee who reported upon the Abattoirs should be carried out,—that the blood should be received in vessels directly from the necks of the animals? I don't think you could do it; it would be very inconvenient from the way the floors are laid; there is a direct fall to the hole into which the blood runs outside the slaughter-house, when it is taken up at once (so they tell me) into pans and then carried to the tanks.

3151. Does it run directly into the pans from the floor of the slaughter-house? No, it is scooped up and put into a large can which holds about 12 gallons and then put into the tanks.

3152. Don't you think it would be much better to make it run directly into the vessel which is emptied into the tank? Yes, I think it could be made to run directly into the pan; as it is, the walls 4 or 5 feet from the floor are bespattered with blood.

3153. Do you know whether any apparatus has been put up to filter the water that goes into the harbour? There is a filtering apparatus, which will be finished in about a fortnight; the men were at work at it when I was there to-day.

3154. I will ask you a few questions on another subject: Do you find that the "Nuisances Prevention Act of 1875" works well? It is working very well in the city.

3155. How is it worked—by contractors? No, we have no contractors.

3156. How is it worked then? We receive written applications at the office every morning from persons wanting to have privies cleaned out.

3157. From the occupants? From the occupiers or tenants, and the nightmen call at the office up to half-past 10 o'clock and get them.

3158. Is there any tariff of charges;—how do they charge? As they used to do—according to the size of the privy.

3159. Supposing you found an offensive privy what would you do? I should give orders to the nightmen to clean it out.

3160. And suppose the occupant would not pay for it;—has any such case occurred? There is a case going on in the Redfern Municipality, which will come before the Court to-morrow, where the landlord refuses to pay.

3161. Do you think any improvement has been effected by the passing of this Act? Yes, many of the old privies have been pulled down and new ones erected according to a plan which I have recommended. In place of having an open hole at the top, as in an ordinary privy, a pan is put in the same as in a patent closet, so that nothing can go down larger than $2\frac{1}{4}$ in., the bottom of the pan being only 3 in. wide.

3162. Are not those pans liable to become very filthy? No, they are easily kept clean, and are almost without smell. Many persons using these privies leave a certain portion of paper in the pan; this forms a sort of plug, and prevents any smell from escaping. I believe that in England now they have a trap under the pan.

3163. How is this pan washed—has it to be taken out? No, it is easily washed with a piece of rag and some water.

3164. These are improvements in the privies themselves, but as to the cleansing are they kept cleaner than they used to be? Yes, it is hard to find a dirty privy in the city now; the people know that an Act has been passed, and they know where to apply if they want their privies cleaned out. If they do not give

Mr.
R. Seymour.

7 Mar., 1876.

- Mr. R. Seymour. us notice when the privies are very dirty they are fined. During the present dry weather it is a very hard matter to find a privy running over; the soil in them is quite solid; but of course that will not be the case when the rain sets in.
- 7 Mar., 1876. 3165. Can you suggest any improvement in the Act from what you have seen of its working? No, except with regard to the recovery of money, and I believe when I was here last you were going to make some recommendation about that.
3166. There was an Act drafted, and why it was not passed I do not know—that was a question for the city authorities to consider, and not for this Board? I know myself, as a positive fact, that the Mayor has been to the Colonial Secretary repeatedly about the working of this Act, and about a place of deposit for the night-soil.
3167. You do not trouble yourself as to where it goes to now? No, I have no power over the nightmen when they go outside the city. I know that one application was made the other day by Mr. Thompson, of Little Coogee, for a thousand tons of it.
3168. There is no systematic disposal of the night-soil yet? No; there was a proposal in the Council the other day to have it taken out to sea in barges.
3169. Mr. Bennett.] Have you made use of the night-cart which was imported from Melbourne? Yes, we tried it; one of our contractors is using it now.
3170. Has your experience of it suggested to you any improvement or alteration in its construction? No; the only alteration I mentioned was an enlargement of the door at the back, but I find that when the pan is used, which I described, it is quite large enough, as that prevents large substances, such as bottles and tins, old boots, bones, and so on, getting in with the soil.
3171. Hon. J. B. Wilson.] Has any examination taken place with regard to the construction of these old cesspits by the men who are emptying them. Power was given by the Act to the Corporation to see that the cesspits at present in existence, if not properly constructed, should be altered? A great many of them have been pulled down and others erected in their place.
3172. But when the nightmen find a badly constructed cesspit do they report it? I inspect them myself, and if I find a badly constructed cesspit I give orders to have it removed.
3173. Mr. Bennett.] If the proprietor refuses to remove it, what steps do you take? We can either do it ourselves or take the party into Court; but they have never refused in a single instance. There were three ordinary privies going up on the Hughes' Estate in Elizabeth-street; the pits were already sunk, and I suggested that they should be removed; I told the parties that they could not have read the Act or they would not put these privies within 2 ft. of a public street, and that they must be removed; and I had them removed to a distance of 14 ft. from the street. If they had remained they would have been a public nuisance. They were removed at once and new ones put up.

Charles Moore, Esq., called in and further examined:—

- C. Moore, Esq. 3174. Chairman.] I asked you to come here to-day because I have been informed that the amended regulations at the Glebe Island Abattoirs have not been carried out, and that you have stated that the whole of the blood does not come to you. Is that the case? It did not.
- 7 Mar., 1876. 3175. But does it at present? Well, there were not sufficient carts to take it away, and I have had the greatest difficulty in getting those made. I went to Mr. Russell first, who undertook to make them and then declined. I tried then to get night-carts. At last I succeeded in getting Mr. Glasson to make two, and both are admirably constructed.
3176. You think then that the plan is working well now? Yes.
3177. Do you think the whole of the blood is taken away? That I cannot say; Mr. Oatley will be able to inform you.
3178. You receive somewhere about 1,000 gallons a day? We get about eight loads a day generally, but not always.
3179. At all events there is no palpable disproportion in the quantity of blood received and the quantity taken away? No, there ought not to be any excuse for not sending it all now since the last cart was made; the appliances should be sufficient to take away all the blood and the entrails as well.
3180. Have you succeeded in burying the blood without creating any nuisance? Yes, there is not the slightest nuisance about it.
3181. During the present weather of course you cannot say much about its success in respect to the growth of crops? No, but I have not the slightest doubt about it.
3182. Do you continue to go over new ground? Yes, we have about 2½ acres—ground enough to last us for perhaps two years.
3183. Without going back over the old ground? Yes.
3184. And you think you could dispose of the offal as well? We have to do so.
3185. Some of the offal does go to Callan Park then? Yes.
3186. Who sends it? It comes in carts from the Abattoirs.
3187. Some of the worst portions, I suppose, which are of no use to the butchers? Yes. I may say that nothing can be more crude than the mode adopted of collecting the blood at the slaughter-houses. Two men have to carry it by hand for 100 yards to the cart. If some reservoir were made to receive the blood from two of the slaughter-houses, and this reservoir raised to a sufficient height, the blood might be emptied directly into the carts.
3188. Where would you have this reservoir? There is a lane or roadway between each two slaughter-houses into which, in my opinion, there ought to be a reservoir of some kind to hold 30 or 40 gallons; that would probably receive the blood for about half a day, and if it were raised up so that a skeleton cart or barrel, like a water cask, could go under it, the blood could be wheeled away at once to the carts.
3189. The essential improvement would be the wheeling away the blood instead of carrying it away? Yes, it would be a good saving of labor, as a man could wheel away five times as much as he could carry; besides at present a good deal of the blood is spilt in removing it; it has to be scooped up into the pans and carried for 100 yards.
3190. Would it be impossible for the carts to go up these lanes to the slaughter-houses? Yes, the passage is not wide enough. That would save a good deal of labour, and a great deal more might be saved if the blood were collected in the reservoir and passed into the cart by a pneumatic tube, and taken away at once, or into a general reservoir.
- 3191.

3191. That is to say you would pump the blood from the various receptacles into a general receptacle outside at a sufficiently high level to let the carts go under it and get filled? Yes.

3192. Would it remain in a sufficiently liquid state? A pneumatic tube would take it even if it were in a coagulated state.

3193. The tube would have to be flushed occasionally? Yes.

3194. Have you been at the Abattoirs much lately? Not very often; I have been there several times.

3195. Do the present receptacles for the blood appear to be cleaned frequently? Well, that depends upon Mr. Oatley; it is his business entirely.

3196. We recommended that hydrants should be used for the purpose of washing the floors and carts, &c.;—has anything been done in that direction? No, I think not; I am not sure.

3197. There would be no difficulty in putting on a hydrant? Not the slightest.

3198. All these carts should be thoroughly sluiced with water? Undoubtedly; they should be as clean as a new pin. Mr. Oatley has only to give the order, and if it is not done he can dismiss the man.

3199. The hydrants would be a very trifling expense? Yes; it would only be a portion of the place which would require sluicing; there is only one place where the blood escapes. But the great difficulty with us is, that the butchers will not take the trouble to scrape the blood into the reservoir,—they wash it in; consequently the blood we get is two-thirds water.

3200. *Mr. Moriarty.*] Does that deteriorate the blood? I should not care how much water there was if it were not for the expense of carting it, which is very heavy. Supposing that this blood is taken away, as it is expected it will be, by the market gardeners, who see that it can be utilized, and supposing it has to be carted half-way to Botany, it would be a serious thing to cart all that quantity of water. I have no doubt now, after the experience I have had, that by putting the blood into a pit, and covering it over with soil, layer by layer, a most valuable manure would be obtained.

3201. *Chairman.*] You mean a layer of blood and a layer of earth alternately? Yes.

3202. You are satisfied then of its success as far as you have gone? Yes; we have been using from six to eight loads a day in the paddock, and I will defy any person to go there and detect the slightest smell.

3203. Have you heard of any complaints in the neighbourhood of its being a nuisance? No; Mr. Russell, who has been watching me as a cat watches a mouse, met me the other day, and never even mentioned the subject.

3204. And the blood does not become offensive before you receive it? Oh, it does sometimes, but the moment it is put down and covered the smell is gone. Dr. Manning and the editor of the *Mail* happened to be there when one very offensive load came, but as soon as it was laid down and a little earth thrown over it, away went the smell.

3205. How many men do you employ on the ground? I am now paying by contract. I give 3s. for every load that is covered in, and 7s. for preparing the ground for each load; then there are the carters to pay, at 14s. 8d. a day, and there are six men at the Abattoirs filling, and an overseer; but I do not know who pays the overseer; I do not pay him.

3206. Is not 3s. a high price for merely covering in a load of blood? But they have to work up the blood with the earth to the consistency of mortar; otherwise we should have a large quantity of blood in one place, and in another only water, and that would never do. No doubt it is expensive, but you cannot get it done for less; I have had as many as sixty persons, who have all given it up, because they could not make a living at it.

3207. *Mr. Bennett.*] Taking the expenses as you have enumerated them—3s. for covering in; 7s. for preparing the ground; six men filling, say 42s.; carting, 14s. 8d.; and the cost of forage for horses—they would make about £1 per load? £1 a load will not do it; it costs at least 25s. a load. If we had depôts for the blood and a general reservoir, as I have suggested, it would of course be much less.

3208. *Chairman.*] The expense of breaking up new ground will not have to be incurred when you have been over the ground once? No. I have tried day labour, and I found it a more expensive plan than the present, though I had my overseer watching the men; the ground is very hard, and has all to be picked and then pulverized.

3209. *Mr. Bell.*] To what depth is the ground trenched? 1 foot; 6 inches is worked up with the blood to the consistency of mortar, and the other 6 inches is put on the top of it. I had no idea of the power of earth until I came to use it in this way. I was greatly astonished when I came to see the expense, but after the experience I have had I can see no way of reducing it, except as I have said, by the use of pneumatic tubes and some improvement of that kind in the mode of filling. In putting it in the ground there can be no saving I am convinced.

3210. *Chairman.*] I see that the refuse offal which is not used for human food or trade purposes amounts to something like 200 tons a week? I cannot say. Mr. Oatley can give you better evidence on that subject than I can.

3211. Have you room enough to dispose of anything like 200 tons a week? Yes, we can dispose of any quantity as long as we have space.

3212. But have you space enough for this additional offal? I understood that we were getting all that is not sold.

3213. But it is sold for the purpose of feeding pigs;—could you find room for 200 tons of offal a week? Well, that is a large quantity; to do that we should be obliged to get fresh horses and carts.

3214. But as far as the ground is concerned? Well, you can easily calculate. As we are going on now I think the ground will last us for a couple of years; that quantity of offal in addition would probably reduce the time one-half. I had to make an alteration in the cart; the axle used to go through the body of the cart and it was difficult to get the entrails out. I had it made to go round the cart.

3215. *Hon. J. B. Wilson.*] You were talking about having pits to receive the blood and covering it over with earth layer by layer;—supposing there were several pits properly constructed and the blood were treated in that way, do you not think a manure might be made of such a valuable character that people would be induced to come and take it away? I am quite certain of it; there is some principle in the drying process which takes away some of the good properties of the blood, which would remain if it were treated in its raw state.

3216. It stands to reason that it is desirable to have as little water as possible with it? Most decidedly.

3217. Do you think pits could be made large enough to carry on that process so that some of them could be left alone until the blood was fit for disposal? I think so. It would be better to have several of them about 1 rood in width, and 2 to 3 roods long, and then to fill them up; but then the water would have to

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- C. Moore, Esq.
7 Mar., 1876.
- be kept out of them, and that would be expensive, and the blood would have to be kept covered over for about twelve months before it was thoroughly ready for use.
3218. *Chairman.*] Then to treat it in that way you would require a considerable number of these pits? Yes, that would be the difficulty; these market gardeners do not take it away regularly. It is proposed I believe, at least so I have heard, that this blood is to be taken away by Dr. Elliott, and made into manure; but what he takes away he must take away regularly, for there is no general reservoir that will hold more than one day's blood, and when once decomposition sets in it becomes terribly offensive.
3219. *Mr. Moriarty.*] Do you think it would be worth while to make a trial pit for testing the process you have mentioned to see if the manure could be sold? It might be worth while to try it; I think nothing can be done with it in its raw state as a fertilizer.
3220. You would have to keep the pits dry? Yes. I am going to meet some market gardeners this week, and I shall recommend them to sink pits in their own ground to receive the blood as I send it to them.
3221. *Hon. J. B. Wilson.*] If the market gardeners took it it would be worth while to have the pits bricked and cemented? If the market gardeners once get into the way of taking it, and it is properly worked, I believe it will be found equal to guano, but it will take twelve months to make it into good manure; the great difficulty is to get them to test it and prove its value, and there is the danger of their using the blood in its raw state.
3222. *Chairman.*] You are of opinion that it is of no use in its raw state—you did not think so at first? No; but I found it must be thoroughly rotted to be of value; it may perhaps be used in small quantities diluted with water.

WEDNESDAY, 15 MARCH, 1876.

Present:—

HON. J. B. WILSON,
F. BELL, Esq.,

C. WATT, Esq.,
DR. ALLEYNE.

M. B. PELL, Esq., B.A., IN THE CHAIR.

Colonial Sugar Company's Premises.

Charles Watt, Esq., who had been deputed by the Board, with Dr. Alleyne, to inspect and report upon the Colonial Sugar Company's premises in Parramatta-street, examined in his place:—

- C. Watt, Esq.
15 Mar., 1876.
3223. *Chairman.*] Will you be good enough to state the result of your inspection of the Sugar Company's Works, which I understand you visited the other day with Dr. Alleyne? Yes; according to instructions we visited the Sugar Company's Works, Parramatta-street, on the 8th instant, and have to report as follows:—We found the water coming down the creek, dammed back at the point at which it enters the Company's land—thus forming an oblong pond. It is well known that this water is very impure, and at the time of our inspection a large amount of filthy scum was visible upon its surface. This scum is allowed to pass into the by-wash, and during this very dry weather there is not sufficient water to carry it far down the waterway. The water to be used by the Company passes from the creek into two small waterholes, where the filtering arrangements were fixed. The water for some time past has not been efficiently filtered, as the filters are choked; but Mr. Pohlman promised to make some slight alteration which may remedy this to a trifling extent. The Company at this time have so little water that they cannot afford to clean out the holes and refix the filtering arrangements. The water in the dam was found to have a temperature of 93°, and appears to be about as impure as when first inspected by the Committee. The paddock was found to be fairly free from old bags and other refuse matters. The drain having its origin in a back lane joining one end of the Company's works, passing underground through their premises, and then as an open sewer until it meets the main watercourse, was in a very foul condition, and has evidently been neglected. We did not observe any evidence of the Corporation having commenced the construction of the main sewer. We are glad to be able to state that the Company hope to cease carrying on their operations in Parramatta-street within twelve months. It is clear that the only way to improve the sanitary condition of this locality is to construct the main sewer as soon as possible. When the Corporation are in a position to supply water to the Company every endeavour should be made to get them to do so until the operations of the Company are transferred to another locality.
3224. Did you observe any great improvements on the Company's works since you inspected them as Chairman of a Committee of this Board? Not as regards the water.
3225. Not in connection with filtering arrangements? No, they were not going on.
3226. What is the reason that the filters were choked and were not at work; did you ascertain? The Company are so short of water that they cannot afford to clean out the holes and refix the filters.
3227. You think then nothing can be done to remedy the evil unless the water is filtered, or water supplied by the city? I don't think the Company will go to any expense about it, having no water to fall back upon.
3228. Then you think from what you observed that the nuisance is as bad as ever? No, I don't say so.
3229. In what respect is it improved? The paddock and premises are much cleaner than they were.
3230. But the water is the same? Yes.
3231. And they still continue to discharge hot water into the drain which leads towards Blackwattle Swamp? There was no water going down when I was there; the hot water goes back into the dam.
3232. And keeps up the temperature;—93° is above the temperature of the atmosphere is it not? Yes.
3233. You think that in about twelve months the Company will terminate their operations at that place? Yes, they expect to be able to do so much within that time.
3234. Then we need not trouble ourselves any further about them? Except to urge the Corporation, if they can, to give the Company a supply of water in the interim. Considering that the Company have given them permission to construct a drain through the Company's property, I think, they might make some concession in reference to the water, when they can spare it.
3235. *Chairman to Mr. Bell.*] Taking into consideration the permission given by the Company, to take a sewer through their ground, don't you think the Corporation might give them water at a reasonable rate for the remainder of their term? They can have it at 1s. 6d. per 1,000 gallons. The drain will improve their land vastly; they are already laying out streets upon it.
3236. *Chairman to Mr. Watt.*] Have you anything further to add? No, I think not.

Disposal of Blood at Glebe Island.

Charles Moore, Esq., called in and further examined:—

3237. *Chairman.*] I understand that you have some further evidence to give us, Mr. Moore, in reference to the disposal of the blood at the Glebe Island Abattoirs? Yes. Since I was here last I have made it my business to make certain inquiries in reference to the quantity of blood, and the way it can be obtained, and I can now place the Board in possession of information upon which they can rely. There are twelve beef slaughter-houses, which are approachable by six roadways, sufficiently wide to admit of a cart being backed-up. Each slaughter-house, when in full work, yields about 16 tins or 96 gallons of blood per diem, as each tin holds a little over 6 gallons when full. In ordinary, or say three days at least a week, there is less than this quantity of blood obtained. To each cart-load, when full, there is about 32 tins or 192 gallons of blood. The blood can, and should be swept into the receiver, without the aid of water. The water used for washing down the carcass, from one to two buckets to each carcass, must go into the blood receiver, but no other water need be mixed with the blood. It is said, that by preventing the indiscriminate use of water, as at present, there would be less of so called blood to cart away—of between 200 and 300 gallons, or as my informant stated, a cart-load and a half. If each slaughter-house had (say) a 60-gallon cask attached to it to receive the blood from the tins, and if these casks were emptied into the cart, which could be backed up the lane for the purpose, a saving of the present labour could be made by nearly one-half. About 40 gallons of water would suffice for the day for each slaughter-house. On the mutton and pork side not more than one-third of the quantity of blood is obtained that is yielded on the beef side. The indiscriminate use of water might be avoided if stop-cocks were put on. I wish also to inform the Board that I have seen most of the market gardeners, and I believe they would take the whole of the blood, and would take it regularly if it could be sent to them, but they could not send for it themselves. They say they have no means of taking it; that they would have to get carts made for the purpose; in fact they could not afford to do it. Some of them half-way to Botany are quite aware of its value, as they used to get it from Carroll when he had the slaughter-house there. Of course if we were to dispose of it in that way we should require a double supply of horses and plant.

C. Moore,
Esq.
15 Mar., 1876.

3238. You would get rid of the expense of burying it? Yes, but look at the expense of burying it. I saw Mr. Robertson on the subject this morning, and he is very anxious that the market gardeners should have it, and wishes the matter to be initiated at once. I am going to draw up an estimate of the cost for him, and it will be for him to decide whether it is to be disposed of in that way or not.

3239. I suppose the cost will be less than the cost of burying? Well, not much.

3240. Do you think a competition would arise among the market gardeners, and that it would end in their paying for the blood? Yes, that might be the case.

3241. Would there not be fear that nuisances would arise if the blood were to pass into private hands in that way? Yes, there would be great fear, unless it were done under some strict regulations.

3242. And that would be impossible. Who would be the inspector to see that such regulations were carried out? No, there would be a difficulty about it.

3243. The Board were deterred from recommending the Government to dispose of the blood in that way by the conviction that whatever regulations were made it would be impossible to carry them out—that local nuisances would be created, and that complaints would be made. If the blood were taken to the market gardeners, for instance, how would it be known what they did with it?—they are not particular about stinks, and they might place it where it would drain into some watercourse or well. If it were distributed among a number of persons in that way it appears to me that any inspection would be impossible. That was the objection which determined the Board to recommend that the disposal of the blood should remain entirely in the hands of the Government. It would be different if one responsible person could be found who would take all the blood? Whoever takes it it must be taken away regularly.

3244. Yes, but suppose one of these market gardeners came and offered to take a certain quantity every week, and after three or four weeks, either on account of the dry weather or for some other reason, refused to take any more, there would be a difficulty in getting rid of it. Taking all these circumstances into consideration would you recommend the Government to dispose of the blood or offal in that way—to deliver it promiscuously to the market gardeners? Not unless they had proper reservoirs to receive it.

3245. On their own premises you mean? Yes.

3246. What do you call proper reservoirs? I mean pits sunk on their own ground.

3247. Would not that require proper inspection? Yes; those are points which I think should be submitted to the Colonial Secretary; he told me to-day he wished to have it carried out at once; in fact he told me to have it done.

3248. But do you not entertain some doubts about it? I have very grave doubts about it; but it might be tried. One man who lives near the "Halfway House," said to be a very respectable man, who farms 12 acres of land, said he would take some of it, and take care that it was properly disposed of and covered over.

3249. Did he say how much he would take? He would take a good deal of it; but there is no doubt that we shall have to fall back upon some place belonging to the Government.

3250. If we used that piece of land at Webb's grant for this purpose it would be almost inexhaustible? Yes; but it is a long way off; I don't think the same cart would take more than one load a day there.

3251. Would it not be less expensive to take the blood there than to bury it in the hard soil at Callan Park? You would still have to bury it.

3252. Yes, but in soft sand, which would make all the difference? It is impossible during the present dry weather to say what will be the result of the present mode of disposal, or what crops it is likely to produce. As a practical man, I know that I am putting a great deal more blood into the ground than I should under other circumstances, but we cannot tell you what the effect will be; it is thoroughly incorporated with the soil.

3253. What effect do you think heavy rain would have upon your operations? It would have little or no effect, because the ground is so hard.

3254. You think you would be able to carry them on right through the rainy weather? I think so—oh yes.

3255. Without any danger? So long as the present system is carried out—I am certain of it as I can be of anything.

3256. Have you anything further to add? No; except that I would suggest to the Board whether the butchers should not be compelled to empty the blood themselves into the reservoir.

Mr. Frederick Oatley, Inspector of Glebe Island Abattoirs, further examined :—

Mr. F. Oatley.
15 Mar., 1876.

3257. *Chairman.*] You heard what Mr. Moore stated, that the carts can back up into these narrow lanes? Yes.
3258. Is there any reason why it should not be done at once? No; I think it should be done. As for the butchers emptying the blood into the reservoirs that is not one of the conditions in their agreement, but it could be arranged in next year's lease readily.
3259. Would any further arrangements be necessary to allow of the carts going up these lanes? No, I don't know of any.
3260. Why was it not done before? Well, I do not know whose arrangement it was to take the blood to the carts in tins; it was not mine. I believe it was done by order of the Colonial Architect.
3261. I suppose you have authority to make the alteration, and can give the necessary instructions? Oh yes.
3262. Then will you have it done at once, as it appears that it will be a great saving of expense? Yes, I will do so.
3263. And you will also see that as little water is used in connection with the blood as possible? Yes.
3264. Whatever additional water is used in keeping the place clean goes through the filters, does it not? Yes, I take every care of that.
3265. Are the boiling-down establishments at Leichhardt still creating a nuisance? Yes, a very great nuisance.
3266. Is that one on the Island creating a nuisance? No, I have never experienced any nuisance from it since the proprietors made certain alterations in connection with it.
3267. Can you tell us whether Messrs. York and Walsh have gone to any great expense in making these alterations? Yes, they have been at a good deal of expense.
3268. Would it, in your opinion, be reasonable to require that all such establishments should make similar improvements? Yes, I think it should be done; if Messrs. York and Walsh could do it I don't see why the others could not.
3269. *Dr. Alleyne.*] You know that soap-making establishment a little way from the Abattoirs? Yes; you meant a place on what is called the Bullock Road; I do not know whether they make soap there, but they boil down mutton carcasses.
3270. *Chairman.*] Is that a very dirty place? Yes, I should think it could not be carried out without being a nuisance.
3271. Could they not make the same improvements which Messrs. York and Walsh have made? I do not see why they should not.
3272. Has there been any abatement of the nuisance caused by feeding pigs on offal in the Leichhardt Municipality? No.
3273. It still goes on there? Yes.
3274. Do the persons who use this offal come to the Abattoirs for it? Some of them do, and the butchers take some of it away, and if they cannot sell it they give it away.
3275. Some of it is sent to Mr. Moore? Yes, they send him that part of it which they have no use for.
3276. Are the Abattoirs cleaner than they used to be? Yes.
3277. Is there any improvement in the shore itself? Oh yes, there is a very perceptible improvement.
3278. And you think that only a small portion of the blood goes into the harbour now? Yes; and when all the water passes through the filter beds it will be quite clean.
3279. The filter beds are not in use at present? Not yet.
3280. You find a great advantage in having plenty of water now? Yes.
3281. You have plenty for washing the floors and keeping the place clean? Yes.
3282. You do not use salt water for any purpose? No, not now.
3283. *Mr. Watt.*] What becomes of the condensed steam at Messrs. York and Walsh's establishment? It passes off into the bay; it is like weak soup, but it is quite sweet.
3284. But it would soon putrefy. Don't you think there is a considerable quantity of animal matter in that water? Of course there is.
3285. *Chairman.*] At what hour of the day is that water discharged? It is not always discharged at the same hour, but it is generally let off early in the morning—at about 6 or 7 o'clock, I think.
3286. *Hon. J. B. Wilson.*] With regard to the boiling-down establishment to which you have just alluded in the Municipality of Leichhardt, do you think that any improvements effected in it could render it as free from nuisance as Messrs. York and Walsh's rendering establishment at Glebe Island? Not while they boil down the carcasses of animals; they don't do that at York and Walsh's.
3287. *Chairman.*] That is not generally done in these establishments? No, only when the market is low, to keep up the price.
3288. *Chairman to Mr. Watt.*] Don't you think, Mr. Watt, if the matter were taken in hand some plan might be devised by which these boiling-down places might be rendered innocuous? No doubt of it, by means of some precipitation or filtration process.
3289. Supposing the water discharged from Messrs. York and Walsh's works to be charged with animal matter, do you think it could be remedied by filtration? Yes, I think so, by some precipitation or filtration process.
3290. There is not a large quantity of it? No, but still it becomes putrescent.
3291. *Chairman to Mr. Oatley.*] What do the filters at Glebe Island consist of? There are two large tanks with sand, and stone and charcoal.
3292. The water goes through from one tank to the other? Yes.
3293. How soon will they be in operation? In the course of a week, I should say, at the farthest; they are only waiting for two pans.
3294. Has any alteration been made in the disposal of the refuse matter from the paunches? No, it is carted away by the market gardeners.
3295. It does not accumulate now as it used to do? No, they keep it pretty well down.
3296. Then it does not create a nuisance now? No.
3297. *Hon. J. B. Wilson.*] Have any steps been taken to prevent the butchers from taking away the offal for the purpose of pig feeding? I brought the matter under the notice of the Government; there seems to be some difficulty about carrying out the regulations.

3298. Have you received any instructions to prosecute any lessee for breach of the regulations? No, not since I was here last, and I do not like to act without instructions. Mr. F. Oatley.

3299. *Chairman.*] Do you think it is possible to carry on the practice of feeding pigs upon offal without creating a nuisance? I think it must create a nuisance, but it rests with the authorities of the municipality in which the nuisance arises to prosecute the parties offending. 15 Mar., 1876.

3300. But can they prevent it without putting a stop altogether to pig feeding upon offal? No, it must be put an end to altogether. In addition to feeding pigs upon offal they feed ducks and geese and poultry upon it, and they get very fat.

MONDAY, 20 MARCH, 1876.

Present:—

C. WATT, Esq.,
W. C. BENNETT, Esq.,
H. G. ALLEYNE, Esq.,

HON. J. B. WILSON,
E. O. MORIARTY, Esq.,
F. BELL, Esq.,

M. B. PELL, Esq., B.A., IN THE CHAIR.

Charles Watt, Esq., Government Analyst, further examined in his place:—

3301. *Chairman.*] Have you made the experiment you suggested with some of the blood from the Glebe Island Abattoir? Yes. I now produce a sample of the preparation (*parcel produced*); it contains 76 per cent. of a phosphatic earth, and 24 parts of dried blood; the phosphatic earth containing about 60 per cent. of tricalcic phosphate, the rest being earthy matter; this sample has been made about five days. Chas. Watt, Esq. 20 Mar., 1876.

3302. Is there any free ammonia in it? No, it is all fixed.

3303. Would it deteriorate in keeping? No.

3304. In what form is the ammonia? In the form of albumen, &c.; the phosphatic earth is not of the best quality or I could have produced a more valuable article; as it is I should say, judging from my experience, that it would be worth about £6 a ton. I reckon that the phosphatic earth used is not worth more than £5 a ton, so that a margin would be left.

3305. What do you do with the water? That is evaporated.

3306. Would this process require expensive appliances or machinery? Oh, no.

3307. And it would not create a nuisance? No, and the preparation in this state would allow of the addition of a good deal more blood. I would have mixed more of it, but I went to the Abattoirs to get the blood myself in order to obtain it free from water, and I could only bring about 10lbs. in the cab with me.

3308. Would the addition of more blood increase its value? Yes. I have spoken to several persons in the city about it and have been strongly advised to recommend that tenders be invited to take the blood from Glebe Island, and I have reason to believe that if that were done persons would take the matter into consideration.

3309. *Mr. Moriarty.*] Do you think they would be prepared to take it away at their own cost? I have no doubt they would if they had the certainty of having it for a long period; they will not go into the thing for a short time only. At present it is costing the Government, even at the reduced expenditure, about £30 a week.

SATURDAY, 25 MARCH, 1876.

Present:—

HON. J. SMITH,
W. C. BENNETT, Esq.,
F. BELL, Esq.,

HON. J. B. WILSON,
E. O. MORIARTY, Esq.,
DR. ALLEYNE,

M. B. PELL, Esq., B.A., IN THE CHAIR.

Messrs. Edwin Godfrey and Edward Drew called in and examined:—

3310. *Chairman to Mr. Godfrey.*] We received a letter from your firm offering to take a lease of the Government land at Webb's grant, Cook's River, for the purpose of receiving and dealing with night-soil? Yes. Mr. E. Godfrey. 25 Mar., 1876.

3311. I suppose you would not take this land unless you were sure that a certain quantity of it would be delivered to you? We should like to have the whole of the night-soil taken out of the city and suburbs.

3312. Of course you are aware that it will be impossible to deliver it on Webb's grant until some approaches are made to the river, so that it can be taken across by punt? Yes.

3313. I suppose about 30 tons a day, which is about the quantity taken away, would be sufficient for you to deal with? Yes, we should like to have it all.

3314. I suppose it is no secret—the way you propose to treat the night-soil? Oh, no.

3315. Will you tell us what the process would be? We should dry it by fire, in a kiln, and then screen it.

3316. You are aware that it contains a very large quantity of liquid? Yes.

3317. And that in drying it in this way a large quantity of vapour would be created, which would carry off some of its most valuable properties? We should prevent that by other means.

3318. You would not allow the vapour to escape? No.

3319. In order to distil 30 tons a day, for that is what it would come to, you would require very expensive appliances? Yes.

3320. Are you in a position to give security that you would do this without creating an excessive nuisance, and you would continue to do it; as it would not be worth while for the Government to go to the expense of making these approaches unless they had some guarantee that your undertaking would not fall through? There is not the slightest doubt that we can receive it and deal with it; there would be no difficulty about that. 3323.

- Mr. E. Godfrey.
25 Mar., 1876.
3321. You are prepared to incur the necessary expense? Yes.
3322. You would not propose to utilize any of the night-soil on the spot? No, the soil is not fit for it; we could do nothing at all with it; there is no water there of any kind, and in a dry season, or at any time during the summer, we could do nothing with that land.
3323. You could do nothing with it for want of water? For want of water. That swamp known as Muddy Creek is all dry now, and there is nothing but the tide goes into it; there is not a drop of fresh water from there to Sandringham.
3324. How long would it take you to make your preparations, supposing an arrangement were arrived at? About six months.
3325. You would be ready before next summer? Yes.
3326. Would the 20 acres of Government land on Webb's grant afford you sufficient room? That would be hardly sufficient.
3327. *Hon. J. B. Wilson.*] How much would you require? We should want at least 50 or 60 acres.
3328. *Mr. Moriarty.*] Do you intend to utilize the stuff or to sell it? To sell it.
3329. *Chairman.*] In a dry form? Yes.
3330. You could not undertake it unless you had 50 acres? No, not less than 50 acres.
3331. How would you propose to approach the place to get your own materials there? Well, if a punt and approaches were provided certainly we should use them, but under present circumstances we should go by the West Botany Road.
3332. You could get there as it is at present? I think so; there is a road across Muddy Creek I believe.
3333. *Mr. Bennett.*] What length of lease would you want? Twenty years.
3334. Have you been engaged in this sort of thing elsewhere? Yes, I have a large boiling-down establishment there now close by this place.
3335. But have you ever been engaged in this particular business? No, but I have a person with me who has.
3336. Engaged in this business in Europe? Yes.
3337. You state that the soil is unsuitable for utilizing the night-soil on the spot for want of water, but I presume that objection would not apply to sewage, which would convey its own water? No.
3338. You think you could utilize it then no matter how dry the sand might be? Yes.
3339. You think that sand, however hungry, is suitable for utilizing sewage for cultivation? I do not care what land it is; if you have sufficient moisture you can produce crops.
3340. Supposing this land were leased to you for twenty years and that the Government, instead of delivering night-soil, conveyed the sewage to you by ducts, would you manage to deal with it in the same way as the night-soil? Yes, we would.
3341. You would not consider it an infraction of your lease if sewage were sent to you instead of night-soil? Not instead of the night-soil, but with the night-soil.
3342. *Dr. Alleyne.*] In the event of its being brought to you by sewer instead of by cart, could you deal with it equally well by your drying process? We should use a different process for that.
3343. *Mr. Moriarty.*] Have you made any calculations of the expense of drying, say 4,000,000 or 5,000,000 gallons of sewage per day? No, not as far as sewage is concerned—only with regard to nightsoil.
3344. *Chairman.*] You would be prepared, I think you told me the other day, to receive the blood and other refuse from the Abattoirs, if the Government thought fit to send it to you? Yes.
3345. You are aware that blood contains much more valuable ingredients? Yes.
3346. Perhaps the Government might expect you to pay something for that if it were brought to you, as it is far more valuable than night-soil? We have not considered anything requiring payment.
3347. Would you know how to deal with it? Yes.
3348. Dried blood is said to be worth its weight in guano? So I believe, sir.
3349. *Hon. J. B. Wilson.*] With reference to your answers to some questions asked by Mr. Bennett about pure sand with moisture growing anything—are you aware whether pure sand by filtration will separate soluble organic matters from sewage? I do not exactly understand you?
3350. You stated just now that moisture and manure would cause pure sand to grow anything? So it will.
3351. Well, supposing you put sewage on to pure sand, in order to convert it into a sewage farm is there anything in the sand that would separate the soluble organic matter so as to utilize it? No, I don't think so.
3352. Are you not aware that pure sand, such as the sand on the shore, when used for the purpose of a sewage farm, is apt to become very offensive;—have you had any experience of it? No; I have had experience in gardens. I have a man now in my garden utilizing the offal from my boiling-down establishment, and as I said before if we have moisture we can make the ground productive; the pure sand will absorb all the liquid you can put on to it.
3353. Will that pure sand not become fetid and offensive? No.
3354. *Chairman.*] Have you tried it yourself? Yes, we have tried it with refuse from my boiling-down establishment.
3355. *Hon. J. B. Wilson.*] I am talking of the sewage with which the dry sand would be saturated;—have you had any experience of sewage farms? No, not as regards sewage.
- Mr. E. Drew.
25 Mar., 1876.
3356. *Hon. J. Smith to Mr. Drew.*] You propose to prepare a dry manure for sale? Yes.
3357. And you say that in drying it you can retain all the valuable volatile matter? Yes.
3358. Have you evidence that there will be a profitable demand for this dry manure? Perhaps not in this Colony, but we have evidence that it will be a profitable investment to ship it to New Zealand.
3359. The profit would depend largely upon the amount of water you would have to dry off? Yes.
3360. I imagine that the process you would adopt for dealing with manure delivered in carts would not answer for the liquid manure conveyed in ducts? Oh no, decidedly not.
3361. But you see your way to deal with them both? Yes.

MINUTES OF EVIDENCE

TAKEN BEFORE

THE SYDNEY CITY AND SUBURBAN SEWAGE AND HEALTH BOARD.

WEDNESDAY, 29 DECEMBER, 1875.

Present:—

HON. J. B. WILSON,
F. H. GRUNDY, Esq.,
R. B. READ, Esq.,

DR. ALLEYNE.

F. BELL, Esq.,
W. C. BENNETT, Esq.,
E. O. MORIARTY, Esq.,

M. B. PELL, Esq., B.A., IN THE CHAIR.

Messrs. York and Walsh's Establishment at Glebe Island.

Messrs. Alleyne, Grundy, and Bell examined in their places:—

1. *Chairman to Dr. Alleyne.*] I believe you have recently visited, in company with the other members of the Committee appointed for the purpose the boiling down or rendering establishment of Messrs. York & Walsh at Glebe Island? Yes.
2. Did you find it in a cleanly state? Very much so indeed.]
3. Did you find anything offensive in any way connected with it? Nothing at all; there was no smell upon approaching the place, and even when standing over the wooden gutter intended to carry off the refuse, which was the objectionable feature when I visited the place some months ago, we experienced no offensive smell. The place appeared to be particularly clean, and so far as the sense of smell is concerned there was nothing to complain of.
4. You noticed a marked improvement since your previous visit some months ago? Yes, very great.
5. On the former occasion there was a bad smell? Yes, and not only a bad smell but there was a lot of refuse—solid matter—in the wooden trough which carried the water from the machine into the harbour; that was all cleared away on this occasion.
6. It is then your impression that it is at any rate a matter of doubt whether they have not succeeded in abating the nuisance altogether? Yes.
7. When you made your first visit last week you were expected by the proprietors? Yes.
8. And you made a second visit yesterday, when they did not expect you? Yes.
9. And did you find it then in as clean and inoffensive a condition as on the first occasion? Yes.
10. And everything about the place equally clean? Yes.
11. I wish to know whether it is your impression that it is at all events worthy of consideration whether they have not succeeded in abating the nuisance altogether? I have no doubt they have succeeded in abating it to an enormous extent.
12. What I want to arrive at is whether you think they have abated the nuisance sufficiently to justify us to go on with the inquiry, with a view to ascertain whether or not we should recommend the Government to allow the establishment to remain there? I think you will be better able to judge when you have examined Mr. Walsh, who is more competent to explain to the engineers on the Board exactly how his machinery works. As far as I could see everything seemed to be perfectly clean and harmless.
13. *Chairman to Mr. Grundy.*] Do you concur with what Dr. Alleyne has stated? Quite so, so far as one visit would allow me to judge. I may mention, however, in reference to your remark that the visit was expected—that Mr. Bell and I followed the course of the trough down to the harbour, and that there was no sign of *débris*, which there must have been in any case if it were allowed to escape that way.
14. *Chairman to Mr. Bell.*] Do you concur with what has been stated? Yes, and I may state that on the previous Friday I had occasion to go over to Glebe Island in company with Mr. John Russell, and that we then examined the whole of the premises, and found them quite as clean as on the day when the members of the Committee visited by appointment. There was no smell whatever, and with the new machinery they have now in use the fumes from the boiling, instead of being allowed to escape as before, are carried down and consumed in the furnaces.
15. *Dr. Read to Mr. Bell.*] Is this wooden trough lined with anything? No, the water is pumped into a reservoir to a sufficient height above the tanks to allow it to run down.
16. *Chairman to Dr. Read.*] I believe you have some knowledge of the process adopted of rendering fat? I have.
17. Will you be good enough to explain the difference of rendering and boiling down? The term boiling down applies when whole quantities of sheep are put into the digester; that includes bones, meat, and everything. The sheep is simply slaughtered and skinned, cut into suitable pieces, and thrown into the digester.

Messrs.
Alleyne,
Grundy, and
Bell.

29 Dec., 1875.

Messrs.
Alleyne,
Grundy, and
Bell.

29 Dec., 1875.

18. Suppose you were to take the ordinary refuse from the Abattoirs, not the fat only but the refuse, would you call that boiling down or rendering? That would be rendering.
19. I am informed that at Messrs. York and Walsh's establishment they do not put the whole carcase in, nor the bones or waste, only the fat? No, only the fat.
20. That is a third term? Yes.
21. But I suppose there is a considerable quantity of matter which does not turn into fat? Yes, the membranous tissues which contain the fat—what are made into greases.
22. Do you know from your own knowledge what the process is which is carried out at Messrs. York and Walsh's establishment? No, I have not seen it myself.
23. Do you know whether after the fat has been put in, any water is put in with it into these cylinders or digesters? No. The steam passes into the cylinder.
24. But no water? No.
25. And of course the steam condenses to a certain extent? Yes.
26. Do you know how often it is necessary to draw off the water which accumulates below, and is required to float the tallow to a sufficient height? That depends in a great measure on the engine power.
27. In ordinary boiling-down arrangements does not what is called the soup liquor create an intolerable smell when it is let off? Not in all cases. When I visited the works on Miller's Point the smell was not offensive, but there was a smell as if cooking was going on.
28. But is it not a fact that in very many cases the smell is excessively offensive? There are certain parts of the process of rendering, especially where there are bones, which come in contact with the fire and get charred, when there is a very offensive odour.
29. Does it not depend in a great measure upon the time the material is kept, and also upon the state of the weather, whether the refuse is offensive? Yes; and if it is kept too long the tallow itself will be offensive.
30. From what you know of rendering or tallow melting establishments, do you think it possible that operations, such as have been carried on at Glebe Island, can be conducted so that at the time of drawing off the liquor no offence will be caused to the residents in the locality? With the greatest care I think it is possible.
31. Is not the time of drawing off the liquor the time of all others in the course of the operation when a nuisance would be most likely to arise? Yes.
32. And especially in hot weather? Yes.
33. *Dr. Alleyne.*] As far as I could understand the process from the description given to me, the steam is introduced into the cylinders, and the substance from which the tallow is extracted floats on the top of the water, which allows the tallow to run off. Then between 5 and 6 o'clock in the morning on each day they let the water off. There is a trap-door at the bottom of the cylinder, the water goes out through a sort of rose, and the residue from which the fat has been extracted—what doctors would call the sediment—subsides at the bottom of the cylinder. Then they open a trap door at the side, take it out, and sell it. I have never seen that part of the operation carried out, but that is the way it is done.
34. *Chairman to Dr. Alleyne.*] You visited an establishment near Glebe Island, I believe, where whole carcases of sheep are boiled down. Did you find anything offensive connected with the operations there? No, there was no offensive smell, but there was something to which I objected to there. The place was quite as inoffensive as this room as far as smell is concerned, but the vats had recently been emptied, and the contents were lying about the place. I was told that this stuff was regularly taken away each day by a man who bought it. It was quite as fresh as any meat in soup, but a certain amount of the solid refuse was going into the harbour, and that I think was very objectionable.
35. Solid and liquid matter together I suppose you mean? Yes.
36. If fresh carcases were taken there and boiled down immediately, it would take a certain number of hours before the refuse would become offensive? I dare say it would be inoffensive for forty-eight hours—certainly for twelve hours. Still I think there ought to be some regulation under which it should be immediately removed. It ought not to be left to the men, because they might leave it for twice or even three times forty-eight hours.
37. *Chairman to Dr. Read.*] Is there anything gained—any useful quality of tallow, useful for particular purposes, obtained by boiling down whole carcases of sheep? None at all, and it does not pay commercially to boil down whole sheep unless the proprietor can fellmonger as well.
38. I was under the impression that some particular tallow might be obtained? No. Perhaps the tallow might be somewhat brighter; there is a distinction between boiling down tallow and Island tallow, which is from the inside fat.
39. *Chairman to Dr. Alleyne.*] Did the other members accompany you when you visited Alston's establishment? Yes.
40. *Chairman to Mr. Grundy.*] Do you concur in what Dr. Alleyne has stated? Yes, entirely.
41. *Chairman to Dr. Bell.*] Do you also concur with Dr. Alleyne? Quite so.
42. *Hon. J. B. Wilson to Dr. Alleyne.*] Are any other works carried on there besides tallow rendering? Yes, the manufacture of soap.
43. *Chairman to Mr. Grundy.*] How far is this establishment from the Abattoirs? About a short half-mile I should say.
44. Do you think the residents at the Glebe Road could tell if they experienced an offensive smell, whether it came from Glebe Island or from Alston's establishment? No, because certain winds would carry the smell in certain directions.
45. There is no such great disparity in the distance? No certainly not.
46. *Hon. J. B. Wilson to Dr. Alleyne.*] Do you think the manufacture of soap at a boiling-down establishment tends to aggravate the evil? I do not know why it should.
47. Is not the soap refuse from a manufactory offensive? It may be more offensive, for the fat used is of an inferior quality.

Mr. J. Walsh.

Mr. John Walsh called in and examined:—

29 Dec., 1875.

48. *Chairman.*] I believe you are a partner of York and Walsh, carcase butchers? Yes.
49. And you have something to do with the rendering establishment at Glebe Island? Yes.

50. I understand that the last few months you have made certain improvements in the working of that establishment with a view of preventing the nuisance which has been complained of so much? Yes, we have. Mr. J. Walsh.
29 Dec., 1875.
51. Will you be good enough to explain the nature of the improvements you have made? We have put in another digester, so that the fat can be put in immediately—it is brought from the Abattoirs. Then we have attached an extra pipe to the discharge pipe at the top which comes down under the fire, so that all the bad fumes go into the furnace and are consumed.
52. I understand you to say that you have now appliances which prevent any accumulation of fat on the premises? Yes. We never have any the second day; even the fat which comes in on Saturday morning is rendered on Saturday night.
53. You do not have any animals boiled down whole at your establishment? No; on one occasion there might have been fifty sheep boiled down, but that was the only occasion.
54. Do you put any water in with the fat? No, only steam, which makes a certain amount of water.
55. Do you frequently draw off the tallow which accumulates, or at intervals? We draw it off every day.
56. Only once a day? Only once unless there is more than one boiling in the day. The three large digesters will hold I suppose from six to seven tons of tallow. Occasionally, say twice a week, we have to run it off twice a day, but this does not occur more than twice a week.
57. Before drawing off the tallow do you introduce water into the cylinders? Yes. After the fat is rendered down and allowed to settle for a short time the water is let in and of course it raises the tallow up and then we run the tallow off.
58. And then you have to run the water off afterwards? Yes.
59. Where does it go to? Straight into the harbour.
60. I understood from Dr. Alleyne that it was received into a tank in the first place? Yes, it goes first into a tank.
61. And I suppose you get some additional tallow there? Very little.
62. What is the object of that tank? It has a small perforated rose through which the water escapes, so that nothing but water can go into the harbour.
63. Where is the refuse taken from—it does not go out with the water? No, we sell that to a person who comes and takes it away.
64. And what time do you run the tunnel off? In the evening.
65. And the water? Immediately after the tallow.
66. At what hour? That depends upon circumstances,—as soon as we have finished work.
67. I understood it was a practice to let this water run off between 5 and 6 o'clock in the morning? That depends upon the time the operation is completed; sometimes when the tallow is not quite settled or fit to run off it is allowed to stand till the morning.
68. I have been informed that in boiling-down establishments an excessive nuisance is created when this water is run off, and therefore it is the ordinary practice to run it off during the night? There is no comparison between boiling down and rendering.
69. Is that the practice in boiling down? Yes, there is a lot of offensive matter in boiling down.
70. But it is not the practice in your own establishment? Not at all.
71. And you can draw off the water immediately without causing any offence to persons passing by? Yes; you would experience no offensive smell even if you were standing close by while it was being drawn off.
72. There can be no doubt that a good many complaints have been made—I do not say within the last few months—of the offensive odours proceeding from your establishment at Glebe Island. Do you think that nuisance has been entirely removed by the steps you have taken? I think so; we do a very large business, and as two digesters were not sufficient to receive all the tallow we have had another and a very large one provided.
73. So that the tallow is not allowed to accumulate under any circumstances? No, and the exhausted steam which was formerly allowed to escape, and which was no doubt a great nuisance, is now consumed in the furnaces. We have also added about 50 feet to the chimney stack, which in itself would remedy the evil.
74. And the solid refuse which is taken from the digesters is immediately removed? Yes, immediately it is taken out.
75. How long would it take for the refuse to become offensive if it were allowed to remain on the premises? It would soon become offensive, but the refuse is only a trifle altogether; in fact a wheelbarrow would take away all the refuse from a day's work.
76. It would become offensive in twenty-four hours, I suppose? Oh yes it would; but it is not allowed to remain under any circumstances, even for an hour.
77. It is taken away immediately? Yes, because we have always a large number of horses and carts on the premises, and if the person who buys it of us does not take it away at once we send it away in one of our own carts.
78. You have no regular time for drawing off the water? No, it takes a certain time to render the fat, and the men are not always very regular in their hours. Sometimes we cannot get the fat from the Abattoirs until very late. It depends a great deal upon the rush of work; sometimes we do not get the fat until 6 or 7 o'clock at night.
79. Suppose you were told that the arrangements you have made were such as to justify the Board in recommending the Government to allow your establishment to remain, what guarantee would you give the Government or the public that no negligence would occur by which a nuisance would be created at some future time—I do not mean a money guarantee, but what safeguard would there be for the public? It would not suit us to create any nuisance, because our interest would suffer; we carry on a very large business; we rent four of the slaughter-houses at the Abattoirs, and we should injure our own interests by allowing any nuisance to exist on our premises.
80. You mean that you have a direct interest in preventing any nuisance of the kind? Yes, most decidedly we have.
81. You are aware I suppose that a large number of the residents in the neighbourhood are very much impressed with the fact that your establishment is a nuisance and are anxious to have it removed? I do not

J. Walsh. not think so; in fact I am positive it is not the case. I am sure that if the question were brought before the public a very large number of the residents would certify to the fact that it creates no nuisance whatever.

29 Dec., 1875.

82. Is there any other nuisance on the Island, independently of your establishment—anything which is a serious nuisance to persons passing along the road—anything in the way of offensive smells? Well, the Government have lately been making experiments with the flooring of the slaughter-houses—they have taken up the flooring of one of them which I occupy, and there has been a very offensive smell from the Abattoirs lately.

83. But that is an exceptional matter—Is there anything further than that at the Abattoirs which is offensive to persons passing by? There might have been some time ago, but the Abattoirs are much better managed now, and there is a great deal more care taken; and fresh water which is much better than the salt.

84. About four or five months ago there was an indisputable nuisance there; there was such an offensive smell that people going by in omnibuses had to take out their handkerchiefs and hold them to their noses;—from what cause do you think that arose? Perhaps some of the heads might have been left on the premises.

85. You do not think that nuisance occurs now? No, because things are much better managed there now; there are two extra men employed. Care is taken that none of the offal is left in the back yards.

86. What is done with the manure now? It is taken away regularly now by the Government in carts.

87. You are frequently at the Abattoirs yourself, I suppose? Yes, almost every day.

88. Are the arrangements for preventing the blood from going into the harbour carried out thoroughly? I would not say they are carried out thoroughly.

89. Is all the blood prevented from going into the harbour? Some of it, I believe, goes into the harbour, particularly the blood from sheep.

90. How is that? There are no arrangements for catching the blood in the mutton slaughter-houses the same as are provided in the beef-houses.

91. What sort of arrangements? Small tanks are provided in the beef-houses to catch the blood, and then it is taken away in carts.

92. It goes on to the floor in the first place does it not? Yes.

93. Do you think all the blood is taken away at the beef-houses? Yes, I think so, but not at the mutton-houses.

94. They have not the proper appliances there? No, they are not completed.

95. Have they carts enough to take away all the blood? That will depend upon the distance it has to be taken; it is carted away now to the Garryowen Estate.

96. *Dr. Alleyne.*] You stated that an offensive smell had arisen from the flooring of one of the houses occupied by you, which had been disturbed? Yes.

97. That was simply from the fact that the porous sandstone with which the house was originally floored had become so saturated with blood and offensive matter that as soon as a pickaxe was struck into it an offensive smell was emitted? Yes, and independent of that it never was properly laid down, and no cement was put between the joints. But that was not the worst place; the worst place was the pithing-pound, which was floored with wood, and underneath this floor the blood accumulated and was very offensive; that has all been taken up now. There has been a great deal more business done in the house I have been using where the flooring was broken, which is perhaps the reason; in the mutton-houses, where there has not been so much business done, there is no smell because the flooring is not worn out.

98. *Mr. Moriarty.*] You stated, I think, that some of the refuse was taken away in your own carts? Yes.

99. Where is it taken to? It is taken to a man who makes bone-dust.

100. *Hon. J. B. Wilson.*] Do you boil down any tallow except from your own sheep and bullocks? We buy all the fat from the retail butchers—at least nearly all, with one or two exceptions.

101. Do you think the arrangements which the Government are making to collect the blood will be effective? Yes, I think they will be very expensive but effective.

102. Do you think they will give satisfaction to the people who use the Abattoirs? Well, I don't know so much about that; there was far less trouble before when the blood was allowed to run away into the harbour.

103. *Chairman.*] Could you give us any advice or suggest any improved plan which could be adopted for the disposal of this blood—anything which would facilitate the arrangements? No, the arrangements for collecting the blood are very good, and it is a very valuable article if it can be collected.

104. It was recommended by the Committee who visited the Abattoirs that the blood should be caught at once from the necks of the animals which, we were told, is the practice in European towns? I do not see how it is to be done.

105. Have you ever seen it done? I have never seen it done, and I have had a great deal of experience in these matters.

106. Have you had any experience out of the Colony? Yes, in New York; I have always seen it go on to the floor.

107. What is the final destination of the blood in America? It is saved for manure, and that is done here in some private slaughter-houses. For instance, Mr. Davis had one at Petersham, and he saved the blood and by using it as manure on that hungry looking red hill at Petersham he has improved the ground so that it will grow anything.

108. That is what it is generally used for in America—they do not allow it to run into the harbors or watercourses there? No, I have never seen it.

109. Don't you think it a barbarous thing that we should have suffered it to run into our harbour so long? It certainly looked very bad to see all the shore red with blood from the Abattoirs.

110. I will just ask you a few questions on a different subject: It is advocated that slaughter-houses should be established for small goods. I think they call them—for the slaughter of lambs, sucking-pigs and calves. Will you state what is your opinion on the subject? My opinion is that it would be a great advantage. I have been almost all my life a butcher, and for twenty-three years a butcher in Sydney; and I know from experience that men who have a business in town will not take a lamb to Glebe Island to have it slaughtered.

111. As a matter of fact they are slaughtered in Sydney? As a matter of fact ninety-nine out of every hundred are slaughtered in the city.

112. A lamb slaughtered at the Abattoirs would not produce good meat if it were carted into town would it? I don't believe it would; you could hardly present it to your customers. Mr. J. Walsh.
113. Is it the same with veal? Yes, to a certain extent. The way they slaughter the calves now is a great farce; they bring them to Glebe Island and slaughter them, and take them home to dress them. 29 Dec., 1875.
114. It is not legal is it to carry the refuse away? Oh they take the inside out, but they leave the hide on; they simply bleed the calf and take the inside out, and take it home to dress.
115. I suppose the meat carries better with the hide on? No, if a calf is dressed at once it will keep a day longer than if it is left for a time with the hide on.
116. We know that the greater number—in fact almost all the calves and lambs are slaughtered in the city, and the authorities are unable to prevent it? They cannot do it.
117. And, therefore, if an authorized slaughter-house were established and placed under stringent regulations there would be less chance of any nuisance arising? I think so if there were slaughter-houses for lambs in the city; I don't believe there is one butcher who takes his lambs over to the Island to slaughter; for there is hardly a pint of blood in a lamb.
118. You think one establishment in a central situation would do? Yes.
119. For lambs, sucking pigs, and calves? Yes.
120. Do you think that would meet with public approval, or do you think there would be an outcry against it? That I do not know.
121. Do you think such an establishment could be carried on in the city without creating any nuisance? I think it could very easily.
122. Even in hot weather? Even in hot weather; the only difficulty would be that some persons might bring sheep to be slaughtered and say they were lambs.
123. Do you think there is anything objectionable in the way meat is frequently carried by the butchers in open carts and insufficiently covered over? Yes, it is sometimes very objectionable, but if the men get clean cloths they dirty them in the course of an hour.
124. That is done generally by the retail butchers I suppose? No, as a rule it is done by the carcass butchers,—by me and others like me.
125. What arrangement would you substitute for the proper transfer of meat;—would you suggest any different arrangement—any particular kind of cart? I think if we were to adopt the kind of cart the butchers have in Melbourne it would be a great improvement.
126. Are the carts used in Melbourne covered carts? Yes.
127. Do you think it is desirable to have close carts for the purpose? They are not close carts although they are covered; the fore-quarters lie in rows in front and the hind-quarters are hung up.
128. Do you think the use of such carts should be made compulsory? I think it would be a great improvement.
129. You think that meat carried in that way arrives at the butchers' shops in better condition? I don't know that it arrives in bad condition as it is, but that would certainly be an improvement. It might not be so acceptable to the men directly interested in the trade, but the meat carried in those carts would not be so unsightly as it is now.
130. You think then that the chief objection to the present mode of conveying meat is its unsightliness? Well, in hot weather it is not very good for the meat; for instance, a man may start with a lot of meat from Glebe Island and have to go round the town, stopping perhaps two or three times at public-houses on his way, when the meat is left in the sun.
131. Are there any regulations for carrying the meat under which any person using dirty cloths or a dirty cart can be summoned? Yes.
132. Have you had any experience of the effect produced upon carcases carried for any distance by rail by the vibration of the train? Yes, I was interested in a slaughter-house at Duck River for some years.
133. Did you find that the transit by train produced any effect upon the meat? Yes, it did not keep so well.
134. You are satisfied of that? Yes.
135. Coming from that short distance only? Yes; coming from that distance in many instances it would not take the salt. It is all right enough if you want it for immediate consumption, but not if you want to cure it. Sometimes the meat would be left for half-an-hour or more on the line. I have seen it kept there not once but often, and then it is jammed into the trucks and very roughly handled.
136. Do you think if it were put into vans properly constructed and ventilated and hung up in them and carried by rail for 50 or 60 miles that the vibration of the train would make any difference in the meat? The ventilation would make all the difference; the vans we used to have had no ventilation at all.
137. Do you think it would be objectionable to have Abattoirs 50 or 60 miles from Sydney? I think so. I know from experience what meat killed in these outside abattoirs is when brought down by train. It is rushed into the vans in order to catch the train and cut down before it has had time to cool in nine cases out of ten, and then it will never set, and it never has the same appearance.
138. But if all that were done systematically and under regular management and the meat allowed to set, would there be any objection then to have the Abattoirs at a distance? If you could manage to do that, but it is what we could never manage to do.
139. You do not think it would be practicable? No, I do not think it would answer.
140. Would it not be better to have the Abattoirs somewhere where there was better feed and water for the cattle, so as to prevent their being driven so far? The driving is the great objection.
141. In that respect then it would be an advantage to have the Abattoirs on the other side of the mountains? Yes, in that sense; sheep suffer more going over the mountains than all the rest of the journey put together.
142. *Mr. Grundy.*] Why was the steamer discontinued which used to bring your meat down from Newington? It did not pay; we found the Abattoirs on the Island better suited to our purpose; we are boiling down there.
143. *Mr. Bennett.*] Which road do the drovers take from Bowenfels chiefly? The Western Road above the mountains; the great objection to the other road is the number of gates.
144. What is the objection to the Mount Tooma Road? The scarcity of feed. Going that way in the winter time you would find a difficulty in getting your stock through.
145. *Mr. Moriarty.*] You are aware, I suppose, that a good deal of the meat supplied to London is killed out of town and brought in by train? I never was in London in my life.

- Mr. J. Walsh. 146. *Chairman.*] You have had some experience in New York? Yes, I was reared there.
 147. Do they bring their meat into New York by train? Yes, a good deal of it from Goshen and other places; but in the summer time they bring the cattle down by train.
 148. They do not bring the meat after it has been slaughtered down by train? Very rarely.
 149. *Hon. J. B. Wilson.*] And how far are the slaughter-houses from the city of New York? About 14 miles I think.
 150. In what direction? Up the Hudson River, northwards.
 151. *Chairman.*] Is any of the refuse allowed to discharge into the river? No; but it is very different there, the tides are so strong.
 152. How is the meat brought into the city? In covered pair-horse wagons; you never see any carts there.
 153. Are the butchers in New York under the inspection of the authorities? Yes, under regular inspection by the municipal authorities.
 154. Are the Abattoirs public property? Yes, they belong to the Municipal Council.
 155. Do they allow any private slaughtering establishments? Yes, several—not immediately in the city but close to it.
 156. Are they inspected? Yes, very carefully, all of them. In Birmingham, in the State of Connecticut, they are all private establishments.
 157. And all under inspection? Every one of them.

MONDAY, 14 AUGUST, 1876, A.M.

Present:—

Hon. J. B. WILSON, | H. G. ALLEYNE, Esq., M.D.,
 B. PALMER, Esq.

M. B. PELLE, Esq., B.A., IN THE CHAIR.

Benjamin Palmer, Esq., Mayor of Sydney, examined in his place:—

- B. Palmer, Esq.
 14 Aug., 1876. 3362. *Chairman.*] We are going to enter upon a short inquiry into a subject upon which we have already taken some valuable evidence—that of slaughtering in the city—and shall be glad to hear your views on the question. It appears under the existing law to be practically impossible to prevent the slaughtering of small animals in the city;—are you aware that this is the case? I am.
 3363. I think I may say that it is the opinion of the Board, so far as members have expressed themselves on the subject, that this practice might and ought to be put a stop to by more stringent legislation; that additional powers should be conferred, so that whether the slaughtering of these animals is done in the city or elsewhere, it should not be done clandestinely as at present, but under proper supervision;—is that your opinion? It is.
 3364. What do you think is the opinion of the inhabitants of Sydney generally in respect to this matter,—that the slaughtering of the smaller animals should be allowed in the city or not—I mean small animals, such as calves, lambs, and sucking pigs? I think I can best answer that question by reading a report, made at my request by the Inspector of Nuisances, which I believe embodies the views of the City Council. [*Report read as follows*]:—

The Inspector of Nuisances to The Mayor of Sydney.

Office of Inspector of Nuisances,
 Town Hall, Sydney,
 29 July, 1875.

Sir,

Referring to the petition of Mr. Playfair, on behalf of the Butchers' Association of the City of Sydney, I have the honor to report that it is imperatively necessary that some steps should be taken to endeavour to stop the practice of killing lambs and calves on the premises of the butchers of this city. Even with the exercise of the utmost vigilance but few cases of private slaughtering can be detected out of the hundreds of constant occurrence. About 30,000 lambs and calves are annually sold in the city, of which about 1,000 only are slaughtered at the Abattoirs, the rest being killed privately on the butchers' premises.

To remedy this evil I beg to state that in my opinion the proposal to erect premises on the vacant land at the foot of Market-street west is very judicious, but the butchers should be compelled to slaughter there only and at no other place, and it would be advisable to pass a by-law prohibiting butchers under heavy penalty from keeping on their premises any living animal used as food for man; otherwise the evil now existing will never be eradicated.

Most suitable premises can be erected on the piece of land referred to, and the sole control of the same should rest with the City Council.

At the north-east corner of the vacant land is a piece of ground considerably elevated above the rest, on which a shed can be erected, the floor of which should slope towards the centre, where a cesspit can be so constructed as to receive all the offal and refuse. This cesspit should communicate with the outside by means of a covered drain with shoot and trap-door, and its contents discharged into carts brought up close under the building on opening the trap for that purpose. Thus all dirt will be avoided, and the place can at all times when necessary be well flushed and kept sweet and clean. The building should be sufficiently large to allow thirty men to kill at one time, and pens provided for fifty lambs and fifty calves.

I am informed that the cost of slaughtering a single lamb or calf at the Abattoirs is 1s. for the former, and 1s. 3d. for the latter.

By levying a charge of 4d. per head, being 1d. per head in excess of the proposal made in Mr. Playfair's letter, an annual sum of about £500 will be realized, which will be a handsome return for the outlay on such premises as will be required.

The adoption of such a measure as I have above proposed will, no doubt, tend to stop the evil now so prevalent, and of which so much disapproval is expressed.

I have, &c.,
 R. SEYMOUR,
 Inspector of Nuisances.

3365. Do you think it would be a popular or an unpopular measure to allow the slaughtering of these animals to take place in the city under proper supervision;—is it likely do you think that there would be any outcry against it? No; I think it would give general satisfaction.

3366. It has been stated by butchers and others that if these animals, which I believe are called "small goods," are slaughtered outside the city, they cannot be delivered to customers in good condition? I am sure they cannot.

3367,

3367. I understand that during your recent visit to Melbourne you learned something of the mode in which slaughtering is carried on there; the practice in Melbourne I believe is to do it all outside the city? Yes; not very far from the city.

3368. Still at some considerable distance? The Abattoirs are not so far from the city as ours are.

3369. Are these small goods brought into Melbourne in good condition? Yes.

3370. The meat is in good condition? Yes.

3371. Is it thrown into the carts or hung up? It is hung up.

3372. Could not the same thing be done here? Well, the distance the meat has to be carted would be against it. I have spoken to several of our carcass butchers about having the meat hung up instead of being thrown into the carts. Only last week I visited the Abattoirs, and suggested to several of the principal butchers the desirability of adopting the improved plan in use in Melbourne. Here the meat—perhaps some twenty or thirty sheep—is thrown into a cart, covered over with a cloth not at all too clean, and taken away with one and sometimes two men sitting on it. That can be seen any day in the week, and the only answer you can get when you suggest any improvement is: "It would be too expensive."

3373. That is the excuse for every abuse in this city—it costs too much to remedy it? Yes; some more improved system is imperatively necessary. The supply of small goods to Sydney from various quarters is something fabulous. I received a letter to-day from Mr. Tait, in which he informs me that from the Illawarra District alone in the year 1874 the number of calves and pigs—

3374. Full grown pigs? Yes; the total number of pigs, calves, and lambs (there were very few lambs) sent to Sydney was 19,800. In 1875 there were only 16,500. Mr. Tait expresses his opinion that the falling off of the supply in 1875 was due to the dry season, and to the fact that many persons come across the ranges and buy up the stock. That shows what one district supplies—the Southern District of Illawarra, including Wollongong, Shoalhaven, Kiama, down to Merimbula. A great deal of discomfort and inconvenience are at present experienced by persons attending the sales of stock at the different sale-yards and wharfs of the City, the places being at all times very filthy, and during wet weather exceedingly unpleasant from their exposed state. There is no doubt that a central sale-yard would be a great boon to the frequenters of these sales. I find, on inquiry, that the average weekly sales of stock in the City at the sale-yards and wharfs have been 1,600 sheep, 380 lambs, 895 pigs, 490 calves, and 50 cows. These have been received from the following sources:—

	Sheep.	Lambs.	Pigs.	Calves.	Cows.
By Railway .....	.....	200	300	300	.....
A. S. N. Company's Steamers ...	600	50	150	40	.....
Illawarra Company's Steamers ...	.....	.....	120	120	.....
Caledonian Wharf .....	.....	30	200	30	.....
C. & N. E. Company's Wharf ...	.....	.....	50	.....	.....
H. R. N. S. Company's Wharf ...	200	.....	75	.....	.....
Other sources	800	100	.....	.....	50

This would amount yearly to the following numbers:—

Sheep.....	83,200
Lambs	19,760
Pigs	46,540
Calves	25,480
Cows	2,600

These figures do not include the number sent direct to the Abattoirs for slaughter, they merely represent the number sold within the city, at the wharfs and sale-yards. The number of all kinds of animals slaughtered at the Globe Island Abattoirs, per average week for the preceding six months, I find to be,—

Cattle	880
Calves	53
Sheep	6,000
Lambs	6
Pigs	360

which will show that there must be a good deal of clandestine slaughtering. We have no knowledge of what animals, or what numbers come coastwise or by rail, which may be slaughtered here. Persons attending the sales meet with a great deal of discomfort from the filthy state of the places at which they are held; and the establishment of a central sale-yard would not only be a very great convenience to them but might be made to pay a handsome sum in the shape of market dues. The centre portion of the Belmore Markets would answer admirably for this purpose. It would necessitate little if any expenditure, and could be readily kept clean and sweet. The closing of the present sale-yards would also do away with some abominable nuisances which now exist.

3375. Do you think it would be desirable at all events to compel the butchers to use the more improved meat carts adopted in Melbourne? Yes I do.

3376. Do you think that would obviate the necessity of having the small goods slaughtered in the city? I think they can be slaughtered in the city without the slightest inconvenience to the public, and as a matter of fact they are slaughtered now.

3377. We are all agreed that the present system must be put a stop to. The question is, what other plan shall be adopted—slaughtering within the city under proper supervision, or outside the city? I think it should be done in the city.

3378. And you think that would be a popular measure—that no outcry would be raised against it? I think not, if it were done under proper supervision.

3379. Of course we suppose that? I do not mean that the blood should be allowed to go into the harbour for instance.

3380. No, the blood and offal must all be taken away? Yes. I may mention that the present mode of slaughtering small goods clandestinely on the premises is an undoubted nuisance. Mr. Seymour has made a good many efforts to detect persons in the act. In one case, by breaking a hole in the plaster, he saw a man killing a lamb in his bedroom, and they will do this even at the risk of detection. For instance, a butcher having a small trade, who kills perhaps only three or four lambs in the course of the week cannot afford to employ a man and horse and cart, to pay the toll, and to incur the loss of time required to take them to the Abattoirs to be slaughtered; it does not pay him to do so, and he prefers to take his chance of being fined.

- B. Palmer, Esq.
14 Aug., 1876.
3381. *Dr. Alleyne.*] If a man cannot keep up a proper establishment he ought not to set up as a butcher? But we cannot prevent him, and there are so many small butchers.
3382. *Hon. J. B. Wilson.*] The large butchers do the same thing? Yes, and it is especially the case with the small butchers, whose requirements for Saturday's consumption do not exceed about four lambs; they cannot spare the time to go backwards and forwards to the Abattoirs.
3383. *Chairman.*] If a butcher is too far from the Abattoirs he should buy the carcasses already dressed? Yes, but they will not do that. I am sure these small goods can be killed in the city, under proper supervision, without any nuisance being created. Mr. Driver, who has to appear for the Council to prosecute these men, has told me over and over again that there are only about two clauses in the present Act which would require to be altered. You may see every day in different parts of the city one or two calves going into a butcher's shop, and whether they come out again calves or veal it is pretty easy to guess.
3384. *Dr. Alleyne.*] At all events in advocating that the slaughtering of small goods should be carried on in the city, you do not advocate letting anything in the shape of blood or offal go into the sewers? No. I may say that we have in view a magnificent site at the foot of Market-street West, near Sussex-street, now used as a metal depot. The entrance from Sussex-street is about 20 feet below the street level, and if the floor of the slaughter-house were constructed with a depression towards the centre, carts could be made to go under it, and all the offal and filth could be discharged direct into them, and the place could be cleaned out every day.
3385. *Chairman.*] So that nothing in the shape of offal or refuse would be allowed to accumulate? No, I feel sure we could get plenty of market gardeners to take it away at once. Then there is plenty of water laid on along the street, and the place could be flushed and kept thoroughly clean.
3386. *Dr. Alleyne.*] But no blood should be allowed to go into the sewer? No blood should be allowed to go into the sewer at all.
3387. *Chairman.*] If the place were flushed of course a certain quantity would have to go into the sewer? Yes, the washings of course would have to go.
3388. Then of course it would be necessary that the City Corporation should have power to license the places, and they would require strong powers to enable them to put a stop to private slaughtering? Yes, the fact of having one of these animals on the premises should be sufficient for a conviction; the fact of a lamb, or pig, or a calf being found should be evidence of private slaughtering.
3389. Or the presence of the blood and offal? Yes, we frequently see animals going into a butcher's shop, which are never seen to come out again.
3390. The butchers themselves do not deny the slaughtering? No. Of course I would not be so strict as to say that a man is not to kill a sucking pig on his own premises; that would be drawing it a little too fine.
3391. *Dr. Alleyne.*] I would not even allow that. A man has no right to keep sucking pigs on his premises in the city.
3392. *Chairman.*] Would you allow a butcher to have a number of sucking pigs on his premises? No—I am speaking of private persons. The place I have referred to, at the foot of Market-street West, is suitable in every way; it has good drainage; can be well supplied with water; there are no dwellings near it, and it is close to one of the wharfs—it is near the Illawarra wharf, where such a number of pigs and calves, and lambs, are landed for city consumption, and contiguous to other wharfs.
3393. What would be done with these animals while they were waiting to be slaughtered? Well, all these small goods, as a rule, are sent to be slaughtered at a certain time, generally on Fridays for Saturday's consumption.
3394. But they must sometimes accumulate so that there are several days supply on hand? No, very rarely. They arrive here usually on Thursday, and are killed on Friday night, so as to be hung up for sale on Saturday.
3395. Of course any one might come and bid for them and take them away? Yes, that would be a matter of speculation. I think the plan I have suggested would be the means of preventing slaughtering on private premises.
3396. Can you tell me the date of the Slaughtering Act now in force? I cannot remember.
3397. It is an old Act, I believe, which was passed about the time the Abattoirs were erected? I think so.
3398. Supposing you could get the meat delivered in town from the Abattoirs in good condition, would you still think it desirable to slaughter the smaller animals in the city? Well you see lamb and veal must be dressed to please the eye as much as anything, and it is found that if it is carted for such a distance along the road it is not in a saleable state.
3399. Even if carted in improved conveyances? No; from the information I have obtained I understand that the butchers would rather chance the penalty than go such a distance.
3400. What is the difference in the distance the meat has to be carried in Melbourne—how much further is it than from Glebe Island to Sydney? I really cannot tell you the exact distance; the place was pointed out to me, but I did not go near it.
3401. The Melbourne abattoirs are considerably nearer? Oh, yes. The abattoirs in Melbourne belong to the Corporation, and everything is done under the inspection of their officers, and the meat is sent direct from the abattoirs to the meat market. They have no carcass butchers as we have here. At the sale-yards the animals are put up to auction in lots, of (say) 50 or 100 sheep or more, and bought by the butchers, who perhaps join together in buying a lot. The sheep are then sent to the abattoirs, and slaughtered under the inspection of an Inspector of Food, who sees that the meat is fit and proper for use, and then they go to the meat market, where any person can go and buy a pig or a lamb, or a side of beef or a sheep, which you cannot do here.
3402. But do not the butchers take the meat to their own shops? They can if they choose. But here a very different practice is adopted. The carcass butchers buy the cattle on the road, and the retail butchers purchase from them, and what with the agent, the auctioneer, the carcass butcher, and the retail butcher, the meat goes through four persons hands before it gets to the customer. Now in Melbourne the producer and consumer are brought much closer together in consequence of the establishment of this market sale-yard. In Melbourne if you have 100 head of cattle to sell, instead of employing an agent you can send them to the market.
3403. Now, supposing a man had 1,000 head of cattle in Melbourne, how would he dispose of them? He would never think of putting them up for sale in one lot. He would put up (say) 100, and several small butchers would join and buy them, so that his cattle would be sold in small lots at different times.

3404. One of the principal butchers here confessed that when sheep were so plentiful that the market price was likely to go down, they preferred to boil them down;—don't you think something should be done to remedy such a state of things as that? Yes.

B. Palmer,
Esq.

14 Aug., 1876.

3405. Don't you think the present system unduly favors the carcase butchers? I do. Now that we have got the Belmore Market, the auctioneers and the Butchers' Association have induced us to erect some pens there for the sale of calves and lambs so as to prevent them being exposed to the weather. We have only had three or four sales there, and now I see the auctioneers for some cause or other have risen the price from 2 or 3 to 5 per cent.

3406. You mean the fees for slaughtering? No; the charges for selling.

3407. What is the general opinion with regard to slaughtering—not, only in respect to small goods but to the larger animals? I have really not heard any general opinion expressed about it.

3408. I mean in a general way as to the continuance of the Abattoirs in their present position, or as to their removal to some other spot; many people think they should be established somewhere up the line? I do not think that is necessary if they are properly managed. I think, however, they should be under the control of the City Council.

3409. *Hon. J. B. Wilson.*] I find that the Slaughtering Act was passed in 1850, 14 Vic. No. 30, and it appears to me that its provisions already meet the case. Clause 2 states:—"And be it enacted that it shall not be lawful for any person to slaughter, skin, scald, or dress, or cause to be slaughtered, skinned, scalded, or dressed, any animal in any house or place within the limits, or reputed limits, of any city or town to which the provisions of this Act shall be extended as hereinafter provided, other than in such slaughter-houses or places for slaughtering as are now licensed and shall continue to be licensed under the provisions of the said recited Act. And every person who shall so offend shall forfeit and pay on conviction for every such offence any sum not exceeding £10?" Then you would have to fine the butchers every day in the week, because it is a very common thing to see calves hanging up with their skins on.

3410. *Chairman.*] The question is what is to be considered *prima facie* evidence of slaughtering; if you find a dead calf or the skin of a calf on a man's premises, he should be compelled to prove how he came by it? I think the present Act would work very well with a slight alteration. Mr. Driver has told me that only about two clauses would require amendment.

TUESDAY, 29 AUGUST, 1876.

Present:—

HON. J. B. WILSON,

DR. ALLEYNE.

M. B. PELL, ESQ., B.A., IN THE CHAIR.

Thomas S. Mort, Esq., called in and examined:—

3411. *Chairman.*] We are making some inquiries, Mr. Mort, as to the expediency of removing the Abattoirs from their present situation at Glebe Island, and of course we could not recommend their removal without suggesting some other place, or some other arrangement altogether. It is advocated by some persons that a suitable place should be selected along the line of railway at a certain distance from town. That would involve a good many questions in which you might assist us with your advice. We should like to have your opinion, in the first place independently of any artificial process of meat preserving, whether there would be any practical objections to establish Abattoirs along the line of railway—say at a distance of 40 or 50 miles from Sydney? My opinion is that the Abattoirs should be taken as near to the pastures as possible; and that as the railway extends, the Abattoirs should be pushed on further.

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3412. Do you think the meat, without being subjected to any freezing or other process, could be brought into town in good condition from a distance of 50 miles? I will not say it could not be brought in from a distance of 50 miles, but to get over the mountains you would have to go 100 miles.

3413. Some persons are in favour of establishing the Abattoirs at Penrith;—do you think it would be practicable to bring meat from such a distance as that? I do not see that there would be any advantage in having the Abattoirs at Penrith; the hardship of getting the cattle over the mountains would still have to be endured.

3414. There would be the advantage of getting the Abattoirs removed from Sydney. Do you think the meat could be brought in in good condition from Penrith? Not during the summer certainly without artificial cold—say a temperature of about 50°.

3415. I have heard it stated that the tremulous motion caused by railway carriage causes the meat to decay more rapidly;—are you aware whether that is the case? Yes, if the meat be not thoroughly set before being conveyed along the line.

3416. In a natural way? Yes, that is to say, by allowing what the butchers term the breathing of the beast. If that be done to the extent of thorough stiffening not the slightest injury will be done to the meat during travelling, except what will be due to temperature.

3417. And it is not possible to do that in very hot weather? Certainly not, except by artificial means, unless the weather be cool.

3418. We are told that in London meat is brought in from a considerable distance—I suppose there they adopt some artificial process? I believe it is only carried for any long distances in cool weather. I may mention, if you will allow me, that an attempt was made in Sydney recently by Mr. Playfair, to bring meat from Brisbane. The vessel in which it was shipped made a quick passage and the weather was cool; but he told me that out of ten carcasses four were bad.

3419. They came by steamer? Yes, recently and during cool weather. There are a great many places in the country where meat goes bad in a few hours in the summer time.

3420. Then you would not recommend, independently of any artificial process for preserving the meat, that the Abattoirs should be removed to a distance of 50 miles from Sydney? I do not see that any good whatever would arise from it, except in regard of nuisance to Sydney, for I am quite confident that the meat could not be carried even any ordinary distance in warm weather unless some means of cooling it were

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were used. At Home the question of carrying meat has been the subject of many experiments and considerable expense. Ackland's Refrigerating Trucks were invented for the purpose of cooling the meat, but I believe that they have not found favour with the public. These trucks or carriages are made with perforated zinc on the inside and outside with felt between, and water is applied to the felt from the top. A reduction of the temperature by evaporation is thus obtained to the extent of about 10 degrees. That has been obtained in England under great climatic advantages, but in this country an equal reduction could not be relied upon, because here the atmosphere is often at the full point of saturation, especially in summer when the north-east winds prevail, and will not take up any more moisture; and as you are aware, unless you can present an atmosphere capable of carrying more moisture than it then holds you cannot reduce its temperature. In England a reduction of 10° may bring the temperature down to a point at which meat keeps pretty well, but a like reduction would be of little service in Australia, knowing as we do that fermentation is active at 60° to 65° below which we could seldom expect to see it in summer time, after allowing for a reduction of 10°, which for the reasons I have just given could not be relied upon.

3421. Do you think that for the health of the inhabitants it is desirable that the Abattoirs should be removed from their present situation—do you consider them a nuisance? I think the Abattoirs are unquestionably a nuisance, inasmuch as they produce unpleasant smells; but I do not think the smells from animal substances are injurious to health. There was a book published some time ago on the subject which does not bear a very pleasant name; it is entitled the "Philosophy of Stinks," in which I remember it is shown that in the neighbourhood of the knacker-yards and slaughter-houses the health of the inhabitants was generally good, and the children thriving and rosy-faced. The great disadvantage of having the Abattoirs in Sydney in my opinion is the cruelty to the cattle and the injury to the meat. I consider that most of the meat we eat is in a diseased condition.

3422. Then it would be an improvement to remove the Abattoirs to Parramatta—there is better pasture for the cattle there? I do not think you would get over the difficulty in that way, as you would not prevent the injury done to the cattle by crossing the mountains.

3423. Still it would be an improvement? I do not think the improvement would be appreciable. In my opinion nothing short of the other side of the mountains would be an improvement. It would be better to allow the Abattoirs to remain where they are than only to remove them so short a distance, because there is an advantage in having them in Sydney which would not exist if they were removed to Parramatta, as a large amount of stock is brought in coastwise, for which the present Abattoirs are convenient.

3424. Not cattle or sheep I think so much as small goods? A large number of sheep come in that way.

3425. *Dr. Alleyne.*] Yes, but that only occurs once in five or ten years; we have never had so many sheep brought in coastwise before? No; but I think you will find the number increase as fencing and other impediments to the travelling of stock present themselves.

3426. *Chairman.*] Will you be so kind as to explain what you think would be the best plan to adopt altogether? Well, my own opinion is pretty strongly evidenced by the work which I myself have undertaken.

3427. Yes, but we should like to have your opinion formally in evidence; perhaps you will be good enough to supply at your leisure a written answer to my question, giving your views in more detailed form? I am of opinion that the stock ought to be killed as near to the pasturage as possible, and for the following reasons:—

- 1st. That the dreadful cruelty may be done away with of allowing the animals as at present to die a lingering death prior to their being absolutely killed.
- 2nd. To avoid the deterioration in the quality of the meat, which must be a consequence of the way in which stock is at present treated.
- 3rd. To prevent the great waste in weight of meat during the long travel to market and whilst awaiting slaughter.
- 4th. To do away with the nuisance and inconvenience of slaughtering in the neighbourhood of a large population.
- 5th. In order that the blood and other refuse resulting from the slaughtering of large quantities of stock may be utilized on the lands near to where the stock is killed, in order to supply first quality pasture for any stock which may arrive at the Abattoirs in excess of the immediate demand.

In support of my first reason I am sure I need only give the evidence of Mr. Thomas Dawson, the well-known stock agent. That gentleman states in a letter recently made public—

"I am fully cognizant of the great suffering of the stock in being driven to this market, through ill-usage and over-driving through a mountainous barren country for the last 150 miles, arriving at the sale-yards footsore and starved, and then paddocked where there is not a mouthful for them to eat, perhaps for a day or more, after three weeks' previous starvation; and then on the morning of the sale drafted in yards up to their bellies in mud; and it is not an unusual thing to see them bogged in the middle of the sale-yards, and have to be dragged out with horses and men. They are, after the sale, driven in small mobs, with dozens of dogs at their heels, along a hard metalled road to the slaughter-houses, or to the paddocks thereabouts, where they are often kept for days before being slaughtered without food and often without water. It is well known by practical men that when cattle or sheep become footsore on the road and have to continue travelling, they lag behind in the mobs, as the case may be, on the road, the drivers' dogs continually heeling, viz., biting them, to keep them up with the others, till their hind legs become a mass of sores from the heel to the hock."

Mr. Dawson's statement can be corroborated by many, and has not been contradicted.

As regards my second objection to killing in Sydney, I need only call attention to the difference in the flavour of meat killed on or near its pasture and that supplied in Sydney. This difference arises largely through the loss of those salts which go to form flavour and which are drawn upon by the animals whilst in a state of semi-starvation, and only replaced with water, which renders the meat tasteless and makes it undesirable for salting or preserving, whilst for preservation by freezing I am of opinion it is to be avoided altogether. But outside this deterioration in the quality of the meat is the question of its fitness for consumption. On this point Mr. Dawson says that many of the cattle on arrival at the abattoirs "are in a high state of fever and unfit for human food."

I am aware that it may be urged that the evils of travelling may be overcome by availing of the railway for carrying the live stock to Sydney; but this mode will be found costly, whilst the injury done to the meat by fright and the loss in weight by fret will upon inquiry be found to be very serious. In support of this I may state that in evidence given before a Committee of the House of Commons some years ago it was shewn that a bullock suffered a loss in money value of £5 on the journey by rail from Scotland to London. In travelling in this Colony the waste is estimated at about 10 per cent. on the weight

weight of the animal in coming the last 100 miles, that is from the other side of the Blue Mountains. Mr. Dawson considers the loss to the Colony in this way on stock killed in Sydney is about £105,000 per annum, and our Chief Inspector of Stock even goes beyond those figures, and as they base their estimates upon a practical knowledge of the subject their data ought to be reliable. Still the evils which attach to killing in Sydney would be to some extent overcome if sale-yards were established on the Bathurst side of the mountains on the line of railway, such yards to have all appliances for getting the stock into the trucks with as little injury as may be. This would mainly put an end to the wretched cruelties which the stock now suffer between Lithgow and the slaughter yards in Sydney, and would moreover combine many advantages over the system of droving to Pymont; amongst others the grazier would have a market 100 miles nearer to his station, making him much more independent than if he had to travel his stock to Sydney over that wretched and expensive portion of the journey—the butcher, by himself or his agent, could be sure of a regular supply of good stock at first hand—the consumer would have the benefit if not of the very best at any rate of an improved quality of meat, and the Treasury would reap the advantage which would flow from an increased traffic upon the line. If abattoirs were erected in proximity to the yards the cattle could be slaughtered and the meat itself sent down for at least a third of the year without any artificial means being employed, and it would be easy for the Government to make arrangements for providing artificial cold for the other portion of the year, which the traffic on the line resulting therefrom would pay them to do, but even if it did not the country would be well repaid in other ways for any extra cost incurred therein.

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I attach very great importance to my fifth reason for killing away from Sydney, as it must be self-evident that nothing could tend to regularity of supply and excellence of quality, as well as saving of loss to the producer, and so collectively to the Colony at large, more than a good acreage of well cultivated grass lands in the neighbourhood of the Abattoirs. The blood and other refuse, at present the fruitful source of an offensive nuisance, might thus be utilized as produced, and being employed on the spot, under an inexpensive manipulation, and at a nominal cost for transport, the most profitable results might be ensured, as the producer could afford to pay well for the temporary use of feeding grounds, which would so effectually protect him against the heavy loss he might otherwise be subjected to.

3428. There is one point which I do not profess to understand very well, upon which a good many persons are not quite satisfied, and I should like to have your opinion upon it: It is said that meat which has been subjected to the process of freezing will not keep so long after thawing as ordinary fresh meat—that directly it thaws it commences to decay rapidly. Is that your experience? If it be frozen in a climate where cold is the existing condition, it can neither be what the butchers term properly breathed or properly bled. The consequence is that a very large amount of both water and blood is left in it; so much water in fact is left in it as, in the opinion of some, serves when that water is frozen to create a rupture of the cellular tissue. We all know that where water and blood, or water and albumen—and of course the albumen is one of the main constituents of the blood—come together, decay is very rapid. All meat killed and kept in a naturally cold climate is also more or less exposed to thaw during the winter, and whenever a thaw takes place a certain amount of progress towards decay goes on through what the chemists call molecular motion. All these occasional thawings added together amount to something really important at the end of the winter; and the elements of decay being in the animal in excess—that is to say, there being a large amount of water and albumen in excess of what there would be in meat killed in a temperate climate, decay is found to be the consequence very shortly after thawing, and thawing in water is resorted to in Canada and Russia in order to effect that object rapidly. After thawing in water the flavour is lost, and the meat is depreciated in quality. But if meat be properly killed in a temperate climate, properly breathed and bled, and allowed to stiffen thoroughly before it be put into the truck for carrying away, and if afterwards it be kept rigid by the action of cold, so that all movement be absolutely prevented—that is to say, movement of the particle—the meat will keep quite as long after thawing as it would if it had not been frozen, and no change whatever will have taken place in its structure.

3429. Does not the freezing process tend to rupture the tissues of the meat? Not if it be properly killed and breathed and allowed to stiffen. So far as I have been able to ascertain by the closest examination of the meat itself, no such change takes place, or if at all, only in over-driven half-starved meat. Any one can very easily satisfy himself of this practically by having some meat frozen in the rooms of the Fresh Food and Ice Company.

3430. I have been told that you attach great importance to the gradual freezing of the meat—that you avoid sudden freezing;—is that the case? We prefer to cool down to 32° in what we call our cooling room before we put the meat into the freezing room, so that the expansion of the juices may be as gradual as possible; of course water is at its normal condition at about 40° Fahrenheit, and it expands as it reaches 32°. It is possible that afterwards in the formation of the crystal there may be some further expansion, but not much.

3431. *Dr. Alleyne.*] I did not quite understand you when you spoke of the cattle being breathed. I should suppose that when the animal's throat was cut, he must bleed whether he were killed in a hot or a cold climate? No, the blood would not flow away in a cold climate so freely as in a warm one.

3432. It must go away so long as the action of the heart continues? Certainly, to some extent, but it coagulates with intense cold at the outlet, and thus prevents the free flow. The breathing to which I refer is after the beast is skinned and hung up; in a freezing atmosphere the pores would be frozen up immediately, and none of the moisture could afterwards escape.

3433. I suppose you mean a breathing from the carcase similar to that from a horse that has been hard ridden—in short, a natural evaporation? Yes, but in a cold climate when the animal is killed the evaporation is checked by the pores becoming frozen up. This effect is so well known in Canada that when they want to get good meat they kill in slaughter-houses heated artificially.

3434. *Hon. J. B. Wilson.*] Do your remarks about animals being slaughtered at a considerable distance from Sydney along the line of railway, that is to say, near their natural pasturage, apply to lambs and calves? We are considering the propriety of putting a stop altogether to the slaughtering of these animals in the city and suburbs. I should like therefore to ask you whether the same method can be made to apply to calves and lambs as well as to bullocks and sheep? Unquestionably.

3435. Would the butchers accept the meat of calves and lambs brought down from such a distance? If properly treated as I have described they could not perceive any difference in it.

3436. Could it be brought down from that distance in as good condition and to present as good an appearance in the shops? Unquestionably.

3437.

- T. S. Mort, Esq. 3437. *Chairman.*] The butchers tell us that the meat is not so good—does not look so well—if it is killed at the Abattoirs? If the meat is properly killed and stiffened in a cool temperature it can be brought in quite as well, always supposing that cleanliness in its transport be observed.
- 29 Aug., 1876. 3438. They say that there is a greater difficulty in transporting lamb or veal? I cannot see it; but I do not see any objection to the killing of lambs and calves in Sydney—that is, in the port of Sydney—as so many of them come coastwise.
3439. *Hon. J. B. Wilson.*] Do you see any objection to the establishment of a regular slaughter-house, to be carried on under proper supervision in Sydney—say somewhere at the head of Darling Harbour, where lambs and calves only should be killed? I do not see that there need be any difficulty about it.
3440. *Chairman.*] You think it might be done? I do. We know very well that in England there are pork-curing establishments, where they kill in the very centre of large populations great numbers of pigs, and I am told that no one even knows that the operation is going on, and that there is not the slightest nuisance created. But nuisance or no nuisance, I consider an abattoir for killing stock of every description which may come in coastwise, or from places in near proximity to Sydney, ought to be provided. It is not to the killing in Sydney that the great objection ought to be taken, but to the cruelty, loss, and deterioration by driving over our barren mountains. A compact building for killing within four walls, with good chimney and artificial draught, would not be very costly, and if placed in the centre of a small acreage of tolerable land the whole of the washings and manure might be profitably used in producing green food which, with the fresh offal, might be turned into excellent pork. A small steamer could carry all the meat to the city.
3441. How is the offal disposed of in England—is that sent away any distance? They utilize the offal at Home which we do not here.
3442. Do they send it any distance? No, I believe they utilize it chiefly in their immediate neighbourhoods.
3443. Did you ever take into consideration in connection with your Abattoirs the question of turning the offal to account? I have made careful inquiries on the subject. A Mr. Ihrmann, an eminent chemist, who came from the Mauritius on behalf of Messrs. Souchon and Co., who are chiefly engaged in preparing artificial manures for the sugar planters, came here to see if he could make arrangements for obtaining refuse of this kind, but he failed to show me any process by which I could make it pay for export, and there is no demand for it here because the farmers will not use it. If you were to put it on their land I believe they would scarcely take the trouble to make use of it.
3444. There appears to be a large demand here for bone-dust? Yes, I think that must be principally for the orchards and not for ordinary farming. It is also exported as super-phosphate of lime for the sugar plantations in the Mauritius, where it is mixed with other substances, according to what the soil may be deficient in.
3445. A great quantity is sent to New Zealand I believe? Yes, they use a good deal there. I commenced some time ago the manufacture of sulphate of ammonia, but I have not been able to find a demand for it, or to get my money back, although it ought to be an excellent article of export. The freight and charges kill it.
3446. It is a natural production in some countries is it not? I think not, in merchantable quantities.

THURSDAY, 21 SEPTEMBER, 1876.

Present:—

HON. J. B. WILSON, | G. F. DANSEY, Esq.,
 | DR. ALLEYNE.
 M. B. PELL, Esq., B.A., IN THE CHAIR.

William Lamb, Esq., M.B., called in and examined:—

- W. Lamb, Esq. 3447. *Chairman.*] You have had some experience, I am told, in the state of health at present existing at
 M.B. the Surry Hills? Yes.
- 21 Sept., 1876. 3448. Do you think the sickness which exists there is at all owing to the state of the drainage? I should form that conclusion from the fact that in a family I have attended, the father and three children are suffering from typhoid fever. The children have recovered, but the father has just had a relapse, and is very ill again. The state of the back premises is very bad; there are four privies over common cesspits within 10 feet of each other; the privy used by this family is the same as that used by the "Exchange Hotel" adjoining.
3449. Are those houses subject to the influence of the large open drain which runs through Surry Hills from the head of Shea's Creek? That I cannot say.
3450. You think the proximity of these cesspits makes them unhealthy? Yes.
3451. Are you aware whether the open drain to which I have referred affects the health of the inhabitants of that district? I cannot say. I had also a case at No. 103, Albion-street, Surry Hills, and I have one now in Little Bourke-street, which is also in Surry Hills, of a similar character.
3452. All typhoid fever? Yes.
3453. Is the state of health existing there now worse than it has been, or has it been constantly bad? I cannot say; I have only been here for a few months.
3454. Have you heard that Surry Hills is an unhealthy place since you came to practise here? Yes. I had occasion to see Dr. Spencer in regard to the family I have mentioned (Mr. Pawley's), and he said that Surry Hills was formerly considered to be one of the most healthy suburbs of Sydney, but that now he considered it the very opposite.
3455. Have you heard any other medical man express a similar opinion? No.
3456. *Hon. J. B. Wilson.*] Have you had any opportunity of paying attention to the appearance of the inhabitants of Surry Hills generally, I mean more especially with regard to the younger portion of the population? I cannot say that I have.
3457. You have not taken sufficient notice to be able to form any opinion as to the general state of vitality among them? No; I did not take notice of that. I merely mentioned to Dr. Dansey the fact of this family of four persons being down with typhoid fever, which is supposed to be due to bad drainage and contaminated water; I thought it my duty to mention the matter to him as the City Health Officer, and that is all I have to say about it.

G. F. Dansey, Esq., City Health Officer, examined in his place:—

3458. *Chairman.*] Can you give us any further information? From what I have heard from several G. F. Dansey, medical men, the state of health at Surry Hills at present is very low. Esq.
3459. As compared with other portions of the city? Yes.
3460. Do you think it is worse than it has been? Well, it has not lately been so bad as it was last 21 Sept., 1876. summer, but I fear that when the hot weather sets in it will be quite as bad, if not worse.
3461. It is increasing? Yes.
3462. Does the sickness follow the line of that open drain? Yes. This morning the Inspector of Nuisances visited that portion of the district which would have been drained by the proposed sewer, and he found that the filth which is derived from the houses along the line is something frightful. Scarlet fever has also broken out at Surry Hills again.
3463. In short there is every reason to believe that what happened there last year will happen again this year? Yes.
3464. *Dr. Alleyne.*] The state of things at Surry Hills then has not been improving since we visited it together some months ago—about four or five months? No, nothing has been done to improve it.
3465. *Chairman.*] The drainage is in the same state as it was when this Board first sat? Yes. I consider it a highly unhealthy place to live in, and I would not advise any one to live there.
3466. Are you aware that rents in that part of the city are considerably depressed? I was not aware of it; but I am not at all surprised. I tell every one not to go there.
3467. You are, of course, aware that the Parliament refused to vote the money for a sewer there in spite of the urgent representations made by this Board, and in other quarters? Yes.
3468. Do you think that sewer would have materially remedied the state of things now existing? That is my belief; it would have altogether altered it, as I mentioned in my last report to the City Council on the 9th instant.

MONDAY, 2 OCTOBER, 1876.

Present:—

HON. J. B. WILSON, | C. WATT, Esq.,
DR. ALLEYNE.
M. B. PELL, Esq., B.A., IN THE CHAIR.

Patrick Keelan, Esq., R.N., Staff Surgeon on board H.M.S. "Sappho," called in and examined:—

3469. *Chairman.*] I understand you have had a suspicion that there must have been some impurity in the city water which has led to the occurrence of typhoid fever on board the "Sapphire"? I cannot speak at all positively about it, as the men were not my patients, but I have seen them since in the hospital. It appears that they were taken ill some days before the "Sapphire" left Sydney, and the typhoid fever showed itself in the persons of these men the day before she left. They were sent to the St. Vincent's Hospital, where they are now convalescing. I inquired of these two men where they had been while on leave, and one of them stated that he had been at the Goodenough House, and also at an hotel in the lower part of the city.
3470. Some low public-house? Probably; he could not tell me the name of it. The other had been at a place called the "London Tavern."
3471. You think it quite possible that they may have caught the fever on shore independently of the water? It is quite possible.
3472. They were on shore on leave? They had been.
3473. How long had the ship been here? The "Sapphire" had been in Sydney about five weeks. The reason that letter was signed by Captain Digby is because he is the senior naval officer here, acting under instructions from the Commodore. I have analysed the water from Fort Macquarie myself lately, and I found nothing wrong with it. My own ship's company are all well at present.
3474. Are you aware that Dr. Messer sent me a letter some six months ago, asking me whether in my opinion the Sydney water was fit for use? No, I am not aware of it.
3475. My reply to that letter was that the circumstances likely to pollute the water were reduced to such narrow limits that I thought there could be very little danger in using it; but I was not prepared to state positively that it was safe to use it, and that if he had any doubts on the subject he had better use distilled water? As far as the "Sappho" is concerned, I considered from the analysis I made lately that it was quite safe to use it. But the contamination may be intermittent, because, fourteen months ago, I analysed the water with a different result, and recommended the captain not to allow the men to use it.
3476. That was fourteen months ago? Yes, about fourteen months, when we took two men here from Adelaide with typhoid fever contracted there.
3477. It was about eighteen months ago that typhoid fever broke out on board the ships of war in this port, and we then analysed the water and found it perfectly good, but as you say the pollution may have been intermittent? Yes, and the men while on shore may drink water from other sources.
3478. As a rule the men-of-war use the water entirely from Fort Macquarie? Yes, when not using distilled water.
3479. *Hon. J. B. Wilson.*] Can you tell us how often, and for what length of time, men-of-war's men get leave while in this port? Some get leave every night, some twice a week, and others once a month. The daily leave is about eighteen hours; the weekly, the same; the monthly leave is thirty-six hours.
3480. In fact the men spend a great deal of their time on shore, when the officers have no control over them? When a man is on leave, so long as he does not infringe any regulation he is of course perfectly independent.
3481. So long as he returns perfectly sober nothing is said about it? No.
3482. You say that all your men now on board are perfectly healthy? Yes, there is no zymotic disease on board.
3483. How long have you been here? Since the 21st August last.

P. Keelan,
Esq., R.N.
2 Oct., 1876.

MONDAY, 9 OCTOBER, 1876.

Present:—

HON. J. B. WILSON, | C. WATT, Esq.,
DR. ALLEYNE,

M. B. PELL, Esq., B.A., IN THE CHAIR.

Archibald Liversidge, Esq., Professor of Geology, University of Sydney, called in and examined:—

- A. Liversidge, Esq.
9 Oct., 1876.
3484. *Chairman.*] We have asked you to come here to-day, Professor Liversidge, to give us some evidence respecting an inquiry upon which we have some idea of entering—the adulteration of articles of food and drink. Can you tell us anything about your experience in England as to the difficulty found there in carrying out the Act? I am afraid I cannot give you any very definite information upon that point, and lately there have been various changes in the Act.
3485. Can you state how it worked at the time you were in England? I know there were difficulties in carrying it out.
3486. What was the nature of those difficulties? I cannot tell you exactly what they were; but I believe the Act was found to work with difficulty from various causes.
3487. Did they arise from differences among the chemists, or from a difficulty in finding out the adulteration? No, that was not the difficulty.
3488. Were the results of the chemical analyses suspected by the public? No, that was not the reason. I am afraid I cannot give you any definite information on the subject. I know that the Act was found unworkable, and it was necessary to make some alterations. I believe it was in a legal rather than a scientific point of view that it was deficient.
3489. Do you think there would be any difficulty in finding out whether articles of food were adulterated with improper ingredients? No; under ordinary circumstances there would be no difficulty on that score.
3490. Would there be sufficient unanimity on the part of the chemists in giving the results of their analyses to prevent any distrust on the part of the public? I think so, among chemists of standing. There was, I believe, some difficulty at first; some persons were appointed as Borough Analysts who did not possess the requisite experience, but I do not think that with chemists of repute there would be any difficulty on that score.
3491. Would an analytical chemist of ordinary education be competent to conduct these investigations, or would any special training be necessary? He must have experience.
3492. He would require special training in that department? Yes, either by holding office as assistant to a competent person, or by special education and study.
3493. Is the work of food analysis considered a difficult branch of chemistry? Not particularly.
3494. Competent chemists, then, would have no difficulty in gaining the necessary experience? Decidedly not. I think that if an Act were passed here, based upon the present English Act, with certain necessary alterations, there would be no difficulty in working it.
3495. *Hon. J. B. Wilson.*] Do you think the lactometers used for testing the quality of milk afford a satisfactory test? Up to a certain point they do.
3496. Could you base a prosecution upon such test? I do not think a prosecution could be made, except after a complete analysis of the milk so as to show the proportion in which its different constituents are present.
3497. *Chairman.*] You say that the common lactometer is only reliable up to a certain point? Yes.
3498. Do you mean that it only gives a general idea whether the milk is pure or not—Does it show the specific gravity of the milk? Yes, but the specific gravity of milk varies from different cows, and also from the same cow at different times. Milk might be largely adulterated, and yet conform to the common lactometer test.
3499. If the milk were adulterated with water to any considerable extent, it could be sworn to? Yes; provided the milk was not at the same time further adulterated in other ways.

WEDNESDAY, 11 OCTOBER, 1876.

Present:—

HON. J. B. WILSON, | C. WATT, Esq.,
DR. ALLEYNE.

M. B. PELL, Esq., B.A., IN THE CHAIR.

Archibald Liversidge, Esq., called in and further examined:—

- A. Liversidge, Esq.
11 Oct., 1876.
3500. *Chairman.*] I have asked you to come here again, because I thought as you have recently been in England you might give us information upon some further points. We have it in evidence that it is quite possible to conduct slaughtering operations, even in inhabited places, under proper supervision and management, without creating any nuisance. Can you afford us any information as to the state of things in England in this respect? No, I am afraid not.
3501. We also propose to inquire into the subject of trades which give offence in inhabited places, such as tanneries for instance. We have had complaints of excessive nuisances caused by tanning operations here. Are you aware whether trades of that nature are carried on in England, under good management, so as not to create a nuisance? I do not know at all. I have not heard that they are conducted in such a way as not to give some offence.
3502. I remember as a boy that tanneries were carried on in densely populated districts without creating the slightest nuisance; in fact there was one within a few hundred yards of a place I was living in, in England, from which there was no offence whatever beyond the smell of the tan. I imagine that some new process has been recently adopted which makes the operation offensive. We have it in evidence that at a tannery in the neighbourhood of Sydney, the nuisance is not by any means created by the hides, but by the excessively offensive materials used in the process of tanning. I want to know whether it has been

been the common practice for any length of time to use this offensive material. (*To Mr. Watt.*) A. Liversidge, Esq. Perhaps Mr. Watt will be able to answer that question. (*Mr. Watt.*) The nuisance arises from more than one cause. It arises from the stinking condition of the hides, and from one of the materials employed, called "pewer." That material, or some material of a similar kind, has always been used. 11 Oct., 1876.

3503. *Chairman.*] I understand that this offensive material is used for the purpose of tanning some superior kind of leather? I believe it is chiefly used for enamelled or embossed leather. The nuisance arising from a tannery, as I know from my observation of a tannery at Parramatta, is spasmodic: it occurs when the vats are stirred up.

3504. (*To Professor Liversidge.*) Then you cannot give us any information in reference to the way these offensive trades are conducted in England? No, I cannot say anything definite about them; it is a subject with which I am not at all conversant.

3505. You have never paid attention to the question of tanneries? No.

Charles Watt, Esq., Government Analyst, examined in his place:—

3506. *Chairman.*] I understand that you are in a position to give us some information respecting the deleterious adulteration of confectionery, especially that which goes by the name of "lollies," by means of colouring matter, in the city of Sydney. In what cases does this adulteration exist? Are you speaking now with reference to lollies made in the Colony, or only sold here? C. Watt, Esq. 11 Oct., 1876.

3507. Either made here or sold here; you can divide them into two classes if you like? I can only say, that all the poisonous ingredients used in other places are found in the lollies sold here.

3508. What are the poisons? Speaking of eatable lollies, I may say that chromate of lead and oxide of tin, with a vegetable coloring substance, are chiefly used.

3509. Are no compounds of copper used? No, I do not think so.

3510. How do they obtain the green colour—is not copper used for that? I think not; I have seen very little green in eatable confectionery.

3511. Do you think the colouring with oxide of tin is objectionable? That is a question which I leave entirely to the medical profession.

3512. Have you found any difference between the imported confectionery and that which is made here? Not much. I may mention that the chief manufacturer of confectionery in Sydney has expressed his willingness to discontinue the use of all these colours, which he has hitherto considered harmless, if the Legislature will prevent the sale of imported articles similarly coloured. I may state that the blue used is the common Prussian blue—a compound of cyanogen and iron, which may be injurious; the red is all cochineal.

3513. There would be no difficulty, you think, in preventing the sale of these pernicious colours? I do not think so. There are a great many colours used for other purposes besides edible confectionery—for ornamenting wedding cakes, for instance—but they are merely for show, though they may sometimes be eaten. I have examined a good many of these ornaments, and found them to be mostly made of raw flour, or plaster of Paris, or chalk.

3514. Are they harmless? I would not say that, but they are not generally considered poisonous except in regard to the coloring agent.

3515. *Dr. Alleyne.*] I should hardly consider plaster of Paris harmless. Anything that goes into a man's stomach, and does not do him good, is not likely to be harmless? Perhaps not. I have prohibited the use of all these things in my house.

3516. *Chairman.*] Is plaster of Paris used in the manufacture of lollies to any extent? No; I have found chalk and raw flour used to a considerable extent some time ago. I am not speaking of lollies manufactured here.

3517. Do not these extremely hard lollies—imported ones especially—contain plaster of Paris? No, I think not; I think flour is used frequently; I am not very sure. That is a point which Dr. Alleyne can speak to—whether raw flour is a wholesome thing to be given to children. At present I have no means of ascertaining whether articles of confectionery are imported or not. Unless I can get them from the Customs direct I cannot tell; but I shall shortly be able to know.

3518. Is there anything further you would like to say on the subject of adulteration generally? I may state that the English Act of 1872 failed for two reasons—it did not define what was meant by adulteration, and it did not define what was meant by food. The last Act passed in 1875 repealed that and all previous Acts, and I think any legislation for this country should be based upon it.

3519. All these Acts are embodied in one now? Yes. I believe the Act of 1875 does not mention a word of adulteration; it has been found impossible to define it, and therefore the word is omitted from the Act altogether. It will be very necessary in any legislation here to insert what is called the abstraction clause, which refers to any portion of an article of food being taken away—any essential ingredient. In the case of skim milk, for instance, under the old Act taking away the cream from milk was not considered adulteration. In the new English Act they have been very careful to define the word food. I think, if Mr. Driver intends to introduce his Act next Session, it is very important that this Board should give him some advice as to the sort of Act that is required. It will be necessary to give particular attention to those articles which are imported, and to consider whether a person is to be punished if he is not aware that the article he sells is adulterated.

3520. Is there any difficulty in ascertaining, as a matter of fact, whether there has been adulteration, in the usual sense, in ordinary articles of food? No, not with anything like a competent chemist who can use the microscope.

3521. In the question of milk, is it a difficult or expensive process to detect adulteration? No; I call it troublesome rather than difficult.

3522. Do you think there would be any practical difficulty in enforcing the sale of pure milk in Sydney? I cannot see that there would be any. Some fifteen years ago I analysed a great number of samples, and I found some of the worst to contain 45 per cent. of water. With regard to bread, the quantity of alum in the bread is so small that it cannot be considered adulteration in the proper sense of the word. I investigated this matter very carefully some time ago, and I found that scarcely any alum is used here; it is used for the purpose of whitening the bread, and I believe is only used with new flour.

- C. Watt, Esq. 3523. Did you detect the addition of any ingredients for the purpose of increasing the quantity—potatoes for instance? No; to tell you the truth such ingredients in this country would cost as much as the flour; therefore there is no inducement to use them.
 11 Oct., 1876.
3524. They are used, I believe, largely in England? They were when bread was 1s. the loaf. There is another article I may refer to—coffee. It is sold now in England as a mixture of coffee and chicory.
3525. The use of chicory with coffee is not prejudicial to health, is it? Well, some doctors consider it to be; in many cases there is a very large proportion of chicory.
3526. What is the practice in England with respect to the adulteration of imported articles—such as tea from China, for instance? The seller is liable to a penalty; but if he can show that he obtained the article from a wholesale dealer without knowing it to be adulterated, he can recover from him.
3527. But that does not stop the seizure of the goods? No; he can recover the penalty from the wholesale dealer. I do not think there is much adulteration of tea here; we have none of the exhaustive business carried on here; people do not collect the leaves. I have examined a great number of samples of tea and have found that very little green tea is used; I have mostly found it in private hands. I was requested some time ago to analyse a number of samples, and upon examination I found that they did not accord with the extracts which we have to guide us in analyses of this kind; the quantity of ash soluble and insoluble was considerably below the minimum—in fact the component parts did not agree with our tables of constituents, and it appeared that the tea must have been grown in some other country or under some unusual conditions. I was therefore unable to arrive at any satisfactory conclusions.
3528. Is it not quite possible that the tea-plant grown in a different climate would produce a different sort of tea? That is what I fancy; I have even moistened all the leaves in a packet of tea and spread them out, in order to detect any foreign additions, but I could not identify them. But I don't think there is much adulteration here.
3529. I believe that some time ago ale was adulterated by the brewers with *coccus indicus*—how does that matter stand at present? Well, I have had a suspicion, but I have not yet been able to make any discovery.
3530. Have you reason to suspect that it is used in this Colony? I believe it is, in some places.
3531. Have you any means of detecting its presence in ale? It is not very difficult—it can be detected. I have been watching for some time to try and find out an instance of this adulteration. But I may mention that the Sydney brewers are only anxious to produce the very best possible ale; they do not adulterate.
3532. Is there any legitimate purpose for which *coccus indicus* can be imported into this Colony? I do not know of any.
3533. It is imported into England? Yes, and it is imported here.
3534. I think I am right in stating, that it is found so objectionable in England that it is made penal for any brewer to have it on his premises. Is there any legitimate purpose for which it can be used here? I think not.
3535. Would it be right to prohibit its importation? I think so.
3536. It is not one of the common drugs? No.
3537. Then there would be no objection to prohibit its importation? No. I know that some time ago it was imported, and I suspected one person, but I have not been able to trace it to him or find out where it goes to. But I know it is sold in small quantities occasionally. I believe it is used for adulterating beer after it is made.
3538. For what purpose of advantage to the seller is it used? It is used to hocus persons who drink the ale.
3539. But I understand that the effect which the brewers require to produce is to preserve the beer? I do not think they use it for that purpose.
3540. So that a considerably smaller quantity of malt is required? I do not think so; I think it is only used to produce intoxication.
3541. *Dr. Alleyne.*] It is simply used as a narcotic? Yes.
3542. Is not it rather an unusual thing for brewers to put anything in their beer to hocus persons? I am sure the brewers do not use it; it is done by the sellers.

D. F. Robertson, Esq., Inspector of Water to the City Council, called in and examined:—

- D. F. Robertson, Esq.
 11 Oct., 1876.
3543. *Chairman.*] Some time ago—more than twelve months ago—in answer to a question put to you by this Board, you gave us the exact number of the water-closets in Sydney? Not the exact number, but as near as possible.
3544. You gave us some figures showing how many closets were connected, and how many were not? Yes, as near as I could give them, about 7,000 I think.
3545. In round numbers at all events. Are you in a position to give us similar information with respect to the state of things at present? Yes. From the time the Act was passed, until the 26th July last when the time expired, 6,186 closets which were directly connected when I last gave evidence before this Board had been disconnected.
3546. How many are there altogether? Those I have given have been disconnected, the total number of patent closets at present would be 9,014.
3547. Up to the present date? Yes, but of course I can hardly speak to a day, as scarcely a day passes but some connections are made.
3548. Of these how many are at present directly connected with the main? There are none of them directly connected.
3549. They have all been cut off? They have all been cut off.
3550. Every one in the city? Yes; and to make sure of it I am now making a close re-inspection of each ward; and I may state that I have only found one direct connection which was overlooked, and that was in Gipps Ward. There were 660 patent closets with direct connection, and 345 with cisterns; and out of the total number in Gipps Ward—1,005—there was only one with direct connection at the expiration of the twelve months given by the Act.

3551.

3551. Out of the total number—9,000 I think you said—the great bulk have cisterns in accordance with the Act? Yes.

3552. Not all of them? The greatest bulk of them.

3553. What have they then? They pour down water with buckets.

3554. Is the heavy fine which the Act empowers you to impose inflicted upon the owners for not having cisterns? Well, I don't think the Act is workable.

3555. How is it unworkable,—that is what we cannot get any one to tell us? If you read the Act carefully you will see that one clause clashes with another.

3556. Clause 5 states "5. Within twelve months from and after the passing of this Act the owner of every dwelling-houses or premises which shall have therein or thereon any closet with a pipe or branch-pipe directly connected with the main shall be required to fix and erect a cistern or cisterns for the reception of the water intended to be used for the closet, &c., &c.," where is the hitch? You observe that it says "any closet with a pipe or branch-pipe directly connected with the main." The question is whether we can compel those whose closets have not direct connection to erect cisterns. It is a pity that the Act was not submitted to some of the Corporation officers, as they could have pointed out the deficiencies in it.

3557. Then if a person has not his closet directly connected, and merely uses a bucket to flush it, so long as he keeps his premises clean, you cannot interfere? I think so.

3558. How many closets are there with cisterns? There are about 6,600.

3559. Do you think there is any practical difficulty at all which still requires to be set right? No, the want of labour has been the principal cause of delay. There is not a sufficient number of mechanics to do the work. The consequence is that they ask an exorbitant price, and the landlords content themselves with merely cutting off the connections and waiting until they can get the work done cheaper.

3560. You are prepared to say positively then, that there is no probability whatever of water being contaminated in Sydney by means of direct connections with the mains? Not the slightest.

3561. A suspicion has arisen as to whether the main which supplies the plug at Fort Macquarie, from which the men-of-war draw their water, has been contaminated,—do you think that is possible? No, I do not see how it can be. In Macquarie-street above all places there can be no nuisance of that sort, for the closets in the whole of that street, with one or two exceptions, have cisterns; there is no direct connection with the water main.

3562. Have you examined the arrangement at the Railway Station lately? Yes; there is no fear of contamination.

3563. Is there a cistern there? No; but the pipe is only turned on to flush the trough, and then turned off again. I intend, however, to enforce the Act, and to cut off the pipe if a cistern is not erected there.

3564. *Hon. J. B. Wilson.*] Have you been through the Government offices? Yes; and to show you how anxious the Mayor is to carry out the provisions of the Act, I am now engaged in going a second time through each ward. So far we have only found one direct connection.

3565. Do you think that had been tampered with? No, it had simply been overlooked: it is not easy for strangers to find out every single place in each ward, and this one had been omitted.

3566. Where does the main which supplies the men-of-war come from—from Hyde Park? No; it comes along College-street.

3567. *Chairman.*] Can you tell us how you obtained the data you furnished about twelve months ago as to the number of closets connected and disconnected? From inspection.

3568. Is any record kept in the City Council offices of connections of that kind? Only private memoranda from inspections. You can understand that when there is only one man to go over the whole of the city, a good deal of time is necessarily occupied, and a great many connections are made during that time.

3569. Don't you think it would be desirable that there should be a proper record kept in the Corporation offices of each connection of whatever kind with the water-mains? There is a record of them in the shape of an order to connect, which is issued on the occasion of every new connection.

3570. But do you not think there ought to be a record of all connections, so that all these questions might be answered at once upon reference to the books? There is a record of the number of patent closets.

3571. But is there a record of the nature of each? There should be. The connection orders show all the new connections made, and can be referred to in our books. I may mention, however, that by the time my present inspection is over—by the end of the year or the end of January,—I shall have a complete record of all the closets in each ward, and I shall be happy to furnish it if you desire.

FRIDAY, 20 OCTOBER, 1876.

Present:—

HON. J. B. WILSON,

B. PALMER, Esq.

DR. ALLEYNE.

M. B. PELL, Esq., B.A., IN THE CHAIR.

Benjamin Palmer, Esq., Mayor of Sydney, examined in his place:—

3572. *Chairman.*] I understand, Mr. Palmer, that you can give us some information on the subject of offensive manufacturing establishments in the city—as to tanneries for instance—Are there any other tanneries in the city besides that of Messrs. Alderson & Sons? I shall be able to give you some information on these points in a short time, but having only received notice of this inquiry a few days ago I have not had time, with other matters requiring my attention, to hunt up particulars. I may, however, mention that I have received a great many complaints of tobacco manufacturers. It appears that at these factories when they strip the leaves, they are in the habit of burning the stem and fibre in their furnaces, in order to get rid of it, and partly because they thus effect a saving in fuel. I have also had numerous complaints about Messrs. Dickson's new factory. The shaft they have built is not high enough to carry off the fumes, and a sort of white ash is deposited which is very objectionable. I have instructed Mr. Seymour to report upon this matter, but I have not yet received his report.

B. Palmer,
Esq.

20 Oct., 1876.

- B. Palmer, Esq.
20 Oct., 1876.
3573. In other respects the tobacco manufactories are not a nuisance? No, I believe not, but I shall be able to give you a more detailed account of them shortly.
3574. Are there any soap-boiling or candle-manufactories within the city? I think they are not allowed in the city.
3575. And you do not exercise any supervision over them in the suburbs? No.
3576. Have you, during your experience as Mayor of Sydney, had many complaints of offensive manufacturing establishments? Not lately, except those I have just mentioned.
3577. Are there many dairies within the city boundaries? Any number of them.
3578. Have you received many complaints of them? Innumerable complaints.
3579. Arising from the stench? Not only on account of the stench, but from the dung which accumulates. These cow-yards, being directly under our supervision, are kept as clean as they can possibly be; but there can be no question that where there are a number of cows they should be kept out of the city, or they must be more or less offensive.
3580. What does the nuisance arise from principally—the bad smell? From the bad smell, and the difficulty in keeping the yards as clean as they ought to be, especially where there are thirty or forty cows.
3581. Would not the same number of horses create an equal nuisance? No, I do not think it would be so bad.
3582. Is it not a fact that the refuse from a stable is more offensive than that from a cow-yard? That would depend upon the nature of the food supplied to the animals—the cows are usually fed on grains. In the course of our house to house inspection as a Committee of this Board we visited a cow-yard in Windmill-street, Gipps Ward, which was well flagged, well drained, and kept as clean as it could possibly be, but it was objected to. On the day that we visited it I think there were twenty-four to twenty-six cows there.
3583. You think it is an improper thing to keep cows in the city at all? Yes, I think they should be kept out of town.
3584. Do you think the quality of the milk is affected by the way in which the cows are kept? Yes, when they are fed on artificial food of course there must be a difference in the milk.
3585. *Dr. Alleyne.*] Would you call hay and corn unnatural food for a graminivorous animal? The cows are generally fed on brewers' grains.
3586. *Chairman.*] You think it would be desirable to make arrangements to keep all these establishments out of the city? Yes. I am collecting information on this subject, and shall be in a position in a few days' time to state the number of cow-yards in the city, and all particulars concerning them. I have noticed several places in Woolloomooloo where six or eight cows are packed together in very narrow places so that they can scarcely move. They can get no grass and have no room for exercise, and of course under such conditions it can hardly be expected that they can be in good health or condition.

FRIDAY, 27 OCTOBER, 1876.

Present:—

B. PALMER, Esq.,

DR. ALLEYNE.

HON. J. BOWIE WILSON, IN THE CHAIR.

Benjamin Palmer, Esq., Mayor of Sydney, further examined:—

- B. Palmer, Esq.
27 Oct., 1876.
3587. *Chairman.*] At a former meeting of the Board I think you stated, Mr. Palmer, that you could furnish us with some information relative to the cow-yards in the city of Sydney? Yes, and I now submit a statement which I have had prepared by one of my officers, and which I now hand in as my evidence. It is not however quite complete, as there has not been time to inspect all the cow-sheds in Sydney.
3588. How many cow-yards are enumerated in that list? Sixty.
3589. Can you inform us how many additional yards there are within the city? I believe it will be found that there are somewhere about 100 altogether.
3590. You hand in this statement then as a partial return? Yes; there are about 40 more cow-yards, the particulars of which have yet to be furnished.

REPORT of the Inspector of Nuisances on the Cow-yards in the City of Sydney:—

No.	Where situate.	Name of Cow-keeper.	No. of Cows kept.	Dimensions of Sheds.	General Remarks.
1	183, Liverpool-street	Sarah Horsey	4	23' x 11' 6"	Yard connected with sewer by very disgusting open drain; not flagged; very dirty.
2	15-17 Francis-street	John Conlon.....	5	41' x 11' 3"	Connected with sewer; not flagged; very clean.
3	Smedley-lane	Martin Cleary	8	24' x 9' 8" and 16' x 9'	Connected with sewer; remarkably clean; flagged.
4	47, Riley-street	John Bigrove	5	22' x 7'	Connected with sewer; clean; rubble stones.
5	104, Woolloomooloo-street	Susan O'Heir	6	30' x 12'	No drainage; dirty; not flagged. 24 cows in adjoining paddock.
6	Best-street.....	Margaret O'Brien ...	2	24' x 7' 9"	Connected with sewer; clean and pitched.
7	76, Judge-street	Patk. M'Mahon	12	40' x 10' 6" and 11' x 13'	Open drain to sewer; not flagged. Large paddock facing Dowling-street.
8	20, Judge-street	Mrs. Burns	2	13' x 9' 6"	Connected with sewer; clean; bricked.
9	94, Bourke-street.....	Patk. Clancy.....	3	13' 9" x 9'	Connected with sewer; clean; bricked.
10	9, Charles-street	Sarah Mahony	4	16' x 9'	Drains into back lane; clean.

o.	Where situate.	Name of Cow-keeper.	No. of Cows kept.	Dimensions of Sheds.	General Remarks.
11	120, Bourke-street	Mrs. Spooner	1		No drainage; clean.
12	99, Palmer-street	J. O'Grady	10	38' 6" x 11'	Connected with sewer; clean; flagged.
13	Chapel-lane	Mr. Land	18	36' x 17'	Connected with sewer; clean; flagged.
14	294, Liverpool-street	Wm. Bromley	9	46' x 9'	Connected with sewer; clean; flagged.
15	Liverpool-street	Alexr. Kennedy	5	14' 6" x 10'	No drainage; clean.
16	80, Burton-street	Denis Hegarty	2	8' x 8'	Connected with sewer; clean.
17	Forbes, Burton, and another street.		...		Cow paddock, with several people's cows.
18	Forbes, Liverpool, and Mr. Jonas Ray's fence.		...		Cow paddock, with several people's cows.
19	250, Victoria-street	James Fleming	8	{ 12' x 9', 14' x 8', 20' x 10', and 9' x 9' }	No drainage; clean.
20	Burton-street	Patk. Lindrigan	4	34' x 11'	Not connected; clean.
21	West-street	Martin M'Carthy	8	20' x 8', and 9' x 7'	On boundary of Paddington Municipality; in a very disgraceful state; has been fined several times; no sewer.
22	Barcom-street (east side)	Bartley Laverty	10	8' x 9', and 13' x 10'	Drainage into West Creek; not flagged; clean; no sewer.
23	435, Liverpool-street	Mrs. B. Gleeson	8	22' 3" x 9'	Filthy drain into back lane; premises clean; no sewer.
24	Selwyn-street	Sarah Evans	10	18' x 9'	Very dirty; no drainage; cows allowed to wander outside; no sewer.
25	144, Albion-street	John Davison	2	9' x 9'	No drainage; clean.
26	106, Little Gipps-street	T. Purcell	8	39' x 9' 6"	Drainage into street; dirty; no sewer.
27	109, Little Gipps-street	J. Coffey	3	12' x 11' 9"	Drains into receptacle for manure; thence into Ann-street; dirty.
28	113, Little Gipps-street	Norah M'Connell	7	21' 6" x 10'	Not connected; heap of manure at fence; clean.
29	Smith and Gipps Streets	George M'Kay	3	15' x 9' 4"	Connected; vacant land opposite for cows; clean.
30	Mary-street	Mary Hayes	5	15' 6" x 9'	No drainage; clean; no sewer.
31	58, Albion-street	Wm. Doyle	4	15' x 9'	Connected; manure-pit close up to water-closet.
32	Bourke and Arthur Streets	Mary Toohy	1, and 2 calves.		No drainage; very filthy; no sewer.
33	Bourke-street	Corns. Connor	6	{ 20' 6" x 8' 7", and 8' x 4' 6" }	Drains on to vacant land; no sewer.
34	634, Bourke-street	Denis Schweiter	8	17' 8" x 9'	No drainage; clean; no sewer.
35	52, High Holborn	Mary M'Namara	4	16' x 9' 2"	Drains into street; no sewer.
36	Lansdown-street and High Holborn.	Reynolds and Pender	2	23' 9" x 10'	Drains into Lansdown and Crown Streets; no sewer.
37	189, Devonshire-street	Ann Quentin	8	{ 23' 10" x 12' 2", and 13' x 12' 10" }	Drains into Marshall and Devonshire Streets; no sewer.
38	Cooper and Elizabeth Streets.	Martin Haddon	5, and 1 bull.	28' 6" x 11'	Drains into Little Elizabeth-street; no sewer.
39	Little Elizabeth-street	Margaret Purcell	2	23' 3" x 11'	Drains into Little Elizabeth-street; no sewer.
40	118, Waterloo-street	S. Anderson	5	32' x 10' 10"	No sewer, very clean paddock for cows.
41	47, Holt-street	Jas. Farrelly	1	13' 3" x 9' 3"	No sewer; clean.
42	Off Elizabeth-street South.	Robt. M'Neil	3	14' 4" x 9' 7"	No sewer; drains into Elizabeth-street; clean flagged.
43	82, Buckingham-street	Mrs. Carrick	3	23' 5" x 10' 4"	No sewer; drains into street; clean.
44	Randle-street (off Devonshire-street.)	Henry Milroy	3	22' x 23"	No sewer; no drainage; dungpit in yard; flagged.
45	Kent and Windmill Streets	John Mulheren	7	45' x 9' 7"	Very filthy, and disgusting open drain to sewer.
46	32, Bettington-street	John Dwyer	1	19' x 12'	No drainage; clean.
47	135, Princes-street	William Steel	12	{ 16' 10" x 10' 4", 20' 10" x 10' 5", 39' 6" x 8' 3" }	Very dirty; open drain into sewer; large dung-heap in front of gate.
48	176, Cumberland-street	John White	2	9' x 7' 7"	Connected; clean.
49	143, Cumberland-street	Mary Cox	4	28' x 7' 8"	No drainage; dirty.
50	59, Cumberland-street	Thos. Kelly	4	16' 3" x 19' 8"	Connected open drain through rock; very dirty.
51	137, Gloucester-street	Mrs. Tiffin	1	7' 3" x 8'	No drainage; clean.
52	192, Clarence-street	James Oran	3	15' 5" x 9' 4"	Connected; very clean.
53	156, Clarence-street	Jno. M'Crawley	6	42' 2" x 8' 5"	Connected; bricked, and clean.
54	493, Kent-street	John Boyd	2	10' 6" x 11' 6"	Connected by open drain; clean.
55	323, Sussex-street	Jno. F. Hodges	16	{ 28' 7" x 11', and 28' x 9' 9" }	Drains into Dixon-street; badly constructed sheds, and very filthy.
56	Liverpool and Sussex Streets.	William Creely			Connected; very filthy.
57	Castlereagh-street	Owen Ryan	5	14' 9" x 9' 5"	Connected; clean.
58	78, Hunter-street	Henry Clegg	1	7' 10" x 10' 10"	Connected; clean.
59	80, Hunter-street	Fredk. Randall	3	12' 2" x 9'	Connected; clean.
60	499, Pitt-street	Robert Gauld	2	10' x 12'	Connected; clean; flagged.

B. Palmer, Esq.
27 Oct., 1876.

- B. Palmer, Esq. 3591. I observe that you mention in this return, under the head of "Remarks," that some of the cow-yards are "very dirty," and that some are "filthy and disgusting?" Yes, that is the case with several of them.
- 7 Oct., 1876. 3592. The existence of these places must be very injurious to the health of the inhabitants of a crowded city like Sydney? There can be no question of it.
3593. Do you think the citizens of Sydney would be put to any great inconvenience if these cow-yards were moved outside the town? I think it would be of great advantage to them.
3594. Would that entail any difficulty in the delivery of the milk? No, I think not, with the present facilities for locomotion and the railway extension.
3595. There are some dairies some five or six miles out of town along the railway line at present, I believe, which supply Sydney with milk? Plenty of them.
3596. As a rule the accommodation in these dairies in town is very limited, is it not? Yes. I was very particular in getting the dimensions of the sheds set down in the return I have handed in, because some of them where there are not so many cows kept are in very clean condition. In many cases however they pack the animals as closely as possible.
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MONDAY, 29 JANUARY, 1877.

The Board met this day at 2 p.m., pursuant to adjournment.

PRESENT:—

HON. J. B. WILSON,
C. WATT, Esq.,
M. CHAPMAN, Esq.,
E. O. MORIARTY, Esq.,
H. G. ALLEYNE, Esq.,

HON. J. SMITH,
G. F. DANSEY, Esq.,
W. C. BENNETT, Esq.,
B. PALMER, Esq.,
F. H. GRUNDY, Esq.

M. B. PELL, Esq., in the Chair.

Sewage disposal.

THE minutes of the previous meeting having been read and confirmed, the Board proceeded to discuss that portion of the Report of the Engineering Committee which recommended the setting apart of a portion of land for a sewage farm, where the sewage of Sydney could be either utilized or purified before passing into the sea.

The Chairman having explained that the object of the meeting was to give members an opportunity of bringing forward precedents and authorities on the subject of sewage farming and downward filtration, about which there seemed to be some difference of opinion, and that it was desirable that each member of the Board should express his opinion on the subject,—

The Hon. J. B. Wilson, in order to commence the debate, moved the following resolution:—

“That the Board cannot recommend that any portion of the sewage of the city and suburbs be disposed of by the establishment of a sewage farm—first, because it cannot be profitably utilized; and secondly, because it would create a permanent nuisance, very offensive and dangerous to the health of the inhabitants.”

He said: Mr. Chairman,—We are called upon to give our opinions upon that portion of the Report of the Engineering Committee read at the last meeting which refers to sewage farms. Now there is one statement contained in that Report to which I must take objection, because I do not think it is borne out by facts. I refer to the 25th clause, which states that

Many and weighty reasons might be urged in favour of utilizing the great fertilizing power which the sewage of a large city possesses, and which under the warm sun and in the occasional dry seasons of this climate might be expected to produce most favourable results; but it is not clear that the utilization of sewage in Europe has as yet been made a financial success, though in many instances it closely approaches it, as in Dantzic, Banbury, and Edinburgh.

It is especially with regard to Edinburgh that I wish to speak. I think it was hardly right to introduce such a remark into the Report, seeing that there is no sewage farm in Edinburgh. The Craigentenny Meadows are not a sewage farm, and a great portion of the sewage runs into a ditch and goes into the Frith of Forth, and not into the meadows. There is no doubt that by flooding the Craigentenny Meadows with sewage when it was required, and only when it was required—and sometimes they are as long as nine months without being flooded—large crops have been obtained; that I do not deny. But in the first place the Craigentenny Meadows are not a sewage farm, and in the second place there can be no doubt that the process adopted there has created an intolerable nuisance. In proof of this, I will read the following extract from a work entitled “The Sewage Question”:—

These meadows have long been notorious as the most filthy and offensive plots of cultivated ground in Great Britain. They are also remarkable for their so-called extreme fertility in producing the largest produce of a course, ruck, and washy grass, which like brewers' grains is only fit for the food of milk cows pent up in the close sheds of a town dairy where quantity and not quality of milk is the desideratum. They are situated about 2 miles to the east of Edinburgh upon the sandy shore of the Frith of Forth, and they have an area of about 250 acres. The sewage is poured upon them from an open sewer called the “foul burn,” which drains a district in Edinburgh with about 80,000 inhabitants, where water-closets are not in general use. The burn runs eastward and northward from the city and passes through a small sewage farm of about 30 acres (the Loehend Farm), twenty of which are in permanent grass and the rest in Italian rye grass. The tenant of this farm takes the sewage when he likes and he also takes as much of it as he likes, and the rest of it runs eastward in the open burn to the Craigentenny meadows, and thence, if not wanted, to the sea. As it passes through the meadows it is distributed upon them in the most profuse manner, rendering the ground a swampy sewage morass; in fact, the effluent water which runs off by many channels and trickles away to the sea-shore, is as foul as it can well be. The smell from the open burn and the swampy meadow is so powerful that it is offensive to the whole neighbourhood. The soldiers at the neighbouring cavalry barracks at Piershill complain of it as a serious nuisance, and say that at times it is quite sickening. Dr. Ligertwood, the surgeon of the 8th Hussars, attributes the absence of disease among the soldiers while stationed there in 1868, to the fact that the sea breeze which counteracts any evil influence from proximity to such fields, and thus, he says, they maintained their health “in spite of the nuisance.”

Now, sir, any person who is acquainted with Edinburgh will bear out that statement. It is many years since I saw them, but they were then in as foul a state as they could possibly be—in such condition as no one would expect to find in a civilized community. With regard to the other places mentioned in the Report as being noted for the successful treatment of sewage I cannot speak from personal observation, for I know nothing of Dantzic and must confine myself to Great Britain. The position I take up is this, that sewage cannot be profitably employed on a sewage farm.

Chairman.] What are we to understand by the word profitably;—do you include in such a calculation the cost of conveying it to the farm, as the cost of conveyance would have to be incurred in any case, whatever mode of disposal might be adopted? Do you think it would cost more to put it on to a sewage farm than to deliver it elsewhere?

Hon. J. B. Wilson.] I question whether it could be put there as economically as it could elsewhere, and there would be constant expenses attending it, so much so that no persons will take it unless it is actually put on their farms.

Chairman.]

Chairman.] I think we may assume that it will cost the same to take it to sea as to take it to a sewage farm—that is to say, to the edge of the farm. You think the cost of such delivery would not be repaid by utilizing the sewage?

Hon. J. B. Wilson.] I do not actually think it would; and I think it would create an intolerable nuisance, more especially at such a place as Webb's Grant. It is a well-known fact that when sewage is put on to raw sand no oxidation takes place; it is at once absorbed by the sand, but it is absorbed in its natural state—it is not acted upon by the atmosphere, and no oxidation takes place while an amount of decomposition goes on which makes it a perfect pest to the community. There was a paper on this subject read at Paris by a gentleman who obtained for it a prize from the Academy of Science—it was, I think, in 1834; and he lays down certain principles, first, that the soil must not be too light—and secondly, that the process of filtration must not be too rapid or hurried. He states, that to make the process at all safe or expedient oxidation is necessary. When sewage matter is not oxidized, it becomes a great nuisance and causes a frightful stench. Now, I have no doubt that the soil at Webb's Grant consists of sand, to a depth of 3 or 4 feet above high-water-mark, over clay; and that after the application of sewage in a short time it would become a putrid mass so offensive that no one would be able to stand it. Again, the area secured for the purpose is far too small. I believe that to meet the requirements of this city for a number of years we should require from 1,500 to 2,000 acres at least, in order to treat the sewage without injury to the health of the inhabitants. The estimate given in the paper to which I have referred is 1 acre to every twenty-five persons; and if we make provision, as we ought to do, for the next twenty-five years, and calculate the population of the southern slopes of Sydney at 85,000 to 100,000 inhabitants—and it would not be judicious or safe to propose any scheme which would not be effective for 100,000 inhabitants; and take only an acre for sixty or seventy persons—we should have to set apart an area of not less than 3,000 acres, in order to avoid creating a permanent nuisance and to injure the health of the inhabitants. I do not mean injury in the form of any actual malaria breaking out among the inhabitants in the immediate neighbourhood, but the danger so strongly insisted upon by many competent authorities arising from the food grown upon sewage farms. It is generally admitted that the only thing you can grow by means of sewage irrigation with any prospect of success, is Italian rye grass, and the scientific world have laid it down as a law that to feed cattle on this material is dangerous in the highest degree. In the work on the sewage question from which I have already quoted I find the following remarks on the "Parasitic Dangers of Sewage Irrigation":—

Entozoa diseases have always an external origin, and are generally caused by food or drink infected with the ova of parasites or with the parasites in a larval condition,—the food or drink being in its turn infected directly or indirectly by excremental pollutions. In some cases, as with the protozoa and the nematoid worms, the ova or the mature parasite may gain access to the body of man and at once cause disease of a more or less serious character through the water which we drink, or some raw vegetable which we eat, infected with sewage. Water-cresses, celery, lettuce, endive, and other such vegetables eaten in a raw condition, may after recent sewage irrigation, convey the agents of parasitic disease. At other times, as with the cestoid forms of entozoa, helminthic disease is caused by the use of meat infected with the larvæ of parasites that have had their origin in sewage or excremental matters present in the green fodder, or other food upon which the animals have fed. A single individual infected with tape-worm will discharge from his body millions of ova, every one of which is capable of producing a measles, as it is called, in the flesh of an animal, and this in its turn a tape-worm in man. As we have elsewhere remarked, sewage contains myriads of ova of intestinal entozoa,—every segment of tape-worm discharged from the human body being crowded with them, and if distributed with sewage upon the land, will become attached to the grass and other green fodder which is grown thereon. This is eaten by cattle, whose bodies quickly become infected with the parasite in its larval condition, and thus the measly meat becomes the agent of disease in our own bodies. At present the distribution of these ova, and their access to the bodies of herbivorous animals is entirely a matter of accident; but make it a matter of certainty, as most assuredly you will by distributing sewage upon the fodder producing land, and the consequences must be serious. Dr. Cobbold, who is our highest authority on this subject, has published an essay, warning the public of the danger of this method of distributing town sewage; and he has hinted at the probable introduction into this country of a terrible helminthic malady (*Bilharzia*) which is now common in Egypt, Africa, and the Mauritius, and which would assuredly be propagated throughout the land by this dangerous scheme of irrigation. "Have the kindness," he says, "to observe that every colonist returning from the Cape is liable to bring this parasitic treasure with him as a guest indeed, dwelling in his blood, and feeding on his life stream. In the advanced stages of the malady the afflicted individual must frequently evacuate the eggs and their contained embryonic larvæ, which are thus conveyed into the ordinary receptacles of such voidings. There let them remain, or convey them into a cesspool, and no harm follows. If deemed preferable, you may transport them along with myriads of other human parasite eggs and larvæ into a common sewer, and thence into the sea; still entozoologically speaking, no harm follows. Here, however, let me invite you to pause, for if, without due consideration, you adopt any one of the gigantic schemes now in vogue, you will scatter these eggs far and wide; you will spread them over thousands of acres of ground; you will place the larvæ in those conditions which are known to be eminently favourable for the development of their next stage of growth; you will bring the latter in contact with land and water snails, into whose bodies they will speedily penetrate; and in short you will place them in situations where their yet higher gradations of non-sexual growth and propagation will be arrived at. After all these changes, there is every reason to believe they will experience no greater difficulty in gaining access to our bodies here in England than obtains in the case of those same parasites attacking our fellow creatures, whose residence is found in Egypt, in Natal, in the Mauritius, or at the Caye. In a natural history point of view, it would not be an altogether singular result if, twenty years hence, this parasitic malady should be as prevalent in this country as it is now known to be in particular sections of the African Continent. Forseeing the possibility, not to say probability, of this contingency, am I not right," he says, "after years of long study, to raise my voice in the hope of preventing such a disaster."

Chairman.] That is only a theory. Can you quote any instances where these diseases have actually been produced by the use of food by men or cattle which has been grown by sewage irrigation?

Hon. J. B. Wilson.] I quote these opinions to show the danger of inviting diseases which it is in our power to prevent. I will continue the quotation a little further—

Nor is it unlikely that the trichina may be distributed in the same manner, for it swarms in the intestines of those who have just become infected with it, and may be discharged into sewage and scattered upon the land, and eaten by creatures whose flesh will give it back to us again. No one, in fact, but the helminthologist, can say what particular parasite may not be distributed and propagated by this dangerous agricultural process. "May we not indeed," as Dr. Cobbold observes, "but too reasonably conjecture that the wholesale distribution of tape-worm eggs by the utilization of sewage on a stupendous scale, will tend to spread abroad a class of diseases, some of which are severely formidable? So convinced am I," he says, "of the truth embodied in an affirmative reply to this latter query—so certain am I that parasites are propagated in this particular way—so surely do I see unpleasant results if no steps are taken to counteract the evil, that I feel myself bound to speak out boldly, and to produce no uncertain sound in the matter which most closely concerns humanity.

With regard to the success of sewage farms I will quote a short passage from the same book—

The farm at Rugby was laid out in the most approved fashion, and was managed by a very enthusiastic gentleman, Mr. Campbell, who had studied the operations at Edinburgh; but after eleven years of unsuccessful experience he abandoned it, and said in a letter to the *Times* of the 18th of November, 1864, that he had used the sewage of Rugby ever since the formation of the works, both upon his own land, and upon that of others, to the extent of 190 acres, but he was sorry to say that in a pecuniary point of view it had been altogether unremunerative. After this it was taken in hand by Mr. Congreve and Mr. Walker, two other enthusiastic gentlemen, but they also abandoned it, and now it is in the possession of the local authorities.

authorities, who work it for sanitary purposes. At Croydon, the pressure of legal proceedings for nuisance created by the discharge of sewage into the river Wandle, forced the local authorities, through the suggestive teachings of the Board of Health, to adopt the irrigation system, and until recently the farm has been rented by Mr. Marriage, but for some reason or another he has abandoned it; and although attempts are being made to form a joint-stock company to work it, the prospects are not hopeful. Almost everywhere, in fact, the system has failed, in both an agricultural and commercial point of view, and hence there are very subdued and modified opinions of the value of sewage farming by those who were once its most earnest advocates. Mr. Rawlinson, for example, the Board of Health champion of irrigation, has apparently come to the conclusion that it will not pay if sewage has to be paid for; for in his evidence before the Parliamentary Committee, in 1864, he said, in speaking of Worthing, where he was part proprietor of a sewage farm, that "they (the local authorities) had acted with wisdom, for they charge nothing for the sewage; if they had charged anything there would have been no experiments; they give the sewage, and they lift it upon the land." He also said, in speaking of the London sewage, that "if any company is induced to enter into the speculation of applying the sewage of London, and agrees to pay the sums I have heard named, they will be in bankruptcy very shortly." He therefore evidently looks on sewage as a thing to be got rid of, and ought to be given away by the local authorities, for farmers cannot afford to pay anything for it.

The persons who compiled this book have summarized at the end of it the conclusions at which they have arrived, and in page 200 I find the following remarks:—

In some cases, where large agricultural results have been achieved, as on the Craigentenny meadows at Edinburgh, all sanitary considerations are abandoned, and the sewage is allowed to flow upon the ground in such enormous quantities as to convert the locality into a stinking morass, which is a public nuisance; besides which the effluent water is so foul as not to be admissible into any decent watercourse, and therefore runs directly into the sea. On the other hand, when sanitary results are aimed at, as when the sewage is sprinkled upon the land by means of hose and jet, in the water-pot fashion, as was the case at Tiptree hall, at Rugby, at the Earl of Essex, and at the Voujours farm, near Paris, the agricultural results were so unprofitable that, notwithstanding the ardour and strong faith of its advocates, it was at last summarily abandoned.

Then a little further on they state, in enumerating the disadvantages attending sewage irrigation among other things:—

Sixthly: There is the serious disadvantage of the non-applicability of sewage to any other crop than grass, which can only be profitably used for dairy purpose. Seventhly: The noisome character of the operations, and the filthy sordid state of the soil are undoubtedly dangerous to the public health, for a damp atmosphere reeking with sewage effluvium is known to be a prolific source of typhoid and enteric maladies. Eighthly: The subsoil water, if not properly diverted, is apt to reach the neighbouring wells, and render them unwholesome. Ninthly: There is the great probability of producing entozoic infection of both man and animals by the distribution of excremental ova upon the land and its produce.

All these considerations, they say—

Lead to the conclusion that the present method of distributing sewage upon the land is eminently unsatisfactory, for it is wasteful, it is inefficient, it is expensive, and it is dangerous.

I will only add that I will defy any one to controvert the fact that no one in the world has had the hardihood to propose such a scheme for the disposal of sewage under any other circumstances than where it was utterly impossible to dispose of it in any other way.

Chairman.] The book from which you have quoted is an anonymous work, is it not?

Hon. J. B. Wilson.] Yes; it is a compilation of various articles on the subject, from the "Medical Press" and elsewhere. I have also a letter from a relative of my own who has one of the largest medical practices in Croydon, in which the writer expresses himself strongly adverse to sewage irrigation, as injurious to health.

Hon. John Smith being called upon to give his opinion on the subject under discussion, said:—I have not read up the question of sewage farming in connection with the report before us, for it did not occur to me that we were bound to give any immediate opinion upon it. It appears to me that the report only mentions a sewage farm as an experiment that might be tried if it should be considered desirable.

Chairman.] As you were not here during the latter part of the last meeting, I may mention that this discussion has arisen out of the fact that the Engineering Committee were unwilling to employ the time and to incur the expense required to make an estimate based on the supposition that downward filtration or a sewage farm would be adopted for the southern slopes of the city, if there was any chance that the Board would reject that mode of disposal in any shape or form. Therefore it seemed desirable to obtain a decided expression of opinion one way or the other from the Board, and to settle the question at once.

Hon. J. Smith.] I think we should recommend that provision be made for carrying the sewage to the sea, but I do not think that along with that recommendation we should utterly condemn sewage farms.

Chairman.] The question is whether under any circumstances it would be desirable to recommend sewage farming or downward filtration.

Hon. J. Smith.] I think we should recommend an arrangement to carry the sewage to the sea, but if this arrangement be of such a nature as to allow the experiment at some future time of a sewage farm, I do not see why at this stage of the proceedings we should condemn it.

Chairman.] The Board will have to consider whether they will recommend the treatment of a portion of the sewage in this way as a temporary expedient, with a view to save a large outlay not immediately required.

Hon. J. B. Wilson.] It cannot be done; there is no land for the purpose.

Hon. J. Smith.] Assuming that the requisite area of land can be obtained, we may consider the advantages and disadvantages of the process. Some very strong language is used in the opinions quoted by Mr. Wilson, enough to frighten one, but the cases of disease spoken of are merely hypothetical, and on the other hand there is a great deal of fertilizing matter in sewage. The Chinese, we know, use this kind of manure largely, but I have always understood that they do not bring it into direct contact with the green portion of the crops, but apply it in channels between the plants, and no harm results from it. But it does not therefore follow by any means that to flood the ground and cover the plants themselves with liquid manure, would not be productive of injury; the vegetables we eat have to be boiled, but cows eat cabbages and green crops in a raw state, and it is possible that they may thus become infected. I should be inclined at once to recommend arrangements for carrying all this matter to the sea, and to add that if convenient a sewage farm might be tried; that is what I should be disposed to recommend, unless it should be shewn that the expense of carrying it to the sea would be enormously greater.

Mr. Moriarty.] The idea the Engineering Committee had in their minds was this: that to make provision for carrying the sewage of the southern slopes to sea would involve an enormous outlay, and that for the present, in view of the small population existing at Newtown, Surry Hills, and the surrounding neighbourhood,

neighbourhood, the Board might recommend the establishment of a sewage farm where the sewage of these places might be purified by downward filtration, until the increased population should warrant the large cost of extending the sewer to Botany—that the cheaper method should be adopted for the present upon economical grounds.

Hon. J. B. Wilson.] What is the present population settled on the southern slopes of the city?

Mr. Moriarty.] We estimate it at about 20,000 at present.

Hon. J. Smith.] Then you propose to make use of the land simply as a medium for purification—as a filtering ground in fact so that the sewage may find its way into the sea in a harmless state, and not for the purpose of utilizing the sewage.

Chairman.] That is all.

Hon. J. Smith.] Then I would prefer to adopt that method as a matter of economy.

Mr. Moriarty.] If we extend the sewers to Botany an enormous cost will be involved. (*The speaker illustrated the relative positions of the different localities by means of a diagram.*) But if we strain the sewage first and then allow it to go on to a piece of land of moderate size so that it may be sufficiently purified we save the cost of the extension. Should this arrangement be found to create a nuisance we could then construct the sewer which we might have done in the first instance.

Hon. J. Smith.] If we are to consider the proposal of the Committee as a mode of getting rid of the sewage harmlessly—if that is the object of their recommendation—I am prepared to agree with it and I should prefer not to give any opinion on the subject of sewage farming. As far as I can gather the experience of sewage farms is not tempting.

Chairman.] You have no objection then to this inexpensive mode of dealing with the sewage?

Hon. J. Smith.] None.

Mr. Watt.] I should like first to put in an extract from a speech by Mr. Hawkesley, President of the National Association for the Promotion of Social Science. He is the highest authority, having for a great number of years been connected with water and sewerage works. He is now engaged at Windsor, where he has been obliged to adopt a scheme of sewage filtration. He is compelled to discharge it into the Thames in a certain state of purity, and he has no other alternative. He says,—

First, that sewage is as utterly worthless matter incapable of being utilized at a profit by any method already known or likely to become known; and therefore that it is better to get rid of it in the most convenient manner and at the least possible cost. Now, two methods are in use for the purification of sewage—irrigation and precipitation. The former necessitates an eventual expenditure of £5 or £6 per head of the community drained; the latter about 10s. or 12s. per head; and the absolute loss by the former is considerably greater than by the latter method. As a general rule then I prefer and recommend precipitation, nevertheless admitting that there are exceptional cases in which the irrigation method may be advisedly resorted to. When, however, this worthless and obnoxious matter can be disposed of in the sea we ought to avail ourselves of the opportunity the sea presents.

The two processes I have mentioned when properly carried out (which however is but rarely the case) are equally effective in the production of an effluent water clear to the eye, practically inodorous, and in chemical compositions reasonably pure. No rule of universal application can however be laid down for the purification, utilization, and disposal of the sewage of urban populations for such sewage is greatly affected by the manufacturing refuse with which it is mixed. It may moreover be observed that the manurial properties of water-borne excreta are always exceedingly feeble, and the more so the further they travel, because of the rapid decomposition and oxidation of the most valuable organic constituents; consequently urban sewage is of little service for farming purposes, unless it can be applied without delay and near its source. The natural operation of decomposition and oxidation by which our rivers and seas become in fact self-cleansed and self-purified is even yet but little understood by the public at large; and hence it is that so many well-meaning and influential persons are still found of firm faith in the benefits assumed to be derivable from the application of sewage to the production of food, and so assumed on the fallacious ground that, if matter of a high manurial value enters a sewer at its one end, that some matter must necessarily be found in it at its other end dissolved or diffused it may be, but not in any other respect changed. It will be an unpleasant surprise to such persons to be informed that this assumed fact is not a fact at all; for that, by way of instance, the River Trent, in its course before reaching Nottingham, receives the sewage of two million people, amounting to 40 or 50 million gallons per day; and yet at that town the water is clear, sweet and chemically free from all the noxious constituents brought into it by this enormous volume of sewage. In fact no form of matter suffers decomposition and reconstruction into compounds of a harmless nature with more facility than the description of matter to which I am now referring.

I will also put in a paragraph from the same journal—*The Journal of Gas Lighting, Water Supply, and Sanitary Improvement*—of 28 September, 1875:

We mentioned a few weeks ago that at the Romford Sewage Farm splendid crops had been grown and then ploughed in, for what reason we know not. The following explanation has been offered:—“The crops ploughed in was an effort to convert as much of the manure as possible into vegetation by first of all growing with the autumn and winter sewage a crop of rape, the better to store up in the soil the sewage passing through it, and then the decomposing rape forms a manure for the subsequent crop.” We shall begin to understand sewage farming presently. First we were told that sewage was an all-sufficient manure; next we were informed that it is advisable to dress the land with a considerable quantity of fold-yard manure; and now we read that it is necessary to plough in one crop to serve as manure for the next. We have the further information that the bulk of the phosphates and potash in sewage exists in the solid matter in suspension—that is in solid fecal matter. Hitherto we have been taught that six-sevenths of the manurial value of sewage was to be found in the liquid portion; but we must live and learn.”

I will read another extract from the same journal:—

Water and Sanitary Notes.

At this season of the year it is usual for the sewage question to turn up for discussion; and accordingly the daily papers have been flooded with correspondence on the unsavoury subject. Recently, additional interest has been given to the discussion by the suggestion of Mr. W. R. Greg, that a portion of the surplus—whenever a Chancellor of the Exchequer is so fortunate as to have one—should be applied in an endeavour to solve the problem of the profitable disposal of sewage, if it be possible, or in discovering the best means of getting rid of it altogether, if no utilization be possible.

Mr. Greg points out that the Rivers Pollution Bill, when it becomes law and is enforced, will impose a task on the country, involving an expenditure of £100,000,000, which, as he says, means rates by the million, or borrowing by the million. The prospect is certainly a dismal one for the, at present, overburdened ratepayer, and then the question arises whether, after all, the work is necessary or desirable. Mr. Greg appears to think that it is not. “The Rivers Pollution Bill,” he says, “provides in effect that, while our sewerage system shall be universalized and perfected, God Almighty’s sewers—our streams and rivers—‘for that end made and provided,’ shall no longer be used for the purpose; that our rubbish, manufacturing refuse, and household excrements shall no longer be turned into the natural watercourses, and so carried off to the sea, but shall be disposed of and find depositories elsewhere. In that last phrase lies the essence of the subject. Elsewhere! Where?” Mr. Greg then takes a glance at the valley of the Thames, and remarks that the effects of the Act referred to will be that “the excrementa of some 10 or 15 millions of people, which has hitherto floated away to the ocean, must be retained in this country and may become centres of pestilence.” We need not quote further, and will only express a confident opinion that Mr. Greg will never succeed in persuading a Chancellor of the Exchequer to expend any surplus revenue on sewage experiments.

Then comes Mr. Mechi, who, firmly believing in the success of sewage farming—a success, by the way, which he has never demonstrated—and seeing that the public cannot be persuaded to invest money in a scheme for utilizing the sewage of London, coolly suggests that the Metropolitan Board of Works shall guarantee the interest on the capital expended. They may

may, perhaps, do so—if the Board be in existence—when a surplus is devoted to sewage experiments; but, at the present time they are just as likely to guarantee interest on the money expended on the tunnel under the Channel.

Among the several communications made to the daily papers there are a few which tell us of the success attained at some sewage farms. The one at Ashby-de-la-Zouch certainly cannot be considered successful. The Local Board have, since 1870, expended £2,254 7s. 8d. on the farm, and they have received in cash £1,668 14s. 10d. Credit, however, being taken for stock, valued at £561 15s. 2d., the whole proceeds would appear to be £2,230, which leaves the Board with a loss of £23 on the five years working. But this is not quite all. The Board borrowed £600, which was to be repaid by annual instalments of £44 10s. We gather that no instalment has yet been paid, and thus £220 must be added to the loss.

Doncaster, too, has a sewage farm, but the Corporation never succeeded in making it pay. It is now leased to a company, who have been in possession two years, but have not yet paid a dividend. We always thought that sewage, if enough was applied—and it seems to be used unsparingly on the Doncaster farm—was all the manure required. The manager of this farm, however, considers it desirable to make a considerable quantity of fold-yard manure, and intends to dress the land all over with it. This is, no doubt, very advisable; but it is not sewage farming in the ordinarily received sense.

An able correspondent of *The Times* recently published a summary of the accounts of twenty-five sewage farms, which appeared to show that only two pay their agricultural working expenses. As regards one of these—Warwick—however, it seems that a great mistake was made. Mr. Clifford, who, we believe, laid out the farm, and managed it for some years, wrote to say that, instead of a profit, the loss to the ratepayers last year amounted to £423. This farm has now been leased to a company, who are to conduct it on commercial principles.

Whether the Romford farm, which is worked on commercial principles, is a success or not, we shall leave others to decide. We rather think we read recently that splendid crops were grown on it last year, and then were ploughed in, for reasons which we do not remember.

The sewage of Leamington is taken by the Earl of Warwick, who pays the local authority £450 per annum. It costs the Town Council, however, £1,046 to take the sewage to the earl's land, so that there is an actual loss of £596. Beyond this, there are the interest on borrowed money, and the annual instalment for repayment to provide; and, taken altogether, we may say that the present cost of getting rid of the sewage of Leamington is over £2,000 a year. What the Earl of Warwick makes by it is only known to his lordship and his steward.

We must wait for Lord Rosebery's returns for complete details as to the result of farming operations for the utilization of sewage; but we may say that, with the information now before the public, it seems to us highly impolitic for any local authority to engage in sewage farming. There is a great deal to be urged in favour of the plan known as intermittent filtration; but this must be regarded as still on its trial. It is impossible to believe that a small area of land can go on for an unlimited number of years purifying thousands of gallons of sewage, however deep the land may be drained, or however well the filter be constructed. The system has the recommendation of being the cheapest, and may be, for a time, the most effective means of purifying sewage; but we cannot help expressing a doubt whether the benefit will last.

Chairman.] Can you bring forward any instance where men or cattle have suffered—or where there has been a strong presumption that they have suffered—from the use of food grown on a sewage farm? I know there have been panics in different places arising from the belief that cattle have suffered from eating certain food, but I believe it was merely fancy.

Mr. Grundy expressed his approval of the report as it stood.

Mr. Chapman.] I feel inclined to recommend the system of filtration proposed in the report, and I may take the opportunity of stating what I have seen done by the Chinese, who rear cabbages and other garden produce for sale in Sydney. I have seen them carrying a bowl with a dipper in it, and pouring the sewage all over the plants—not only applying it to the roots, but pouring it over the leaves as well, and I can understand that in that way of using it some of the ill effects may occur which have just been mentioned. I have also seen Chinamen calling for a large cask of liquid refuse from a bone-boiling establishment further down the swamp—thick stuff like soup; Mr. Bennett I think was with me at the time, and when I asked them what they were going to do with it, they said to put it on the ground for manure. Therefore if the sewage is now commonly used in that way, I cannot see that any great harm is likely to arise from a sewage farm, and certainly not to the extent asserted by the authorities which have been quoted. I do not pretend to know much about sewage farms, but I have seen immense vegetables grown by sewage, and people eat them without any nuisance being created, and without any disease being produced. The Chinamen who grow vegetables with this horrid stuff can tell you too when they will be ready for market.

Mr. Grundy.] I can corroborate Mr. Chapman's statement from my own observations. I have spoken to these Chinamen, and have pointed out to them certain vegetables, and asked if they were not rather late in the season, when I have been told that they would be ready for eating, in what appeared to me an extraordinary short time.

Mr. Dansey.] For my part I think the most complete way of getting rid of the sewage is the best, but as I understand it, the proposal of the Committee is to pour the sewage on to a piece of sandy ground which would have the effect of filtering it, so that while the sand retained the fertilizing properties of the sewage, the effluent water would drain into the sea without creating any nuisance. I understand that it is not intended to purify the sewage by any artificial process, and to run the refuse water into the sea by pipes, but simply to let it filter through the sand, and to grow vegetables or green crops there. That appears to me very different from retaining it in the soil, and converting the ground into a swamp; whether vegetables grown in that way would be liable to the same effects as grass grown in the same way where the sewage is thrown over it, and the ova of worms attach themselves to the blades, there is a doubt in my mind.

Mr. Moriarty.] I may preface the remarks I have to make, by stating that when I wrote this report I had no idea of recommending that we should take up such a large extent of land as would be necessary thoroughly to utilize the sewage of Sydney. My idea and that of the other members of the Committee who carefully considered the question our main object, was to make some provision for purifying the sewage, so as to allow the effluent matter to flow harmlessly into Botany Bay or some other place, and to take up only so much land as would be required for that purpose. Well I find that a sewage farm is really required, and that large crops are grown on land by means of intermittent filtration. The plan adapted is this: One-third of the land is kept under filtration, one-third is under crop, and one-third is being prepared to receive crops, so that in reality only one-third of the area is used at one time for filtering purposes under this system.

Chairman.] Under that system then it is impossible that the sewage can be applied to the leaves of the plants? Yes, it is not considered desirable to do that. I shall now proceed to read one or two authorities which I have collected on the subject of intermittent downward filtration. I quote from the report of a Committee of the British Association for the advancement of Science, appointed to inquire into the treatment and utilization of sewage, published in September, 1873.

Chairman.]

Chairman.] Can you give us the names of the Committee? The Committee was composed of Richard B. Grantham, C.E., F.G.S. (Chairman); F. J. Bramwell, C.E., F.R.S.; Professor W. W. Corfield, M.A., M.D. (Oxon); J. Bailey Denton, C.E., F.G.S.; J. H. Gilbert, Ph. D., F.R.S., F.C.S.; W. Hope, V.C.; Professor A. W. Williamson, Ph. D., F.R.S., F.C.S.; and Professor J. T. Way. The following are some of the conclusions at which they arrived:—

Intermittent downward filtration through soil has been shown at Merthyr Tydfil to afford a means of purifying the sewage under favourable conditions; but it cannot be said to be a method of utilization except to a very partial extent, as the investigations made by the committee showed that the effluent water contained as much nitrogen as was originally in solution in the sewage, but mainly as nitric acid instead of as ammonia and organic nitrogen. There can be no doubt that the process would prove useful as an adjunct to irrigation, or where a sufficient amount of land for irrigation cannot conveniently be got. By properly conducted sewage irrigation a solution is afforded to the question of sewage utilization; it has already been stated that a precipitation process or some classifying process may be found useful.

If such process, however, removes the phosphates from the sewage, it will if employed for irrigation require to be supplemented either by the use of the precipitate produced in the settling tanks, or by that if some other manure supplying phosphoric acid.

* * * * *

An irrigation farm should therefore carry out intermittent downward filtration on a large scale so that the sewage may be always thoroughly purified, while at the same time the maximum of utilization is obtained.

It is certain that all kinds of crops can be grown with sewage, so that the farmer can grow that which he can best sell; nevertheless the staple crops must be cattle food, such as grass, roots, &c., with occasional crops of kitchen vegetables and of corn.

And it is also certain from the analysis of the soil that it becomes very much richer under sewage irrigation, and that some of the manurial constituents of the sewage accumulate in it.

Cattle should be fed on the farm. The result would be a vast increase in the production of meat and milk, the great desiderata of the populations producing the sewage.

* * * * *

The Committee has not been able to trace any ill effects to the health of the persons living along sewage farms, even when badly conducted; nor is there any proof whatever that vegetables grown thereon are in any way inferior to those grown with other manure. On the contrary, there is plenty of evidence that such vegetables are perfectly suited for the food of man and beast, and that the milk given by cows fed on sewage grass is perfectly wholesome.

To give a recent example, Mr. Dyke, Medical Officer of Health of Merthyr Tydfil, states that since the abundant supply of milk from the cows fed on irrigated grass the children's mortality has decreased from 48, 50, and 52 per cent. to only 39 per cent.; and that so far from diarrhoea having been made more prevalent by the use of sewage cabbages, "last year the Registrar General called attention to the fact that diarrhoea was less prevalent in Merthyr than in any place in England or Wales;" and he expressed his belief in "the perfect salubrity of the vegetables so grown."

With regard to the assumption which has been made, that entozoa diseases would be propagated by irrigation, all the evidence that the Committee has been able to collect, and more especially the positive facts obtained by experiments are against such an idea; and the Committee is of opinion that such diseases will certainly not be more readily propagated by sewage irrigation than by the use of human refuse as manure in any other way, and probably less if the precaution be taken of not allowing the animals to graze, but always having the grass cut and carried to them.

In the second Report of the Commissioners appointed to inquire into the best means of preventing the pollution of rivers, on the river Lee, they say—

In our report on the Thames (pages 12 to 15) we have described at some length the modes of sewage irrigation as practised at Croydon, Norwood, Worthing, Carlisle, and Edinburgh; we have little to add to this account, other than that experience confirms the practise of this mode of disposing of sewage. In the course of our inquiry we have received evidence as to its advantage. At this time (April 18th) there are crops of Italian rye grass at Worthing, grown under sewage irrigation, which are being cut at the rate of from 5 to 8 tons to the acre, whilst adjoining pasture lands are almost bare. A small dairy has been established, the cows being stall fed on the cut grass—the milk produced, from its richness and superior quality, commanding a preference in the town. A sewage farm requires special and peculiar management; the operations should be specially adapted to this mode of culture, and then it will be found that any land may be improved. The operations do not turn clay lands into swamps, although 60 inches in depth of sewage are added by irrigation to the rainfall. The dressings with sewage must be even and at regulated intervals. In all cases sewage should be used fresh, that is before putrescence has set in, so as to prevent any effluvia arising from the irrigated land. Where this is the case there cannot be any just grounds for complaint. Where clay lands are irrigated, and the contour of the land will admit of the operation, a second and even a third use of the water may be made with advantage."

Then follows a description of the appliances used, which I need not read, and they add—

A sewage farm not only requires a peculiar mode of cultivation, but also special management in dealing with the produce. Tolerably good land under sewage will produce from five to seven crops of Italian grass per annum, weighing in the aggregate when green from 50 to 60 tons per acre. A first cutting at Worthing in May, 1865, was from 20 to 25 tons per acre. The grass is used to the best advantage on the day it is cut, and is most profitably applied to stall-feeding dairy cows. With such rapid growth and weight of grass a special market for the produce of the land must be provided to prevent waste, failure, and disappointment; but as milk and butter are a necessity, and as good milk and butter will command a preference in the market, there need not be any difficulty with a sewage farm because of its great productiveness. This has however been a complaint made against sewage irrigation in some places—a market did not offer means for immediate sale, the grass spoiled in keeping, and therefore the experiment was pronounced a failure. In course of time sewage farming will become a special business; and when it is found that there is more profit in a sewage than in an ordinary farm, the system of sewage irrigation will have been solved. Where there is sewage there must be population. Milk, butter, and beef will therefore necessarily be in proportionate demand; so that when the true use of sewage is understood, that which is the cause of nuisance by being wasted will be turned to profit on the land.

In their recommendations at the close of their Report the Commissioners advise—

That after the lapse of a period to be allowed for alteration of existing arrangements it may be made unlawful for any sewage, unless the same has been passed over land so as to become purified, or for any injurious refuse from manufactories or agriculture, to be cast into the river or into any of its tributaries, and that persons offending in this respect be made liable to penalties to be recovered summarily.

In an address on health, by Robert Rawlinson, C.E., who is a Member of the Army Sanitary Committee, delivered at the Newcastle-upon-Tyne Congress of the Social Science Association, in September, 1870, he says,—

The sanitary engineer and manufacturer of the future will know nothing of waste products, because sewage will be used as the most valuable manure, and the ingredients which now pollute and destroy our rivers will be converted to profitable uses.

The Drainage and Sewage Utilization Works at Eton, which have been in operation over five years, appear to have been very successful. I extract the following from a report by the Rev. C. Wolley-Dod, Chairman of the Eton Urban Sanitary Authority. The report is dated September, 1876,—

In the case of Eton, the sewage is removed from the town, pumped up to the farm, distributed over the land, and the produce of the farm sold, and placed to the credit of the account.

The health of the town is exceptionally good, and there can be no doubt that the system is the best and cheapest that could be adopted.

The

The pollution of the river by the sewage of Eton is prevented, the health of the town improved, and the working expenses of pumping reduced to a minimum by having a fixed quantity to raise, instead of an uncertain and useless quantity of rain water.

Appended to this report is an extract from Colonel Cox's Report on the Thames Valley sewerage, dated January 11th, 1876, which refers to the Eton Farm.

As an example of what can be done nearer home may be cited the example of the Local Board of Eton, who by means of an irrigation farm and pumping works, though the rateable value of the district is only £15,000, solved the problem four years ago.

The same irrigation scheme is also referred to in a report of the *Lancet* in October, 1874.

The farm is about forty acres in extent, thirty of which only are at present laid out. The sewage is of course sent up to the highest point on the land, conveyed in the first place into several large tanks placed on various parts in order to equalise the supply, and then distributed over the surface of the farm by open channels. The soil of this farm, which may be called, we suppose, a sort of sandy humus, is so light that in summer no trace of liquid poured upon the land exists about an hour after the operation, and we were also assured by the Rev. Wolley-Hod, chairman of the Board, who politely escorted us over the farm, that since irrigation was commenced there has been absolutely no effluent water, everything put upon the land going at once to the subsoil.

The live stock and the crops on the farm all appear in remarkably good condition. The authority has adopted the very sensible course of keeping the farm in its own hands, so that the working can be regulated in accordance with sanitary as well as commercial principles, and it may be consoling to other public bodies to know that during the past year the sale of produce has cleared the cost of superintendence and irrigation.

Mr. James Gooch, and the other medical officers of the town and college, all concur as to the efficient working of the system, and as to the total absence of enteric fever since it has been in operation.

I will now read a few passages from a work entitled "Sewage Disposal," being the report of a Committee appointed by the London Local Government Board to inquire into the several modes of treating town sewage. The report is dated July, 1876.

The passages I am going to read occur under the head of "Conclusions."

5. That, as far as we have been able to ascertain, any mode of treating town-sewage by deposition and by chemicals in tanks effects little changes other than the separation of solids and clarification of the liquid. That this mode of treatment, however, effects a great improvement, and, when carried to its greatest perfection may, in some cases, be accepted. That any rivers or streams receiving the water of sewage so clarified should not, however, be used as a source of water-supply for domestic purposes.

6. That none of the manufactured manures made by manipulating town's refuse, with or without chemicals, as examined by us, pay the contingent costs of such mode of treatment; neither has any mode of dealing separately with excreta, which paid the cost of collection and preparation by a sale of the manure, been brought under our notice.

7. That town-sewage can best and most cheaply be disposed of and purified by the process of land irrigation for agricultural purposes, where local conditions are favourable to its application, but that the chemical value of sewage is greatly reduced to the farmer by the fact that it must be disposed of day-by-day throughout the entire year, and that its volume is generally greatest when it is of the least service to the land.

8. That land irrigation is not practicable in all cases; and, therefore, other modes of dealing with sewage must be allowed. That towns, situate on the sea-coast, or on tidal estuaries, after extracting the solids of sewage, may be allowed to turn it into the sea or estuary, below the line of low-water, provided no nuisance is caused; and, that such mode of getting rid of sewage may be allowed and justified on the score of economy.

9. That where rivers and streams are polluted by a discharge of crude sewage into them, the best practicable mode of dealing with such sewage so as fully to clarify and filter it should be strictly enforced by Act of Parliament.

S. J. SMITH, Assistant.
21st July, 1876.

ROBERT RAWLINSON,
CLARE SEWELL READ.

The following are extracts from the report itself—

GENERAL REMARKS ON SEWAGE.

The mode of utilising sewage with economy must depend upon local conditions, and a waste of sewage (which is manure) can only be justified when it would cost less to waste it *harmlessly* than to utilise it, as at Edinburgh, Liverpool, and Brighton, for instance. At Edinburgh, the Craighentiny meadows afford the strongest example of pecuniary success in the rough and ready use of crude sewage to produce rank crops of grass; and at Edinburgh also, in the Water of Leith intercepting-sewer we have an example, on a greater scale, of a waste of sewage into the sea at the Black Rocks outlet. The cases must, however, be considered with all their surroundings. At the Craighentiny meadows crude sewage flows down from the older part of Edinburgh without stint or charge towards land having little value in its natural state, as it is for the most part blown sand from the adjoining estuary. This sewage is received at a point sufficiently elevated to allow of its gravitating on to the land to be irrigated. It flows into rudely formed open carriers, to the highest points of the estate, from whence it gravitates by cheaply formed sub-carriers over the land below, the effluent escaping down to the boundary line of the sewage farm, which is the sea. The land is of low value as agricultural land; the sewage is abundant, far more than is required for the area irrigated; it costs nothing to the proprietor of the land; and its use, its abuse, or its waste is under no local control; it is applied in the cheapest way, and the crops are put up to auction in one acre plots each year, the purchaser cutting and removing the grass at his own cost. The mode of irrigation is uncleanly and rude, and there is undoubtedly at times an offensive smell from the carriers, from the rudely drenched irrigated surface, and from the effluent water. During winter the sewage is allowed to flow direct into the sea.

The next paragraph is headed "Sewage irrigation proved not to be injurious to health."

There is no record of any special outbreak of disease at or near the sewage farm. The men working on the land and amongst the sewage are reported to be healthy, the men cutting the grass are healthy, and the cows fed upon the grass are also as healthy as other cows, producing wholesome milk; and with respect to tapeworm, the medical men who attend the Edinburgh hospitals do not find any exceptional excess of the disease amongst their cases; but, on the contrary, less than in other hospitals. The Craighentiny meadows were made the subject of an exhaustive inquiry by the War Department during the time that Lord Macaulay was Member for Edinburgh and Parliamentary Secretary for that department. Complaints were made that the proximity of the irrigated meadows and the effluvia from them produced disease in excess amongst soldiers quartered in the neighbouring barracks. Official inquiry was made by army medical officers, who took the returns of health and mortality for twenty years back from barracks situate in different parts of Great Britain where troops similar in numbers and performing similar duties had been quartered, and these returns were tabulated, the results obtained proving that the barracks adjoining the Edinburgh sewage meadows had the lowest sick and death rate in the list, so that the allegations against the Craighentiny meadows fell to the ground. It must not, however, be supposed that rough and ready sewage irrigation is advocated, as the evidence should only be taken as proving that the application to land of putrid and crude sewage in the most gross form does not necessarily breed a local pestilence, though such mal-arrangements may produce an offensive nuisance which ought not to be continued. But we have no evidence that these Edinburgh meadows are a nuisance injurious to health; we are, however, satisfied that the work of irrigation may be carried on in a manner much more cleanly by a construction of settling-tanks to separate the solids and by the construction of permanent main-carriers, which could be regularly cleansed. The utilisation of sewage should, in all cases, be carried on in such manner as, in the vicinity of dwellings, to be the least offensive, although additional costs may, in some cases, be incurred to pay for more complete purification.

Further

Further on, under the heading, "Details of the modes of dealing with sewage"—

The application of town sewage to land is shown in this report to be the cheapest mode of disposing of it. The first cost of purchasing land for a sewage farm, of preparing this land to receive and filter sewage, and of constructing the necessary works and machinery, may require a rate in aid during the term allowed for repayment of the capital; but in most cases, where the sewage can be applied at a reasonable cost, by gravitation, so far as our investigations have been extended, there will be an available income from the farm at the termination of the temporary debt.

Sewage irrigation should in all cases be practised where there is land to be obtained, and the prospect of a balance of income in its favour, as sewage-grown grass is wholesome, and when used for dairy-cow feeding produces good milk, and affords employment to a large number of labourers.

The application of sewage to land need not in any case produce a swamp, nor generate malaria, as the volume of sewage applied at any period should be delivered in a thin film, such as the land can absorb at once; that is, within a few hours of its delivery.

Sewage should not in any case drench the land to which it is applied as is usual with water irrigations, where extensive areas are laid under water for several days at a time. The volume of sewage from any town being known, the sewage-farm should be from 10 to 15 per cent. greater than the area required for one week, and no more than one-tenth of the area of a sewage-farm should ever be under sewage at one time.

A wet season is not, as a rule, detrimental to a sewage-farm. In a wet season the value of sewage-grown grass is, however, reduced in value because there is more difficulty in removing crops from the ground.

The area of land required for a sewage farm, they say, must depend upon local conditions and the character of the subsoil, whether very porous or otherwise, as also by the volume of sewage and subsoil water in proportion to the population.

At Doncaster, with a sewage-farm of 264 acres and a population of 20,000, the average daily flow of sewage being about 600,000 gallons, 120 acres of land of a light sandy and open character have for three years absorbed the entire sewage, only about five acres at any one time being under sewage, and one acre has occasionally absorbed the entire volume of one day. At Croydon about one acre to each 100 of population has been provided. For a population of 60,000 there are about 15,000 waterclosets in use; or one to four of the inhabitants. There are the contents of 25 waterclosets in 20 tons of sewage each day; or about 7,000 tons of sewage per acre per annum.

The Committee recommend Italian rye grass as the best crop under sewage.

Italian rye-grass is probably in all respects the most advantageous crop to be grown under sewage, as it absorbs the largest volume of sewage, occupies the soil so as to choke down weeds, comes early into the market in spring, continues through the summer and autumn, bearing from five to as many as seven cuttings in the year, and producing from 30 to 50 tons of wholesome grass upon each acre. The area placed under this crop must, however, have reference to local means of consumption, as the young grass will not keep nor bear long carriage. It is most profitable for feeding milch cows. A dairy and a sewage farm should, therefore, wherever practicable, be associated. In a dry and warm summer good hay may be made, which will be sweet and wholesome.*

The following passages are from the same report:—

13. *Woking.* We refer, in conclusion, to an experiment in sewage irrigation on the slopes of poor sandy soil below the invalid prison at Woking. A population of more than 1,000 adults there receive a water-supply of upwards of 20 gallons a head, equal to about one ton daily to every ten persons. The whole drainage of the place passes through a tank capable of holding about 1,500 cubic feet, or 40 tons of water; and thence it has hitherto flowed almost entirely to waste, being used, however, in an unsystematic way, to fertilize the grass fields at the foot of the hill. Two acres upon the slope, in four consecutive plots apiece, were laid out in the spring of 1863, so that a tankful could at any time be poured upon the upper or any other plot of the series, the tail water being directed on any other plot of the series lower down. The four plots of one acre were sown with Indian rye-grass in March, and three crops averaging more than 12 tons each were cut during the following summer, the plant having been repeatedly sewaged during the intervals.

The Rivers Pollution Commissioners conclude their remarks on some chemical modes of treating town-sewage as under. Irrigation is the only power of cleansing sewage which has stood the test of experience, and, unless it be extensively adopted, there is but little hope of any substantial improvement in our sewage-polluted rivers.

It has often been asserted that sewage irrigation has a detrimental influence on the health of persons living near to or working upon sewage-farms; but nowhere have we found instances of ill-health that are properly attributable to malaria or other causes due to irrigation; and the evidence of Dr. Littlejohn, medical officer to the Board of Supervision in Scotland, Sir Robert Christison, Bart., M.D., Dr. Ligertwood, staff surgeon, Dr. Alfred Crosswell, and Dr. Alfred Carpenter, given before the Rivers Pollution Commission (see Report, Mersey and Ribble Basins, 1870, pp. 90-91), full confirms this.

The Craightinny Meadows.—After bearing testimony to the health of the village of Restalrig, which is surrounded by the sewage meadows of Lochend and Craightinny, Dr. Littlejohn says:—"I expected that the first part of Edinburgh (Regent Terrace and Carlton Terrace), against which the wind blowing over these meadows impinges, would have exhibited evidence of infection in the shape of cholera or typhoid fever; but I have totally failed to find it so. There are also at Marionville, which is in the very centre of the meadows, a collection of children of the poorest class, who have been kept under the auspices of Dr. Guthrie. Thus the soldiers in the barracks (on the one side, the old people at Restalrig midway, and the very young children with debilitated constitution on the other side) are healthy. With these three delicate tests, including Regent Terrace and Carlton Terrace, we have failed to show that the meadows are prejudicial to health; in fact, opposite evidence might be obtained of a very strong kind."

Dr. Littlejohn informed one of us in January, 1876, that he had not anything to add to or retract from the evidence he gave before the Rivers Pollution Commission.

Sir Robert Christison, Bart., M.D., President of the Royal Society of Edinburgh, in an address on public health in October, 1863, speaking of the influence of sewage irrigation on health, said:—"The irrigated meadows in the immediate neighbourhood of Edinburgh, with foul water, are agreeable. They might with reason be strongly suspected, for as managed they present that frequent alternation of considerable moisture and approach to dryness, that rankness of vegetation, and that abundance of decaying organic matter which are thought when combined eminently to foment intermittent and remittent fevers in countries liable to these diseases; but if there be any doubt as to the general salubrity of the now famous meadows of Craightinny, there is none at least as to the total absence of ague among the inhabitants. I have recently been making careful inquiry respecting this famous and somewhat unsavoury institution. Many years ago my own prejudices were all against the meadows. I have been compelled to surrender them. I am satisfied that neither typhus or enteric fever, nor dysentery nor cholera is to be encountered in or around them, whether in epidemic or non-epidemic seasons, more than in any other agricultural district of the neighbourhood. I think it right in reference to the late introduction of the Craightinny system of irrigation into the vicinity of other large towns, that these precise facts should be known."

Sir Robert Christison writes to the Secretary to the Commission on the 4th of February, 1870, "I have nothing to add to or subtract from the extract from my Social Science address in 1863, quoted above."

"Dr. Alfred Crosswell in his evidence says:—"I have resided in the neighbourhood of the South Norwood Sewage Farm since 1866, and have the largest practice there, especially attending the families of those who work on the farm, and who live in houses within 150 yards of the sewage fields. There is also a large school for girls near to the farm. In this school, in which there are more than thirty inmates, there has not been a case of illness from preventable diseases, and my last quarter's bill was 5s. 6d. I have not been able to trace a single case of illness to the sewage fields. An unpleasant effluvia does exist, but it is so seldom perceptible that a house built within 200 or 300 yards would command the same rent as if half-a-mile off. My investigations and independent observations during the last three years have made me an advocate for this method of utilising sewage matter; and as an instance of how perfectly the watery portion is purified, I can state that the water flowing over these fields and thence conducted into the brook is frequently drunk by persons who are ignorant of its source. It is clear, pellucid, and tasteless. Therefore, after watching the working of these fields, my opinion is that when the system of sewage irrigation is well managed the health of the inhabitants in the immediate vicinity is in no way influenced by it."

Croydon

* Note.—July 1876. On the Doncaster sewage farm 18 acres of Italian rye-grass have been cut (about 9 tons green) and made into hay (about 2½ tons per acre), or some 45 tons of hay from one cutting alone.

Croydon (Beddington) Sewage Farm.

Dr. Alfred Carpenter says:—"The visitor to Beddington will see a number of villas which have been occupied for some years, with irrigated fields both in front and rear, whilst not a trace of enteric disease has appeared in any of them, though I think the Beddington farm is capable of much improvement. It is a farm of nearly 300 acres, lying to the west of the town, and is within 500 yards of a populous portion of it, and also within 900 yards of the centre of the place; and yet I can safely say that the continuance of a west wind is always accompanied by a diminished amount of ordinary sickness in the place, and our ordinary mortality is generally below 20 per 1,040. At Norwood the population is much greater and much nearer to the fields than at Beddington, probably 400 persons living within 200 or 300 yards of the farm. Previously to its establishment in that district fever abounded; since then that disease has all but disappeared and the mortality of the district has steadily declined."

(Sewage-grown grass is wholesome.)

On the Liability to Disease which has been alleged to exist from the Consumption of the Milk and Flesh of Cattle fed on Sewage-grown Vegetables.

Dr. Henry D. Littlejohn in his evidence before the Rivers Pollution Commission at Edinburgh, on September 23rd, 1870, said:—"There are a considerable number of cows kept in Edinburgh and the immediate neighbourhood, and a large quantity of milk is consumed, chiefly obtained from these cows. They are fed with grass that is grown on the Craigenlenny meadows. I was of opinion that such grass might be of inferior quality, but I have failed to detect any bad effects resulting from its use. Entozoic disease is remarkably rare in Edinburgh, and tapeworm is hardly ever heard of, except in the cases of persons coming from other places to reside here. Many of the cows which have been fed upon sewage-grown grass are used as food. They are not fattened, because they are always kept in such capital condition; but the cows which have been so fed find their way to our slaughter-houses, where they are examined by inspectors and myself, and so far as my observations have gone, the use of sewage-grass for the food of animals is unobjectionable. Trichiniasis is not known in Edinburgh. If there had been anything in the idea that sewage-grass would lead indirectly to entozoic disease, it has had plenty of time to develop itself, and Edinburgh is not only the seat of a great medical school but medical observation is carried to the highest point so that it could not fail of being detected."

Conclusions from the First and Second Reports of the Select Committee on the Sewage of Towns. Dated 10th April, 1862.

Analysis of Evidence.

1. The evidence proves that sewage contains the elements of every crop which is grown.
2. That as compared with solid manure there are advantages in the application of sewage manure to land.
3. The evidence proves that town sewage contains a large amount of heat, which in itself is beneficial in stimulating vegetation.
4. The evidence also proves that the water alone of sewage is of great benefit for agricultural purposes.
5. The evidence further proves that 1 ton (224 gallons) of average town sewage contains an amount of manure which, if extracted and dried, would be worth a little over 2d., taking Peruvian guano (at £11 per ton) as the standard.
6. A judicious use of town sewage permanently improves land.
7. Sewage may be applied to common grass, Italian rye-grass, and also to roots and grain-crops, with great advantage, dressings with sewage hastening vegetation.
8. Sewage-grown grass has a great effect in increasing the quantity and richness of the milk of cows, as well as improving the condition of the cattle which prefer sewage grass to all others.
9. The earth possesses the power of absorbing from sewage all the manure which it contains, if the dressings in volume are proportioned to the depth and quality of the soil.
10. Those who use sewage should have full control over it, that they may apply it when and in what quantities they may require it.
11. Heavy dressings of sewage (8,000 to 9,000 tons per acre) are wasteful; less dressings (500 to 2,000 tons per acre) when more carefully applied produce better results. The enormous dressings recommended by some witnesses would be agriculturally useless, as the sewage would flow over and off the surface unchanged.
12. When the sewage of our cities, towns, and villages is utilized to the best advantage over suitable areas, little or no imported or manufactured manures would be required in such districts.
13. Sewage may be applied with advantage to every description of soil which is naturally or artificially drained.
14. The most profitable returns, as in the case of all other manures, will be obtained when sewage is judiciously applied to the best class of soils.
15. Sewage may be advantageously applied to land throughout the entire year.
16. Some matters used in manufactures which enter town sewers such as waste acids, would be in themselves injurious if applied to vegetation; but bearing as they do so small a proportion to the entire volume of sewage into which they are turned, they are rendered harmless.
17. Fresh sewage at the outfall of the sewers, even in the hottest weather, is very slightly offensive; and if applied to the land in this state, in such dressings as can at once be absorbed by the earth, fear of nuisance need not be felt, as the soil possesses the power to deodorize and separate from liquids all the manure which they contain.
18. Large dressings and an over-taxed soil may pollute surface streams, subsoils, and shallow wells.
19. Solid manure cannot be manufactured from town sewage with commercially profitable results.

I will not detain the Board longer than to make a short extract from a report on the results of the Conference on the Health and Sewage of Towns, which I received by the last mail; it was published on the 10th May, 1876. It is a very valuable document, inasmuch as it comprises returns from a great number of towns, showing how the sewage is dealt with in each place, the cost and all particulars, besides a good deal of evidence of recent date. The Executive Committee, whose names I will read—Lord Alfred S. Churchill, Chairman of the Council; F. A. Abel, F.R.S., President of the Chemical Society; Sir Henry Cole, K.C.B.; Capt. Douglas Galton, R.E., C.B., F.R.S.; and Lieut.-Colonel E. F. Du Cane, R.E., C.B., Surveyor General of Prisons—with the Chairman of the Conference, the Right Hon. James Stansfield, M.P., commence their report thus:—

1. In certain localities where land at a reasonable price can be procured, with favourable natural gradients, with soil of a suitable quality, and in sufficient quantity, a sewage farm, if properly conducted, is apparently the best method of disposing of water-carried sewage. It is essential, however, to bear in mind that a profit should not be looked for by the locality establishing the sewage farm and only a moderate one by the farmer.
2. With regard to the various processes based upon subsidence, precipitation, or filtration, it is evident that by some of them a sufficiently purified effluent can be produced for discharge, without injurious result, into watercourses and rivers of sufficient magnitude for its considerable dilution; and that for many towns where land is not readily obtained at a moderate price, those particular processes afford the most suitable means of disposing of water-carried sewage. It appears, further, that the sludge in a material point of view is of low and uncertain commercial value; that the cost of its conversion into a valuable manure will preclude the attainment of any adequate return on the outlay and working expenses connected therewith, and that means must therefore be used for getting rid of it without reference to possible profit.
7. It was conclusively shown that no one system for disposing of sewage could be adopted for universal use; that different localities require different methods to suit their special peculiarities, and also that, as a rule, no profit can be derived at present from sewage utilisation.

Mr. Bennett.] Mr. Chairman, before the Board adjourn, perhaps you will allow me to read a portion of the introduction to "Burke's Sewage Utilization," as it seems to me very pertinent to the present discussion, as showing that opinions differ even among scientific men upon these points very considerably:—

While few questions are of greater interest and greater importance at the present day than that of the proper distribution of the sewage of our towns, few are more beset with difficulties of every kind. That any question which has for so many years defied alike the researches of science and the experiments of practical men, must be intrinsically and essentially difficult of solution, is almost self-evident; but the study of the subject under our consideration is further complicated and retarded by two artificial difficulties—the prevalence of party spirit, and the fallacy of statistics.

As regards the first of these two stumbling-blocks, a well known sanitary reformer once said to us that he only knew one topic besides polemics upon which men's party spirit got the better of their good sense, and even of their regard for truth and justice, and that was the treatment of sewage.

An out-and-out irrigationist would go to the stake in support of his views, and would hardly even use an A B C despatch-box, while the advocates of the various "systems" are equally bigoted in their own way and consider all those who differ from them as quite outside the pale of sanitary or scientific consideration. This excessive orthodoxy has the same effect in sewage matters as it has in religious, and naturally tends to make men narrow-minded and illiberal, and incapable of taking a broad and impartial view of distasteful and especially of novel themes.

As to the fallacy of statistics, using the expression generally, a good deal of the evil may be laid to the score of the moral aberration consequent upon this sewage "bigotry" to which we have just alluded, and as almost all books or pamphlets upon the subject of sewage utilization are written by partisans, with the avowed object of ventilating and lauding their own pet system, we find the most hopelessly confusing discrepancies in all values and quantities which should be but the data and not the deduction of the various authors. A manure will be spoken of by one writer as worth £3 17s. 9½d. per ton, while another values at 8s. 11½d., and when we have seen it carefully proved by the most accurate statistics that a certain deposit is not even worth its carriage for more than two or three miles from the place of its production we find in the next *brochure* we take up that the farmers all over England cannot get enough of it at £5 per ton; this is bad enough, but it is absolutely impossible for anyone who has not the most accurate knowledge of the prices of the commonest substance which can in any way be brought to bear upon sewage utilization, to carry away any but the most confused notions after a course of sanitary study.

Clay, charcoal, alum, coal, wood, ammonia, lime, and every conceivable substance—animal, vegetable, and mineral—are gravely valued at prices so ridiculously different that it can only be assumed that every one must estimate them at either four times or one-fourth of their actual value, according to his views or predilections. Again, one high authority, whose reputation entitles his opinion to the greatest respect, tells us that irrigation pollutes not only the land but the surrounding atmosphere, and that the neighbourhood of a sewage farm must necessarily be extremely unhealthy. This seems simple enough to understand until we come to read the statistics, which prove that not only has the death-rate *decreased* in a prodigious ratio since the year when the sewage farm was established, but that the immediate neighbourhood of the land under irrigation is the favourite resort of those who desire pure air!

But these discrepancies are as nothing compared with those to be found in the purely chemical statistics. One would think that when we had reached the region of pure science a calm voice would speak from the laboratory in the unprejudiced tones of perfect accuracy, yet it is precisely here that the earnest student becomes utterly and hopelessly bewildered.

Professor A analyses a gallon of water, finds it contains three grains of nitrogen, and pronounces it unfit for drinking; Professor B analyses a gallon of the same water, finds but one grain of nitrogen, and asserts that even if there were three grains of nitrogen in the gallon, which there are not, the water would be perfectly innocuous, and even possibly superior to water not so fortified.

The presence of *nitrates*, again, is by some considered to indicate a deadly amount of previous sewage contamination; others consider this opinion to be of a highly "sensational" character, and in no way warranted by science. Perfectly pure water, we are told on the highest authority, is unfit for human consumption, while on the other hand we learn that the smallest trace of impurity may involve a whole district in cholera or typhoid fever.

Adjournment.

The Board adjourned at 4:30 p.m., to resume the debate on Thursday next, February 1st, at 11 o'clock.

THURSDAY, 1 FEBRUARY, 1877.

The Board met at 11 a.m., pursuant to adjournment.

PRESENT:—

HON. J. B. WILSON,
C. WATT, Esq.,
M. CHAPMAN, Esq.,
B. PALMER, Esq.,

HON. J. SMITH,
W. C. BENNETT, Esq.,
E. O. MORIARTY, Esq.,
F. H. GRUNDY, Esq.,

DR. ALLEYNE.

M. B. PELL, Esq., IN THE CHAIR.

Minutes.

The minutes of the previous meeting were read and confirmed.

Sewage disposal—resumption of debate.

Mr. Moriarty.] At our last meeting I read some of the conclusions arrived at by the conference on the health and sewage of towns, which was recently held in London. As members are probably aware, the Society of Arts sent circulars to different towns, asking them to state their mode of dealing with their sewage and their sanitary arrangements generally. This information is contained in the form of reports sent to the Society, in evidence given before the Conference, and in tabular statements and statistics. I will now read a paper from it on downward filtration.

Hon. J. B. Wilson.] I must object to discuss that question at present. I think we should confine ourselves to the terms of the resolution before the Board. I was invited to consider the recommendation of the Engineering Committee contained in the 31st clause of their Report, which says nothing about downward filtration.

Hon. J. Smith.] It appears to me that the clause you mention refers to both modes of treatment, for it recommends that sufficient land be resumed at Shea's Creek or on Webb's Grant for a sewage farm, where the sewage could be utilized or purified by filtering through the sand before being allowed to escape into the bay.

Dr. Alleyne.] Many persons may think as I do that downward filtration is a mode of sewage farming.

Chairman.] It appears to me impossible that we can separate the two subjects. Downward filtration is only a process of sewage irrigation by which crops are produced.

Hon. J. Smith.] Perhaps it will simplify the matter if I take this occasion to move an amendment which I have prepared upon Dr. Wilson's resolution. I now therefore move,—

1. That while the experience of sewage farming in Great Britain is not so favourable as to warrant its adoption here on a large scale, yet the Board is of opinion that the Shea's Creek sewage, being relatively inconsiderable, may for some years to come be treated by straining and intermittent filtration through sand, so as to partially purify it before escaping into Botany Bay, as suggested by the Engineering Committee in paragraph 33 of their Report.
2. And that along with this filtration efforts should be made, by way of experiment, to utilize the sewage by growing useful crops on the filtering surface.

Mr. Palmer seconded the amendment.

Mr.

Mr. Bennett.] At Mr. Moriarty's request I will now read the passages to which he has referred. They are from a paper on Intermittent Downward Filtration, read at the Conference by Mr. J. Bailey Denton :—

The experience already gained in intermittent downward filtration not only proves that a comparatively small area of suitable soil will cleanse effectually the sewage discharged from towns and villages, and relieve our rivers and streams of pollution, but that by a combination of the process with other modes of treatment, the best chance may be secured of a profitable return from them. We have now had sufficient trial of actual works to assure us, first, that the suggestion which Dr. Frankland based upon his laboratory experiments, to the effect that an acre of suitable soil drained 6 feet deep, and used intermittently, would cleanse the sewage of 3,300 people, can be realized; and, second, that if modified by the arrangement which I have frequently advised of trebling that quantity of land, so that instead of one area three areas of equal extent should be available, each capable of cleansing the whole of the sewage and of growing crops at the same time, the objections Dr. Frankland anticipated when suggesting the process may be entirely removed. Those objections, it will be remembered, were that—

- “1. The process would be entirely unremunerative, the amount of sewage applied to a given area of land being probably in such a case too great to permit of the growth of any ordinary agricultural crop; 2. The whole of the manure ingredients of the sewage would be absolutely wasted; and 3. The collection of solid faecal matters upon the surface of the soil, with no vegetation to make use of them, would probably give rise to a formidable nuisance, especially in hot weather.”

By trebling the quantity of land, it becomes an easy matter to grow crops, and remove all chance of overcharging the soil and causing a nuisance. Each area (one-third) should be used for the purification of the sewage for one year at a time only, whereby two areas (two-thirds) out of the three would be devoted for two years in succession to full plant growth, while the area in constant use would grow what it could.

Although experience at Merthyr, Kendal, Walton Convalescent Hospital, and other places, has most conclusively shown that one acre of suitable land will efficiently and for a constancy cleanse the liquid refuse of 1,000 people, a fact, the importance of which cannot be over-estimated in those cases where land is very difficult to get and very expensive when obtained, I may be pardoned for stating that I do not wish to be considered the advocate of dealing with the sewage in such a concentrated form under all circumstances. After devoting thirty-five years to the improvement of landed property with a view to the increase of food produce, I cannot look upon sewage as a substance to be entirely sacrificed, but consider in spite of the difficulties that seem to beset the question and stand in the way of profit, that it is clearly our duty so to treat the liquid refuse of our towns and villages that we may be able to turn to account its fertilising elements wherever and whenever it is possible to do so with advantage to those communities whose money is employed in its removal and disposal.

To effect this, intermittent downward filtration should be combined with surface irrigation in every case where land is resorted to. By this means sanitary authorities may “cut their coat according to their cloth,” and use effectively whatever extent of land they can obtain on fair terms. Even in dealing with the sewage of sea-board towns and towns on tidal rivers where it may be better to resort to chemical processes (to precipitate the solid matters and convert them into a portable manure) than to use land, the perfect cleansing of the effluent may in like manner be economically secured by supplementing the process adopted by intermittent downward filtration through a much reduced area of land.

In reply, the Chairman (Mr. Jones) stated on the 21st May last (1875) :—

“It will be as well, perhaps, if I here clear up one point with respect to the land taken and about to be taken, which I think is not well understood. The quantity scheduled is 400 acres, divided as follows, viz. :—

	a.	r.	p.
Land under filtration, areas.....	20	0	0
„ suitable for wide irrigation	305	3	13
„ rough and unsuitable	40	0	1
„ under roads and streams	34	0	36
	400	0	0

“I also desire to disabuse your mind that the Board contemplates the abandonment of the filtration areas. It contemplates nothing of the kind, but looks upon them as being that which cannot be described better by any other term than the one you use, namely, a ‘safety-valve.’ In fact, so satisfied is the Board with the principle of downward filtration as the purifier of a large quantity of sewage on a small area, that Mr. Harpur has just designed for the disposal of the sewage of a population outside our main drainage according to that principle, and we are seeking for powers under a Provisional Order to obtain land compulsorily for that object.

“I may also add that we have it view, if the land we shall have acquired be found to be of limited for wide irrigation, to lay out a set of filter beds on the Park Newydd Farm, which we have just bought.”

To which Mr. Jones added that they had now “adopted the system of wide surface irrigation, combined with intermittent downward filtration; and, having committed ourselves to a combination of those systems, we must direct our attention to carry them through to the most perfect state of completion that we possibly can.”

If anything more than this is needed to prove the thorough success of the intermittent downward filtration work at Merthyr, I cannot do better than point to the following passages of a letter from Mr. Dyke, the medical officer of the district, who wrote me as lately as July last in the following terms :—

“1. That the passage of the strained sewage in the carriers and on the prepared areas is effected without creating the slightest nuisance, without any appearance of unsightliness, and without any objectionable odour.

“2. That the effluent water discharged from the main exit is far purer than the water supplied for domestic use to London or Oxford.

“3. That the amount of nitrogenous matter in solution in the water does not exceed one part in two hundred thousand parts, and that this nitrogen is oxidated, and is in combination with lime or potash, &c.

“4. That the water may be safely drunk, and that in fact it is used by the men and boys employed on the farm. No ill result has been known to occur.

“5. That the vegetables produced on the areas are consumed by the public resident in Merthyr, and that no evil results have followed. Diarrhoea is a disease which would result from the use of bad vegetables. The Registrar-General drew especial attention to the fact that the mortality due to diarrhoea was less in Merthyr than in any town in the kingdom.

“6. The sewage areas have been at work since the spring of 1871, and there has never been any sign of clogging or over saturating.”

Now with regard to the alleged danger of entozoic diseases resulting from sewage irrigation, Dr. Corfield, in one of the lectures given by him at the School of Military Engineering at Chatham in 1873, says :—

Dr. Cobbold, the great authority upon entozoa, thinks that if sewage farms are spread much over the land, we shall have more of entozoic diseases, and that deaths from them will become much more frequent, and he even suggested that an entozon which is very fatal in some parts of Northern Africa (the *Bilharzia hæmatobia*) might become prevalent in this country. But that entozon is, in the first place, prevalent in those countries especially during the hot seasons. In the second place, we know next to nothing about the different stages it goes through, during which it no doubt inhabits different animals (snails, &c.); and lastly, Dr. Cobbold himself has shown that the larvæ of this parasite cannot live in impure water. So we may dismiss that at once. Then with regard to ordinary entozoa. In the first place, there is no sort of evidence whatever to show that they have been spread in cattle at farms where irrigation has been going on for 200 years. Professor Christison has distinctly stated that he has never been able to trace entozoic disease to the Craigentinny meadows near Edinburgh, neither is there evidence that this has been done anywhere else. It is very easy to say that the eggs of the entozoa are in the sewage when it is carried on to the land, and that the larvæ will be developed as soon as the plants are eaten by animals. In the first place, you must know that it is necessary that these eggs should be living and fertilised too, and they have the smallest chance of living that anything can possibly have by the time they get with the sewage to the land, for they have a considerable distance to go before they get to the farm; they are tossed about in an alkaline liquid, their natural habitat being acid excretions; they are turned on to the ground and taken down into the soil with the water. However, to prevent any apprehension on this score the simplest thing is to have the grass cut and carried to the stalls, and not to graze animals upon it. Many of the best irrigationists insist upon this.

Some

Some investigations of this matter were made by the British Association Committee.

"An ox which had been fed for the previous twenty-two months entirely on sewage grown produce" was slaughtered, and the carcass examined by Dr. Cobbold, Professor Marshall, and myself; no trace of any entozoic disease was found in it, although most carefully looked for. Dr. Cobbold suggests several reasons for this result, and one of these is the freedom of the sewage farm from snails and insects, in the bodies of which many of these entozoa go through different stages of their existence; it seems, therefore, that the sewage kills those creatures which are necessary for the existence of these entozoa in their different stages. Dr. Cobbold also examined under the microscope portions of "flaky vegetable tufts" collected from the sides of the minor sewage carriers, and found that, although they contained animal as well as vegetable life, they contained "no ova of any true entozoon." So that you see that as far as we have got positive evidence it is entirely against the theory that entozoic diseases are spread in cattle, and from them down, by means of sewage irrigation.

I will read from the same lecture some further remarks about the crops:—

The most suitable crop for sewage is Italian rye grass. This plant will take up a very large amount of sewage. If you read the reports of the sewage of Towns Commissioners you will find the results of experiments upon the amounts of meadow grass grown with different quantities of sewage.

There was an average increase of about 4 tons of grass for each thousand tons of sewage applied per acre: the maximum amount of the latter being about 9,000 tons per acre per annum. The largest amount was about 33 tons of green grass per acre in one year, and 37 tons in another. Some of the land was not supplied with sewage at all; other parts with 3,000, 6,000, and 9,000 tons per acre per annum. The increase of produce was much greater with the first 3,000 tons of sewage than it was when the amount was increased from 3,000 to 6,000 tons, and more from 3,000 to 6,000 than from 6,000 to 9,000. So that the increased amount of sewage did not produce a proportionately increased amount of produce. The increase of produce per 1,000 tons of sewage was when 3,000 tons were applied about 5 tons of green grass, when 6,000 tons were applied 4 tons 2½ cwt., and when 9,000 tons were applied 3 tons 3¼ cwt. And the results given by Italian rye grass showed about the same increase of produce. It was also found that an earlier cut of green grass could be obtained by means of sewage irrigation.

Experiments were made about the quality as well as about the quantity, and it was found that the grass contained a smaller actual amount of dry solid matters when grown with sewage, but was richer in nitrogen, and was, in fact, more readily assimilable—more milk could be got from it.

The main result of irrigation farms must be the feeding of cattle and the production of milk. The sewage is turned into Italian rye grass, and is returned to the town from which the sewage has come as milk, butter, cheese, and beef.

Then, if Italian rye grass can be grown, every grass and almost anything else can as well. You will see that denied even to this day, in spite of the fact that almost everything else has been grown with it. These different plants can be grown upon land which is absolutely and perfectly valueless in an agricultural point of view without sewage, even upon blowing sea sand, and you can see in many parts of England excellent crops now growing by means of the use of this rich manure. Cereals can be grown perfectly well with considerable returns. In 1868 and 1869 (at Lodge Farm, Barking) wheat, winter oats, rye, and cabbages were grown. In 1868 wheat was grown on a slope of shingle. It had two dressings of sewage, equal to 450 or 500 tons in all. The results were 5 qr. 3 bush., as against 3 qr. 5 bush. without sewage, with 4½ loads of straw, as against 3 to the acre. The winter oats yielded 8 qr. of corn with 3 loads of straw to the acre. Among other vegetables must be especially mentioned beet-root. From experiments which have been made there seems very little doubt that beet-root can be grown for the production of sugar in almost any quantity. Prof. Voelcker has analysed some of the beet-roots grown on sewage, and they gave 13.19 per cent. of sugar, while the beet-roots from Holland, Suffolk, and Scotland only gave from 9 to 10 per cent. of it at the outside.

Well, now a word or two about the times when you don't want sewage on the land. There may be times when you don't want it at all—times when the sewage is too dilute, and the land is very wet, as during heavy floods; and this is a very strong argument for keeping the drainage water, properly so called, out of the sewage, the utilisation of sewage is thereby rendered very much easier. The best dilution for sewage is when it represents 25 to 30 gallons per head of the population. If you keep the drainage water as much as possible separate, you can always turn it into it as a diluent when more water is wanted.

Referring to Dantzic, which is mentioned in the 25th clause of our report as one of the places where sewage has been successfully utilized, I find in vol. 44 of the Minutes of Proceedings of the Institute of Civil Engineers, the following:—

* * * * *
On the Chemical Composition of Sewage at Dantzic Irrigation Works, by O. Helm.
* * * * *

The liquid is utilized in the irrigation of some land about 2 miles from Dantzic, part of which can be cultivated while the other part is useless sandy soil. The suspended matter delivered on the land forms a crust on the surface, and the dissolved matter is partly utilized in impregnating the soil, the remainder being exhaled into the air, while the organic matter undergoes a chemical change. The liquid after utilization is allowed to soak or filter through earthen banks, and is then collected in drains from which it is conducted in channels and conduits to Weichselmünde and Henbude.
* * * * *

The foregoing examination also points to the conclusion that after the irrigation has been carried on for a longer time the effluent water will continue to improve. That a more compact humus will gradually form on the irrigated land and more completely retain the organic matter of the sewage liquid.
* * * * *

The Results of Sewage Irrigation at Dantzic.

Sewage irrigation was commenced at Dantzic towards the end of 1871. The acreage then brought under irrigation being 2 acres, increasing to 31 in 1874. This latter amount being about half the acreage necessary to cover the costs which include pumping machinery for raising the sewage of the lower part of the town, and about one-quarter of the acreage that will probably be eventually irrigated. The experience already gained is sufficient to furnish satisfactory replies to the more important questions, such as the sufficient purification of the effluent water, the sanitary condition of the neighbourhood, the practicability of irrigation in the depth of winter, and the quality of the grass and vegetables grown on the sewage farm.

The daily supply of sewage liquid, three-quarters from the city refuse and the remainder from surface drainage, is 4½ million gallons, representing a supply of 41 gallons per head from a population of 80,000, and of 5,500 gallons per acre irrigated in 1874.

The sewage is conveyed in a cast-iron pipe 10,000 feet long to a cistern on the irrigated farm, from which its flow on to the land is regulated; the liquid is nearly clear of a grey colour.
* * * * *

The land on which the sewage is now utilized was originally so valueless that it let at about 4½d. per acre; it is now rented by the contractor at 31s. 6d. per acre, on a thirty years lease. The soil is principally dark sand, with an admixture of fox sand. The subsoil water rises to within 5 feet of the surface; while the sand on the surface is so light that it is blown about by the wind.

The sewage liquid, after a few hours, forces out any air from the land in bubbles, and then sinks rapidly into the subsoil, leaving on the surface and in the pores of the soil both the suspended and a portion of the dissolved matters, but washing out and carrying away some of the chlorine, iron, and humus substance contained in the soil. A portion of the matter with which the soil is impregnated is utilized in supporting vegetation, and a portion is rapidly oxidized by the air.

The result of continued irrigation has been to increase the depth of humus or vegetable soil, and this is clearly shown in the samples of soil irrigated; the irrigation of the first year merely introducing veins of humus matter into the soil while that of several years produces a clearly defined stratum.
* * * * *

The farm at Dantzic has been highly productive in 1871, no less than four to six cuttings of grass were obtained on a previously sterile soil, while the best land in the neighbourhood only yields two cuttings.

The crops mostly grown are Italian rye-grass and summer rye. In 1873 part of the land was converted into a vegetable garden, the yield of the various vegetables being thus—

Turnips, 224 to 248 bushels to the acre.
Rape and beet, 11 bushels to the acre.
Mustard, 3 cwt. per acre.

Cabbage, asparagus, and cumin were also grown, as well as barley, oats, maize, and rape seed. Both the grass and the vegetables were excellent in every respect, the latter being supplied to the patients of the Marienkrankenhaus without any detriment to their health. * * * * * The results of the English mode of applying sewage in irrigation are hence not only hygienically successful but also highly productive.

Sir

Sir John Hawkshaw, in his last Report on the purification of the river Clyde and its tributaries, makes these remarks.—

By the irrigation system is meant the distribution of the sewage over the land, whereby, if the soil be of a suitable character, and the area irrigated large enough in proportion to the sewage distributed over it, the liquid flowing from the land is rendered comparatively pure and inoffensive. This system has been tried more or less completely, and with varying success, at Edinburgh, Croydon, Rugby, Carlisle, and many other places.

Where there is soil of a suitable description, and land available to which the sewage can be conveyed at a moderate outlay, and so situated as to prevent the sewage farm from becoming a nuisance, it may be employed with advantage. But its application on a large scale is beset with many difficulties. The opposition of surrounding proprietors to the proposal to place vast sewage farms in their neighbourhood, would in many cases be great and proportionately costly, and in some cases fatal. The cost of distribution of sewage over the land would not increase in direct proportion to the area irrigated, but at a greater rate; nor have we any experience of how far the nuisance of a large area of many thousand acres irrigated with sewage would extend. On these grounds it is not safe to argue from small irrigation farms to large ones, either from an economical or a sanitary point of view. There may be cases where on a moderate scale irrigation may prove a good method, and in some such cases it may be the best."

Speaking of certain places south of Cootbridge and Airdrie, he says—

I do not recommend that the sewage of these towns and villages be dealt with as a whole. The quantity produced at each place will generally be small in proportion to the population, and will be best disposed of on the land in the neighbourhood, after the solid and more offensive parts of the sewage have been removed, or after the sewage has been deodorized, where the land available for irrigation is in proximity to human habitations.

The sewage of Wishaw has for many years been disposed of on the land, by irrigation, &c. And he says, with reference to the sewage of Dumbarton—

In order to remove this source of pollution from the Leven it would be necessary to construct one or more intercepting sewers along each bank, to points where plots of land can be obtained, if not of sufficient acreage to admit of irrigation at least large enough to permit of the sewage being chemically treated, and afterwards discharged into the Leven.

Hon. J. B. Wilson.] It may be necessary to adopt some such course in order to prevent the pollution of rivers, but I should like to know if you have heard of any place where facilities exist for conveying the sewage to the sea, and where a sewage farm has been recommended.

Mr. Bennett.] We do not advocate the disposal of the sewage in this way, in places where it can be taken to the sea economically; but that cannot be done in this instance.

Mr. Moriarty.] It appears to me that the object the Committee have in view is even yet not clearly understood. We state distinctly in our Report that if we could have seen our way to get rid of the whole of the sewage entirely, at a moderate cost, we should have recommended it. In that case we should have advised that the sewage of the southern slopes should be dealt with in the same way as that of the northern slopes of the city. But we saw that that would involve an enormous outlay, and we have recommended this method of dealing with it, as the cheapest mode of disposal, and one that will be efficient for some years to come at all events; when, if it should be thought necessary or desirable, the sewers can be extended to Botany or elsewhere. In the meantime we shall only encumber ourselves with a small piece of land, which can no doubt be disposed of to advantage at any time.

Mr. Bennett.] We also took into consideration the uncertain character of the population settled on the southern slopes; it may be trebled before long. There is a possibility at any rate that before many years the present watershed may be built upon, and it may become desirable to construct a separate sewer direct to the sea.

Hon. J. B. Wilson.] Could not the sewage be pumped into the proposed system of sewers for the northern slopes. Would not that be the cheapest plan?

Mr. Bennett.] No, it would be more expensive; if it were done at all it would have to be done by means of a tunnel, which would be very costly.

Mr. Palmer.] I have had very little experience of sewage irrigation, but I have been much struck with the statements quoted by Mr. Moriarty, and I think we shall be quite safe in adopting the recommendations of the Committee.

Dr. Alleyne.] I am also prepared to adopt the Report of the Committee as it stands.

Chairman.] I have a few quotations to make from the Report of the Birmingham Sewage Inquiry Committee of 1871, which appear to me very conclusive in favour of sewage irrigation. I have marked several passages which bear directly upon the subject we are discussing, and I will give them as they come:—

The plan which, after the fullest inquiry and consideration, the Committee recommend for adoption is that of *purification of the sewage by intermittent downward filtration*; in other words, the application of sewage to a moderate quantity of land, so as to make purification the first object, and cultivation only the second, with the view of passing the purified effluent water as quickly and cheaply as possible into the river.

Mr. Hope furnishes two Reports for the information of the Committee. In the second Report he strongly repeats his advice in favor of intermittent downward filtration:—

Referring to the proposal already before the Council for the purchase of a large area of land for sewage utilization, he says (Report, p. 91), "Having regard to all the circumstances of the case, I make a definite and precise recommendation, of which I accept the full responsibility. I say, do not waste your money in buying an area of land which, large as it is, would be quite insufficient to enable you to utilize all the manure of Birmingham; but buy only enough for a large filter, and supplement this by a small model farm, as a school for future customers, who will in a little time be very ready to buy all the manure you can sell them at a fair price."

Mr. Bailey Denton's proposal is also referred to:—

Mr. Bailey Denton advises the purchase of 900 acres of land for the purpose of intermittent downward filtration; the land to be divided into three areas, say of 300 acres each: any one of the three being sufficient to receive the sewage for six or twelve months, as may be decided upon, leaving the others at rest. Mr. Denton is of "opinion that this arrangement may be made a lasting one, and will render the effluent water admissible into the River Tame without any nuisance whatever. He further considers that a small part of the land should be used as a model farm, to show farmers what can be done with sewage in the way of ordinary irrigation; and he adds, "Experience at Merthyr justifies my stating that not only may crops be produced from the two series of areas which will be at rest, but that the series of areas at work may also be made equally productive."

The Committee remark on the subject of irrigation:—

Land is a natural filter, and, if the purification of sewage alone is contemplated, a comparatively small area, used simply as a filter bed, may suffice, if the filtration is intermittent, to purify sewage so as to allow of its admission into a running stream; but if it is also required to utilize the elements of fertility which the sewage may contain, a vastly larger area is necessary if the sewage is to be applied, so as to produce the greatest return in the shape of marketable crops without injuring the permanent fertility of the soil.

But

But with regard to utilization, they say :—

In the present state of knowledge upon this question it would be presumptuous in the Committee to express any decided opinion on these points.

Chemists of the highest scientific attainments express absolutely contrary opinions, and engineers of the greatest eminence are equally at variance.

In default of such agreement, the only resource is to turn to those places where the irrigation system has been adopted, and endeavour to ascertain the result of their experience ; but in doing this it must be borne in mind that, with a few exceptions, all trials of irrigation are of very recent date.

They then proceed to give the results of personal inspections of certain sewage farms :—

For the purpose of obtaining the necessary information the Committee have inspected the sewage farms of Warwick, Rugby, and Mr. Hope's model farm at Romford, and have also addressed a series of questions to the authorities of such towns as have already adopted the irrigation system.

The information obtained from their inspection of the sewage farms is as follows :—

Warwick.—The population of Warwick is 11,000. It is a complete water-closet town, the number of water-closets being 2,400.

The sewage, amounting to a dry weather flow of 528,000 gallons daily, is pumped to a height of 65 feet, and conveyed to a farm of 135 acres of clay soil, situated about 1½ mile from Warwick.

The sewage of 11,000 persons utilized on 135 acres is at the rate of 85 to the acre ; but the Borough Surveyor of Warwick is strongly of opinion that an acre of land of this description cannot properly utilize the sewage of more than 50 persons.

The cost of conveying sewage to the land, including pumping engines, has amounted to £10,085, and of laying out the surface for its reception, from £1 to £10 an acre, according to the nature of the ground.

The annual cost of pumping, exclusive of interest on capital, is £600.

The farm is managed for the Corporation by Mr. E. Pritchard, C.E., the Borough Surveyor, and is held on lease for 21 years from 1866, at a rent of £420 10s., or about 3 guineas an acre ; and the total annual outlay, including interest on capital, coals, and all expenses of pumping, rent, and all ordinary expenses in connection with the working of the farm, is estimated at £1,900.

The land is, for the most part, undrained, and in consequence of the stiffness of the soil the sewage runs over instead of through it.

Experience has shown that sewage can be more completely purified by passing through the soil, and it is now intended to drain the land thoroughly to an average depth of 3 feet.

Rye grass is grown on about 60 acres, and irrigated once a week, from 5 to 8 hours at a time. Five or six cuttings a year are thus obtained.

Cabbages, mangolds, potatoes, and other green crops are also grown, and a small proportion of cereals—oats and wheat ; but little or no sewage can be directly applied to growing cereal crops. Wheat is not irrigated at all, and oats two or three times only during the season.

The experience of the Borough Surveyor is to the effect that no regular rotation of crops is necessary, because the sewage manure, which can be applied at any time and in any quantity, is, in his opinion, sufficient for the requirements of any crop ; and further, that the land is generally improved by irrigation and the crops very satisfactory.

One of these is the Romford farm, purchased by the Board of Health, and leased to Colonel Hope :—

The area of the farm is 121 acres, so that the sewage applied is that of 58 persons per acre.

The rent paid by Mr. Hope is £2 10s. an acre for the land, and £600 a year, or £5 an acre, for the sewage, with the responsibility of purifying the whole, and holding the Board harmless from any actions for nuisance.

The farm, both in its character and position, is very favourable for sewage irrigation. The soil is very poor, light, and sandy, with a gravel subsoil, and requires a maximum amount of moisture, and its proximity to the London market enables Mr. Hope to farm it as a market garden, and thus, by a constant growth of rye grass and green vegetables, to obtain the most favourable pecuniary results from sewage irrigation.

Even under the favourable conditions described, Mr. Hope considers the quantity of land insufficient (although the amount of sewage applied is small compared with other sewage farms), and he is now negotiating for an additional 80 acres of adjoining land for the cultivation of cereals. With this addition the quantity of sewage applied would be that of 35 persons to the acre, which Mr. Hope considers a maximum amount.

His experience of the feelings of adjoining farmers, with reference to irrigation, is similar to that of the Borough Surveyor of Warwick. They were first prejudiced against it, but have been converted by seeing the quality and quantity of the crops produced. Mr. Hope irrigated a field sown with rye grass and mangolds, adjoining his own farm, with such beneficial result that the tenant would now be glad to negotiate for sewage for his whole farm of 500 acres, and has actually applied for some during the winter when it can be better spared.

It is scarcely necessary to add that all the operations on Mr. Hope's farm at Romford seem to be conducted in the most efficient and appropriate manner, and no care nor expense seems to have been spared to make this, what the Committee believe it to be, the "Model Sewage Farm."

The quantity per acre of the various vegetables grown is very large, and the quality undoubted, as is fully set forth in the Report of the British Association for 1870, which may be referred to for further particulars.

Then follows a description of the treatment of sewage in other towns, from which I make a few extracts, together with a tabular statement showing the population of each town, amount of sewage, particulars of distribution, crops cultivated, &c. :—

At Leamington, with a population of 23,500, and volume of sewage amounting to a daily dry weather flow of 800,000 gallons, an arrangement has been made by which the Earl of Warwick will receive the sewage of the town for 30 years, paying therefor the sum of £350 per annum, and indemnifying the Board from any actions for nuisance. The sewage is to be pumped 120 feet, and the town undertakes to erect the necessary works at an estimated cost of £17,000, and bear the annual expense of pumping. Here the storm water is carried direct into the river by a separate system of drains.

At Exeter a company has recently taken a lease of the sewage for 25 years, and contracts to construct an intercepting sewer, and all necessary works for applying the sewage to land by irrigation. The sewer and works are estimated to cost £30,000, and are to become the property of the Corporation at the determination of the lease.

At Cheltenham also, where the sewage is utilized over 330 acres of land, 130 acres only belong to the Corporation, and 200 to adjoining owners, who pay a small yearly rent for the sewage.

They appear to be unanimous on the following points :—

1. That the land improves greatly under irrigation.
2. That, as a rule, no complaints are made of nuisance arising therefrom. In the few instances in which nuisance has risen, it has been the result of carelessness in conducting the irrigation.
3. The health of the district where irrigation is carried on is not injuriously affected.
4. Cattle thrive on the irrigated land, and no case of their being affected with entozoa has ever been heard of.
5. No other manure has been found necessary for the crops, and the produce, both in quality and quantity, is very satisfactory.
6. The water, after passing through the land, is purified in a satisfactory manner, and in one case cattle drink the effluent water.

Town.	Population contributing to sewers.	Gallons of Sewage per head.	Daily dry weather flow. gallons.	Daily flow in tons, at 24 gallons a ton.	No. of acres irrigated.	No. of persons per acre.	No. of tons applied yearly per acre.	Quality of soil.	Crops cultivated.	No. of years' experience.
Birmingham	345,000	49	17,000,000	75,900	...	...	...	.....	.....	...
Edinburgh	96,000	...	.....	.....	250	...	.....	Sand	Rye grass and meadow	123
Carlisle	31,000	...	.....	.....	110	...	.....	Alluvial	Pasture	11
Wolverhampton	68,000	37	2,500,000	11,160	...	...	.....	Loamy clay, peat, and sand.	Rye grass	1
Cheltenham	40,000	25	1,000,000	4,464	330	121	4,937	Clay	Pasture	2
Bedford	16,800	36	600,000	2,680	130	120	7,520	Deep soil with gravel subsoil.	Rye grass and vegetables.	4
Bury	15,000	10	150,000	670	26	577	9,400	Light, with gravel subsoil.	Rye grass	6
Warwick	11,000	48	528,000	2,357	135	81	6,372	Clay	Rye grass, vegetables, pasture, and small quantity of cereals.	3½
Banbury	11,500	26	300,000	1,340	130	90	3,760	Stiff soil	Rye grass, roots, and oats.	4
Rugby	8,000	25	202,000	902	65	123	5,065	Gravel upon clay subsoil.	Rye grass, vegetables, and small quantity of cereals.	5
Romford	7,000	35	247,000	1,102	121	58	3,324	Light, with gravel subsoil.	Rye grass and vegetables.	2

7)40,378

Average ... 5,768

As to the general financial result of sewage farming it is to be regretted that so little information has been obtained, the questions on this point having been generally unanswered.

The only two replies received are to the following effect:—

At *Warwick*, as before stated, the estimate for the present year (which has been the most satisfactory one) shows a profit of £171.

At *Cheltenham* the loss, after paying interest and yearly repayment of principal for purchase of land and permanent works, is almost nominal; but *Cheltenham*, as before remarked, is somewhat favourably circumstanced, for out of the 230 acres of land irrigated 130 acres only belong to the Corporation, and 200 to adjacent owners, who pay a small yearly rent for the sewage.

The Committee obtained the following information from their inspection of the filtration works at *Merthyr Tydvil*:—

The population of this town is 50,000, and the daily dry weather flow of sewage 600,000 gallons, or 12 gallons per head.

The Board of Health are restrained by the Court of Chancery from discharging their sewage into the river, and are making arrangements to purify and utilize it by irrigating 400 acres of land which they have secured for this purpose. It should, however, be stated, that this quantity of land had been taken before the efficiency of the method about to be described had been ascertained.

The method of purification at present employed is that of intermittent downward filtration on a limited area of land, arranged by and carried on under the superintendence of Mr. Bailey Denton, C.E., appointed by the Court to see the injunction complied with in the interval which must elapse before the completion of the irrigation works.

The area employed for the filtration is 20 acres, and although not yet fully prepared, the whole of the sewage has been passed through it for the last three months.

It is intended to be divided into four beds of 5 acres each, receiving in succession the whole sewage continuously for six hours each per day.

Ten acres only, or two beds, are as yet completed, and these now receive, and have been receiving for the last month, the whole sewage for twelve hours each per day, amounting to about 3 inches daily over the entire surface of 10 acres.

The soil is a fine, deep, friable loam, upon a gravelly subsoil, and is drained 7 feet deep at intervals of 40 yards, and the land is laid out in beds, divided by roads, with a gentle, regular inclination, and cropped with rye grass, various kinds of cabbages, mangolds, pease, and some other vegetables.

The rains run underneath the roads, so that the sewage cannot pass down directly into them with the risk of imperfect filtration.

When not under rye grass, the land is thrown into ridges and furrows, and on the crests of the ridges, 3 feet apart, the vegetables are planted, and are thus elevated above the sewage, which is run into the furrows between them.

The Committee observed that the crops were all in a fine healthy condition, the pease exceptionally so, as at this time of the year they generally fail under ordinary cultivation. All the vegetables had been planted since the 14th June, and, from the information received, the growing crop had been sold, and realized an average of £17 15s. per acre.

Five acres were in rye grass, sown in April; this had already yielded 2 cuts, realizing together £12 per acre. The growing plant appeared very healthy, and was expected to yield in the present season a third cut at £6 per acre.

Although, as above stated, the 10 acres on which these crops were growing had for the last month received the whole of the *Merthyr* sewage, yet not the slightest offensive odour was given out, either from the land or the carriers, which built of brick and cement, or of glazed earthenware, were most efficiently arranged for the even distribution of the sewage.

The sewage, which appears to be of the ordinary character, is mixed, before it enters the filtration works, with a small quantity of milk of lime, and then passed through a filtering tank, the filtering medium being crushed slag.

Some difficulty was experienced in disposing of the solid matter here separated, notwithstanding the fact that one farmer had grown luxuriant crops with its assistance.

The effluent water was in appearance most satisfactory, and when submitted to the test over white paper very favourably contrasted with that of the river, which was stated to be not appreciably contaminated with sewage, though slightly affected by the drainage from the ironworks in the neighbourhood.

The Committee, impressed with the present efficiency of the works, their freedom from nuisance, the completeness of the filtration resulting from them, and the obvious capacity of works of this description for purifying, for a period, large quantities of sewage, requested Mr. Bailey Denton to furnish them with a report upon the practicability of applying a similar system for the purification of the sewage of Birmingham.

Which they did recommend in their Report, one of their recommendations being the purchase of 800 acres of land for the purposes of filtration. Questions were addressed by the Committee to the Mayors or other authorities of towns where the system of sewage irrigation has been adopted, and the replies received have been very satisfactory—in scarcely a single instance has any complaint been made either with respect to a nuisance caused by it, or in respect to the health of persons living in the neighbourhood, or cattle fed on the produce.

Colonel

Colonel Hope, in a paper published by the Conference on the Health and Sewage of Towns remarks,—

I do not say that the results I have obtained are quite equal to those obtained in careful laboratory experiments, but they are very fair results, and specific disturbing causes fully account for the difference. Therefore I claim to have proved that the manure contained in sewage has precisely the same producing power as the same ingredients contained in any other description of manure; in other words, that the intrinsic value inherent in town sewage, which was accurately stated by Chadwick and Liebig, at, in round numbers, 10s. per head per annum, can be got out of it by its intelligent application to land, in conjunction with the ordinary operations for farming.

I have said that I have devoted fifteen years of my life to the elucidation of the sewage question, and I confess that it was with pain and humiliation that I read the proposals of Sir John Hawkshaw to expend a million and a half sterling in throwing the sewage of Glasgow into the sea. But of course Sir John Hawkshaw has no personal knowledge of the facts which I have been endeavouring to place before you.

Hon. J. B. Wilson.] I think we should look to the rapidly increasing population of Sydney before recommending any tentative measures of this sort. I believe that even at present the population settled on the southern slopes of the city cannot be far short of 50,000, and in view of the large addition which may be expected in the course of a few years, I think we should take advantage of the present prosperous condition of the country to urge the carrying out at once of a permanent work.

Mr. Moriarty.] The advantage of this scheme is that it does not bind the country to any large expenditure. It merely involves the purchase of some 20 to 50 acres of land.

Mr. Bennett.] And the works which will have to be constructed will fit in to any permanent system of sewerage which it may be necessary to carry out hereafter.

Hon. J. B. Wilson.] You have to deal with all the drainage of Waterloo, Redfern, and the southern portions of Newtown.

Mr. Bennett.] Yes, but it would be almost impossible to carry out a complete sewerage scheme for that part of the city and suburbs at present, because we could not deal with the watershed.

Chairman.] Is it not the case that the population and settlement upon the northern slopes of Sydney, which comprise the greater portion of the city, are approaching something like a maximum, so that the tunnel which it is proposed to make to the Heads will last for all time? On the other hand the settlement on the southern slopes is at present only comparatively speaking, commencing, and to make prospectively a large tunnel to carry off the amount of sewage which must ultimately be produced there would enormously increase the cost of the works without any immediate advantage?

Mr. Moriarty.] It would probably double the cost. The essence of our proposal is that we do not commit the country to any large expenditure, and that the sewers for which the outlay will chiefly be required will fit into any system adopted hereafter, it being necessary only to purchase a small piece of land which is not likely to involve any loss whatever in any case—even should the experiment, from some cause or other, prove a failure.

Chairman.] Except through some gross mishmanagement I do not see how there can be any nuisance, and I do not think there can be any doubt about the sewage being filtered through the sand so that it will find its way harmlessly into Botany Bay. My conviction, which may not be worth much, is that when once the sewage has been applied to the sand, landowners in the neighbourhood will not allow any of it to be taken to the sea, but will be anxious to get as much as they can of it.

Hon. J. B. Wilson.] What I am thinking of is this: the Colony of New South Wales was never in a more flourishing condition. We have an overflowing Treasury, and a grand opportunity presents itself of getting important city and suburban works carried out.

Mr. Moriarty.] Still the payment of £25,000 or £30,000 interest yearly for works which are not immediately necessary would not be calculated to increase the prosperity of the country. Even in London they have arrived at the end of their tether, and they do not extend their sewers into the suburbs that have been built over.

Hon. J. Smith.] What Dr. Wilson has said about the money view of the question is reasonable enough, but I feel sure the inhabitants of this city would be more satisfied to go to the expense of a second great sewer when they know that sewage farms will not answer. I do not think they will be satisfied until the experiment has been made. I think it is worth trying, and it has not yet been tried in this country. I think also, that the Engineering Committee have really been steering a safe middle course. They say, carry the great bulk of the sewage direct to the sea—and there we all agree with them; but temporize with the remainder on the ground of economy, and because for other reasons it cannot be dealt with finally at present. In my opinion their arguments are very good against the construction of permanent works on the southern side of the city at present.

Chairman.] All the works which have to be constructed there will be subsidiary to a future complete scheme.

Hon. J. Smith.] Then in that respect they will be permanent. I think it is a good middle course to pursue: to get rid of permanently the great bulk of the sewage by sending it to sea, and to temporise with the rest until we see how the population settles. In the meantime this proposal paves the way to a very useful experiment.

Chairman.] I feel certain of one thing—that if we were to recommend any very costly project for the southern slopes, the money to carry it out would not be forthcoming.

Hon. J. B. Wilson.] I think our Legislature are now in a position to do almost anything they are called upon to do, to provide for the health of the inhabitants.

Chairman.] I believe there is a strong desire that some attempt should be made to utilize the sewage.

Hon. J. Smith.] There is one observation I should like to make with regard to this report: I see that the Committee came to the conclusion that it was necessary to have the outfall of the sewage discharging into the sea 10 feet above high-water-mark with great reluctance, as it would necessarily prevent a great part of the city from being drained by gravitation. Now have the Committee sufficiently examined the coast to satisfy themselves whether there is not some small sandy inlet at which the sewage could be discharged at a lower level.

Mr. Moriarty.] Such a place could be found, but the action of the waves on a sandy beach being to wash the sand inshore, it is necessary to make the outfall above such a disturbing influence, or the mouth of the sewer would be in continual danger of being blocked up by masses of sand.

Mr.

Mr. Bennett.] And the sandy beach would be covered with faecal matter.
The Chairman then put the amendment, which was carried by show of hands,—Hon. J. B. Wilson being the only dissentient.
The Report of the Committee was received.

(Adjournment.)

[The Board adjourned at 12:45 p.m., *sine die*.]

TUESDAY, 27 MARCH, 1877.

Present:—

HON. J. B. WILSON,
H. G. ALLEYNE, Esq.,

E. O. MORIARTY, Esq.,
W. C. BENNETT, Esq.

M. B. PELL, Esq., B.A., IN THE CHAIR.

William Morris, Esq., Fellow of the Faculty of Physicians and Surgery of Glasgow, and Fellow of the Royal Microscopical Society of London, called in and examined:—

3597. *Chairman.*] We understand, Dr. Morris, that you have recently visited England, and made some inquiries there and also in Scotland, into sanitary matters, and more especially into the various modes of disposing of sewage? Yes; allow me to say before we commence that I only moved into my house last night, and as yet have nothing unpacked, so that I have not been able to refer to any data which I have collected on the subject. Any questions which you like to put to me however, which I can answer from memory, I will reply to with pleasure. Of course it is now some months since I visited these sewage farms—in August last.

W. Morris,
Esq.

27 Mar., 1877.

3598. Which of them did you visit first? The Craigtinny Farm.

3599. Did you find that any nuisance was created by the sewage there? None when I was there. I had an interview with Dr. Littlejohn, and he expressed his opinion strongly that no action for nuisance could be maintained connected with it.

3600. Do you know whether there has been any inquiry held there lately? There was an inquiry, I believe, held at the barracks.

3601. You did not observe any nuisance yourself in connection with the farming operations? Nothing beyond a strong smell, but not of a putrescent nature.

3602. There was a strong smell? Yes, the smell was strong in the main conduit; the solid excrement was floating past at the rate of about 3 miles per hour. The smell arising therefrom I should not call unhealthy, but what is known as the smell from fresh excreta. Several sections of the lower portion of the farm was under flood with sewage matter, and on those sections only was the ground boggy; the other section not under flood was solid and appeared to bear the weight of carts loaded with fresh cut grass. The uncut grass, and grass that was being cut, was of a very poor nature—mostly weeds. The portion of the ground now described was formerly known as the "Figgote Whins."

3603. Did you hear any complaints that any one was suffering in health in consequence of the sewage? None whatever. I made particular inquiries of the men who had rented the grass—that is the cow-feeders—and they told me the cattle were as healthy as any other cattle in the neighbourhood. One man especially called my attention to a beast that had not been out of the byre for eighteen months, and was as fat and sleek as could be wished. The men also told me that there were no complaints of any sickness, either amongst themselves or of people who used their milk.

3604. Did any suspicion seem to exist that ill effects were produced by the use of sewage-grown food? No, there are no cattle reared there for fattening purposes.

3605. Not for the market? No; they are all milkers.

3606. Has there been, from what you ascertained, any instance where disease was supposed to be propagated through the use of sewage produce? Do you allude to tape-worm?

3607. Yes? No, the eggs must become located in another animal before a tape-worm could be matured in man.

3608. Could not that be done through some of the lower animals—snails for instance? No, because it must become a vesicular worm in the pig before it can become a tapeworm (*Tania solium*) in man.

3609. Then it does not appear that any entozoic diseases are produced by this sewage farm? No; Dr. Littlejohn told me that Edinburgh and its vicinity was almost entirely free from entozoa. Professor Walley also told me that the animals were not troubled with anything except the thread-worm (*Filaria*) which are met with everywhere.

3610. With respect to the smell arising from the solid refuse you observed in the lower part of the ground, is there not a total absence there of the usual precautions taken on other sewage farms—all the refuse being turned on to the land in a crude state? Yes; no attention is paid to the conduits, and the men who rent the grass never think of cleaning out the gutters, because it is not their business to do it; all they do is to cut the grass during certain months. The long grass left in the gutters decomposes, causing some very objectionable smells. There was a very nice crop of turnips growing on the upper portion of the farm where the reservoir is situated, from which the sewage is pumped. There was also some very fine Italian rye grass, and the man who was cutting it complained that he was only getting three cuttings of it this year instead of five (each load costing him £3), on account of the dry weather. This ground was kept in good order, quite different from the lower portion, and on making inquiry I found that it was under the management of the owner of Craigmiller.

3611. Did they ever complain that they got too much of this sewage? I am not aware; it runs right off the lower ground into the Frith of Forth; on the higher ground a portion of the sewage is pumped up into a reservoir. There is a pumping apparatus for that purpose worked by a windmill near the Craigmiller House, which was pointed out to me. As a general rule the sewage is flooded over each section of land requiring it for a few hours once in nine days more or less, depending upon the weather.

3612. What is the natural character of the soil? On the lower portion it is quite a sandy soil.

3613. It is described in some of the reports as having been originally nothing more than sea sand? If I recollect right Mr. Rawlinson's report, which he gave me while I was in England, states that there is 92 per cent. of sand; but you must bear in mind that that is only the lower portion of the ground—that is almost pure sand.

- W. Morris,
Esq.
27 Mar., 1877.
3614. I gather from reports on the subject that this sea sand is not impregnated to any depth by the sewage in consequence of the accumulation of this refuse for a number of years upon it? No.
3615. And the report to which you refer states that even after that time the sewage matter has only penetrated the soil for a few inches? Yes, I pulled up some of the grass by the roots, and there was nothing but sand a few inches from the surface.
3616. You confirm that opinion? Yes.
3617. Did you visit any other sewage farms? Yes, I visited the Kendall farm, where there are only about 10 acres under cultivation and 5 under grass.
3618. Did you observe any nuisance there? Only a strong smell as usual; the intermittent system is adopted there on and off every eight hours. The sewage is allowed to remain on 5 acres, and then it is turned on to the other 5. I remarked that where the sewage was turned off, there were a large number of dead worms in the gutters between the ridges; and about thirty small white sea-gulls were feeding on the dead worms. There were some fine crops of mangold-wurzel, carrot, and cabbage, and Italian grass, but I was informed by the overseer that there was no consumption for the crops and vegetables when grown, and that the grass was sold at the rate of 14 lbs. for a penny. As for the root crops they could scarcely be got rid of at all. He told me that last year the farm had cost £90 for labour.
3619. You did not hear any complaints that the sewage created a nuisance—anything injurious to health? No, there was none that I could detect; the men appeared to be in good health, and they said they were not aware of any disease in the vicinity of the farm.
3620. Did you find that to be the case in the other farms you visited? Yes; I visited Heathgate farm, belonging to the Earl of Warwick, which receives the sewage from Leamington.
3621. Then you found no complaints in England of disease or ill health experienced by persons residing on or in the vicinity of sewage farms? No; and I made especial inquiries on the subject; they appeared to ignore it altogether.
3622. Did you hear of any persons being ill of disease occasioned by eating sewage produce? No; the only disease that may arise is where they allow the sewage to lie on the ground in a low wet country, causing the ground to become water-logged; then the malarial type of disease may make its appearance.
3623. But not from the unhealthy character of the food? No.
3624. You did not hear any complaints for which there was reasonable ground of belief that entozoic diseases were caused by sewage-grown produce? No; I made particular inquiries from the various officers of health and professors of veterinary colleges, and they seemed to be all of the same opinion, that as a general rule no patients appear to suffer from entozoa in the neighbourhood of sewage farms.
3625. Would you have any apprehension in recommending the establishment of a sewage farm near a thickly populated locality? Not if it were properly looked after; if it were neglected there might be a disease of a malarious type. As long as there are subsoil drains there is no danger. At the Craigentenny Meadows there are no such precautions taken, but at the Heathgate Farm and at Kendall there are proper drains, and the effluent water passes away quite clear.
3626. Has the prejudice against sewage-grown produce abated in England, do you know? Yes, it is beginning to do so.
3627. No scientific men now appear to consider it dangerous? Dr. Cobbold is the only one; but I think he is beginning to withdraw his statements now. A specialist like Cobbold always looks upon disease from a Helminthologist point of view when any unknown epidemic is in existence; these specialists generally attempt to explain that the cause of such disease may arise from parasites, as in the case of the horse epidemic in Egypt, when 50,000 horses died last summer. Cobbold, in various letters, insisted that the cause of death was from parasites, because a few had been found in the stomach and intestines of several.
3628. Did you visit any places in England where the system of intermittent downward filtration was in operation? Yes, the system of downward filtration is adopted at Kendall.
3629. Did you see the water passing away? Yes, it was as pure as could be. I should have had no hesitation in drinking it; there was no smell from it. The soil for about 3 feet in depth is loam upon a gravel bed.
3630. Have you any further information to give us on the subject of sewage farming? Any further questions you may ask I shall answer as far as I am able; these were the three principal farms I visited. If you wish me to state the process of Stanford's charcoal system I can do so, and also the system adopted at the Small-pox and Fever Hospitals at Glasgow, for disposal of the excreta from affected patients.
3631. That is for disposing of the night-soil entirely, is it not? Yes.
3632. Do you think it is possible to utilize the night-soil in this country by manipulating it in any way? No, we have not the labor available.
3633. I gather from what I have read that all the attempts to dispose of the night-soil in that way have been failures? Yes. No person has been able to manufacture a marketable manure from night-soil only, that is of any value to the farmer if cartage is required for any distance. Solid excreta, according to recent analyses, contains 1 per cent of ammonia; consequently, manure made from the above is of little value as a fertiliser; hence the recent attempts to fortify the manure by adding sulphate of ammonia made from distilling the liquid excreta with lime and passing the ammoniacal gas into sulphuric acid. I visited Oldham, where the charcoal process is supposed to be carried on its integrity. I found a little difficulty in getting inside the works, but when once inside the first look convinced me that the system would not answer; instead of using seaweed charcoal the debris from yellow prussiate of potash works is used; this is carted to their works in a state of soft mud; it is dried, pulverized, and mixed with the contents of the pails; it is then put into a drying apparatus, consisting of eight large flat pans, about 14 ft. in length, 3½ ft. in breadth, and about 8 in. in depth, having a forward and backward motion. About 2 in. depth of the mixed material is placed in each pan; when the pans move a series of scrapers continually keep the material stirred, causing it to pass on to the next scraper, and so on until it passes out at the other end in a state of powder into a trough, in which revolves an Archimedian screw; this carries it forward until it is elevated into its proper place, and stacked away for sale. In its present shape it contains about 1 per cent. of ammonia. On the same premises there is erected a still for distilling the liquid excreta by adding lime, and allowing the ammonia to pass into sulphuric acid, forming sulphate of ammonia. When an order is received from a farmer for a ton or tons of manure containing 5 or 6

per cent. of ammonia, the dry powder is mixed with the sulphate of ammonia to give the required standard. The whole process seemed to me to be in a state of muddle. Outside the building about 6,000 tons of crude night-soil was stacked in one heap, and covered over with asphalt, to keep away flies and smell. From what I saw I am of opinion that it is only a question of time for this company to collapse. In England this is considered one of the successful processes. I also visited Birmingham, where a precipitation process is employed, and lime is mixed with the sewage matter. It then travels over a space about $\frac{3}{4}$ mile, and is allowed to settle in large tanks, which are emptied every fourteenth day. The sewage is then pumped into a large shoot and conveyed for about $\frac{1}{2}$ mile on to the farm. There are other tanks to allow the finer sediment to subside, but the effluent water I saw passing out of them was the color of very strong tea and frothy, showing a large quantity of alkaline matter still passing into the river. The borough surveyor told me they are compelled to destroy large quantities of growing vegetables because there was no room for the sludge without digging it into the ground with the growing crops. Whilst examining the works the surveyor introduced me to Sir Henry Cole, K.C.B., who was perfecting a process for General Scott, the General's brickmaking cement process having been abandoned for some time. Sir Henry kindly allowed his chemist to explain to me the various stages of this chemical process. About 600 pails of stuff are supplied weekly for treatment (15,000 pails being the Birmingham weekly collection) upon fairly chemical principles. The greasy matters are coagulated so as to render the solid porous, which causes the liquid to be more easily separated. The chemicals employed facilitate the distillation of the ammonia which is collected in sulphuric acid and crystallised out as sulphate of ammonia. The heat which is used in distilling the ammonia is also applied to render the greasy matters more solid. The separation of the ammonia is carried on until the liquid is so reduced that the process would no longer be remunerative, and a phosphate of magnesia, which is itself an earlier product, the phosphoric acid being added at this stage, absorbs the remainder of the ammonia, and assists in rendering the solid more friable and inoffensive. After this treatment the solid portions, having lost their tenacity of the hold upon water, can be readily dried, and in this dry form constitutes a manure worth from £4 to £5 per ton. The sulphate of ammonia formed at an earlier stage can be added to the manure, increasing its value *pro rata*. During my visit the solids, after being chemically treated, and whilst in a drying state, had a very offensive smell.

W. Morris,
Esq.

27 Mar., 1877.

3634. Are you of opinion that any precipitation process would be of use in this country? None whatever.

3635. You think that nothing could be taken out of the sewers to any advantage? No, because it only contains about 1 per cent. of ammonia, and the farmers would not come and take it away unless beneficial to them.

3636. Would it not be better for us to carry it away, and to get rid of it at once? I think so.

3637. If it cost something less to convey it to a piece of sand, through which it could be filtered, do you think it would be desirable to treat it in that way? If it could be properly managed it might answer in the course of time, but I think it would be better to get rid of it at once. In Chicago they are going to turn their sewage into Lake Michigan, distant about $2\frac{1}{2}$ miles from where they draw their water supply. They have made a circular tunnel 300 ft. in length by 12 ft. in diameter under the bed of the lake; the depth of the shaft is 67 ft., giving 12 feet of water and 55 ft. of clay over the tunnel. The sewage is to be brought by means of a canal near to the mouth of the shaft; it will then be pumped up to give 4 ft. of a head above the surface of the lake; at the far end of the tunnel they will pierce through the 55 ft. of clay to allow the sewage to make its escape into the lake.

3638. *Mr. Moriarty.*] I heard that they were constructing another water tunnel to draw water from the lake, and that the way they disposed of their sewage was by cutting a canal to one of the heads of the Mississippi? No, the tunnel I saw is intended to carry the sewage under the bottom of the lake. Mr. Surveyor Chisborough explained it all to me; the tunnel is purely for sewage matter.

3639. Is the canal to take the sewage to one of the tributaries of the Mississippi not in operation? I am not aware. Mr. Chisborough gave me a map of the city, showing the position of the works, which I can show you at any time.

3640. *Mr. Bennett.*] Did you see anything of the working of the Liernur system? No it was not in existence in England, but Mr. Rawlinson expressed himself decidedly against it. It was a filthy process, he said; leaks were continually taking place, and it would never answer; besides being very expensive.

3641. Was that the result of his own observation? Yes.

3642. *Hon. J. B. Wilson.*] With regard to the Craigentenny Meadows, are you aware how many mouths in the year the sewage is used on the land? I believe from what I could learn—of course this is only hearsay evidence—that all the winter it is allowed to run to waste and that it is only utilized between the months of March and September.

3643. And during those six months it is allowed to run away, is it not? Yes, it can be used or not.

3644. So that they are in a peculiar position at the Craigentenny Meadows; they can make use of the sewage or let it run away, as they like? Yes.

3645. They just irrigate the land when it is thirsty or when it is convenient? Yes, they use their discretion.

3646. Now with regard to the question of health in connection with sewage farms, do you think our climate would make a difference in the healthiness of sewage farms. Do you think a semi-tropical climate like this is as suitable as the climate of England? With a sandy soil and the subsoil of the farm properly drained so as to allow the effluent water to continuously pass away and the sewage put in the ground in a fresh state, I am of opinion that no climate would be prejudicial to the proper working of a sewage farm.

3647. But if it were put into the soil before oxidation took place? It would then oxidise as it passes through to the soil just as the blood is oxidised as it passes through the lungs.

3648. In all your travels have you seen any place where persons had a sewage farm if they could safely deliver the sewage into the sea by water carriage? No.

3649. With regard to the 10-acre farm at Kendall, which you visited, is the whole of the sewage of Kendall used on it, or only a portion of it? Only a portion from the water-closets; the privies are cleaned out by scavengers who take away all the solid material and ashes.

3650. And you have already told us that the soil is loamy with a gravelly sub-soil? Yes, it was formerly the old bed of the river.

3651.

- W. Morris, Esq.
27 Mar., 1877.
3651. As far as I can learn of the Leamington system, and the Earl of Warwick's farm, the whole of the sewage does not go on to the farm? No, I believe the contractor need not take the whole of it unless he requires it; he must take the whole of the liquid portion.
3652. *Chairman.*] Where does it go to if he does not take it? The ashes and solids are taken away by scavengers; only the liquid portion goes to the farm.
3653. *Hon. J. B. Wilson.*] I believe he is only required to take it as he wants it, and therefore that farm cannot be considered a sewage farm in the true sense of the term; it is more like the Craigentenny Meadows, only irrigated when necessary? I am speaking only from memory; it is nine months since I was there, and I have had nothing to refresh my memory since. I believe the sewage is pumped up to a height of 132 feet to the highest point of the farm. There are eight wells to receive it, and four principal outlets, so that it can be used just as it is required. All sorts of vegetables are grown there, and I saw some fine cattle—one a very fine fat bullock, weighing over 1,000 lbs., fed entirely on sewage produce.
3654. Do you know how the butchers like that kind of meat? I do not; from the nature of the grass on which they feed it must be washy meat.
3655. I think you have already stated that in your opinion, so long as there were facilities for disposing of the sewage, thoroughly and completely, by sending it to sea, you would not be inclined to recommend a sewage farm? No; if pumping is required to raise the sewage to a moderate height sewage farming then becomes a very expensive affair, and we don't know where the expenses will stop when once commenced.
3656. *Mr. Moriarty.*] But if a considerable expense could be saved, and if you had a suitable tract of land for the sewage to percolate, while on the other hand, to take it to sea would involve enormous expense, would you not be inclined to try a sewage farm? I should, because from what I have seen it can be properly carried out.
3657. Supposing both methods of disposal involved the same cost, which would you prefer? To carry it out to sea.
3658. But you think if the expense were less there would be a reasonable prospect of success in a sewage farm? Yes.
3659. *Chairman.*] Do you think the white sand at Botany would answer for a sewage farm? I think it would be two or three years before you would get any returns off it; but after that I think it would answer very well.
3660. The market gardeners at Botany get very good crops off it? I suppose they mix a little soil with it. It is now thoroughly understood in England, that intermittent downward filtration is the only way to get pure effluent water from sewage.

APPENDIX A.

WATER SUPPLY.

RESOLUTIONS adopted by the Board on Tuesday, 28 March, 1876, on the motion of the Hon. J. B. Wilson:—Present: Messrs. Wilson, Watt, Chapman, Grundy, Bell, Dansey, Palmer, Moriarty, Bennett, Alleyne, and Adams,—M. B. Pell, Esq., in the Chair.

THE investigations of the Board have naturally forced on their attention the absolute necessity for a more copious supply of water to the city and suburbs, not only for domestic and manufacturing, but also for sanitary purposes. As no system of sewerage can be effectual unless the sewers are well flushed so as to prevent the accumulation of organic matter; and while the Board freely admits that the supply from Botany, considering the extent of the catchment area, is wonderful and satisfactory, yet they are fully convinced it will only meet the requirements of the City for a limited period—and that should there be a succession of dry seasons like the present there would be great danger of a serious scarcity.

Under these circumstances the Board considered it to be their duty to inquire into the various schemes proposed or suggested for the supply of the City and suburbs with water, with the view of forming an opinion as to which of them would yield the most ample supply of the best water obtainable at a reasonable cost, taking as the basis of the inquiry the fact that no supply would be considered adequate unless it would ensure a daily supply of at least 30,000,000 gallons.

The Board have confined their attention to the only three new schemes that could be considered worthy of any attention, namely, Loddon Plains or Mr. J. Manning's—the Lower Nepean—and the scheme recommended by the Water Commission from the Pheasant's Nest. Evidence has been taken respecting each of them, and they have also been inspected by several Members of the Board, and the following conclusions have been arrived at:—

I. *Mr. Manning's Scheme*—The Board are unanimous in the opinion that it is utterly inadequate, and cannot even be favourably compared with the present Botany supply. In fact, we are convinced that had Mr. Manning based his proposition on well ascertained facts instead of on crude ideas and statements, which cannot be verified, he never would have so persistently advocated it, or brought it so prominently before the public. To show how ill considered the whole subject has been by him, we have only to draw attention to the fact that in his evidence given on the 14th day of February he strongly urged on the Board as an important part of his scheme the Port Hacking or low level project, which on the 9th day of March he said he would not recommend. And also in his evidence given on the 9th day of February he asserted that he could intercept the waters of the Cordeaux River, but on the 9th day of March admitted that it would be impossible.

The catchment area is far too small to give any guarantee of a sufficient supply, and none of his supplementary proposals are worthy of further consideration. The expense of carrying out this scheme would we believe be much greater than that required for either of the others.

II. *The Lower Nepean Scheme*.—We have no doubt as to this magnificent natural reservoir being amply sufficient, but there are great drawbacks to its being carried out. In the first place it is a pumping scheme, and the annual expense necessary to be incurred to pump 30,000,000 gallons per diem would probably not be under £40,000; and secondly, all the water must, owing to the formation of the intervening country, be brought the whole distance in pipes; and it has also been proved, both by analysis and inspection, that the water though good, is not equal in quality to that from the Pheasant's Nest.

The original outlay would equal if not exceed that required to bring an abundant supply from the Pheasant's Nest.

III. *The Commissioners' Scheme*.—This is a well-considered scheme, and undoubtedly the best of the three—equal to the requirements of a city containing 1,000,000 inhabitants—and has the following advantages:—

1. A supply of the very best water, equal to a consumption of 50,000,000 gallons per diem.
2. The water can be brought to Petersham by tunnels and open cuttings necessitating only 9 miles of piping.
3. It will not only supply Sydney and the immediate suburbs, but also Parramatta, Homebush, Burwood, Ashfield, Petersham, and Newtown; but also, if necessary, Campbelltown and Liverpool.
4. The original outlay will not probably exceed £1,000,000.
5. The works being once completed, little expense will be afterwards incurred in keeping up the supply.
6. The catchment area is very large—350 square miles—and it is almost entirely uninhabited; never likely to be inhabited.

Believing as we do that the Commissioners' scheme is the best of the three schemes referred to, we would respectfully recommend that steps be taken to have a Bill prepared and passed, authorizing the Government to resume any land that may be required. And also, that suitable pipes be at once ordered, as whatever scheme is ultimately adopted a large number of them will be required; and pipes of the very best quality can be easily and expeditiously cast in the Colony.

APPENDIX B.

RETURN showing Quantities and Decrease of Water in the Botany Dams.

Rainfall 800in. Rainfall 1'30in. Rainfall 051in. Rainfall 730in. Rainfall 903in. Rainfall 069in. Rainfall 344in. Rainfall 006in. Rainfall 001in. Rainfall 5'243in. Rainfall 7'936in. Rainfall 5'275in.

	30 Dec., 1875.	11 Jan., 1876.	27 Jan.	2 Feb.	16 Feb.	3 Mar.	13 Mar.	23 Mar.	1 April.	8 April.	21 April.	18 May.	5 June.
Engine-pond	28,316,236	12,642,703	19,348,743	7,289,287	8,042,631	10,584,271	8,465,199	10,741,972	10,426,570	11,892,013	21,369,806	40,987,024	59,064,000
Mill-pond	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816	12,839,816
Dam No. 1	17,957,821	17,957,821	17,957,821	17,957,821	17,957,821	17,957,821	17,957,821	17,792,409	17,089,405	17,544,290	17,089,405	17,792,409	18,247,913
Dams Nos. 4 & 5	85,978,084	85,978,084	70,478,561	72,362,008	59,847,602	43,013,295	29,327,880	10,801,618	1,600,000	8,766,471	6,192,525	34,741,001	56,216,800
Dam No. 6	27,414,800	28,537,763	10,900,866	11,129,580	3,474,259	247,206	5,863,955	11,703,973	15,611,241	.....	12,598,757	14,324,017	20,786,564
Total Quantities	172,506,757	157,956,187	131,525,807	121,578,512	102,162,129	84,642,409	74,454,671	63,879,788	57,567,032	51,042,590	70,090,309	120,684,267	167,155,193

APPENDIX.

Quantities at Overflow Levels.	
Engine-pond	Gallons. 99,725,991
Mill-pond	20,704,138
Dam No. 1	17,957,821
Dams Nos. 4 & 5	85,978,084
Dam No. 6	29,970,119
	254,336,153

RETURN showing Quantities and Decrease of Water in the Botany Dams.

Dates.	Total Quantities.	Decrease.	Time.	Daily Decrease.	Increase.
	Gallons.	Gallons.	Days.	Gallons.	Gallons.
30 Dec., 1875	172,506,757	.....	...	.....	.....
From 30 Dec., 1875, to 11 Jan., 1876	157,956,187	14,550,570	12	1,212,547	.....
„ 11 Jan., 1876, „ 27 Jan., „	131,525,807	26,430,380	16	1,651,898	.....
„ 27 Jan., „ „ 2 Feb., „	121,578,512	9,947,295	6	1,657,882	.....
„ 2 Feb., „ „ 16 Feb., „	102,162,129	19,416,383	14	1,386,884	.....
„ 16 Feb., „ „ 3 Mar., „	84,642,409	17,519,720	16	1,094,982	.....
„ 3 Mar., „ „ 13 Mar., „	74,454,671	10,187,738	10	1,018,773	.....
„ 13 Mar., „ „ 23 Mar., „	63,879,788	10,574,883	10	1,057,488	.....
„ 23 Mar., „ „ 1 April, „	57,567,032	6,312,756	9	701,417	.....
„ 1 April, „ „ 8 April, „	51,042,590	6,524,442	7	932,063	.....
„ 8 April, „ „ 21 April, „	70,090,309	.....	13	.....	19,047,719
„ 21 April, „ „ 18 May, „	120,684,267	.....	27	.....	50,593,958
„ 18 May, „ „ 5 June, „	167,155,193	.....	18	.....	46,470,926

[Plans.]

Sydney: Charles Potter, Acting Government Printer.—1877.

Memo. :—

The Plans referred to in this Report are bound in a separate volume, being Supplementary Volume 3.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

SYDNEY WATER SUPPLY.

RÉPORT

TO THE

GOVERNMENT OF NEW SOUTH WALES

ON

VARIOUS PROJECTS FOR SUPPLYING SYDNEY
WITH WATER.

BY

W. CLARK,

MEMBER INSTITUTION OF CIVIL ENGINEERS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED,
16 *May*, 1877.

SYDNEY: CHARLES POTTER, ACTING GOVERNMENT PRINTER.

1877.

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REPORT to the Government of New South Wales, on the various projects suggested for supplying the City of Sydney with Water.

HAVING been honored with instructions from the Agent General in England, for New South Wales, to proceed to this Colony, for the purpose of advising the Government on the subject of the Water Supply and the Drainage of the City of Sydney, I arrived here on the 29th of November last.

The climate of Australia is well known to be subject to considerable vicissitudes of flood and drought; rain falling at times with tropical violence, is succeeded by periods of drought of greater or less severity. Due to these causes considerable inconvenience and distress are not unfrequent. Water, in all places a prime necessary of life, here possesses an especial value; its superfluity at one time, and scarcity at another, naturally suggests the necessity for equalizing, as far as possible, these extremes, and the means by which this can be accomplished.

It is probably due to this circumstance, that several gentlemen have come forward with proposals for supplying Sydney with water, and that including the present supply, I have no less than eight schemes to consider in the following Report.

Immediately on my arrival in the Colony I was placed in communication with the Surveyor General, Mr. Adams, and by him I was supplied with all the available plans and information on the various localities, whence it has been proposed to obtain supplies. With Mr. Adams, also, I have visited all the more important places in the company of the several gentlemen from whom the respective proposals have emanated.

The first six weeks of my time was thus entirely occupied, and with the occasional visits I have since found it necessary to make, fully two months have been spent in inspection of the country.

Sydney is now supplied from the area called the Botany and Lachlan Swamps, lying to the south of the city; the water is partly pumped by engines fixed at the margin of the area, and on the shore of Botany Bay, lifting the water into the Paddington Reservoir at an elevation of 214 feet, and into the Crown-street Reservoir at an elevation of 141 feet over sea level.

To these reservoirs there was supplied daily, during the year 1876—

To Paddington, about 1,000,000 gallons.

„ Crown-street, „ 2,000,000 „

The remainder of the supply is furnished from the Lachlan Swamps by gravitation, through the tunnel* called Busby's Bore, and estimated to be daily, about 1½ million gallons, giving a total daily supply of 4¼ million gallons.

The quantities pumped fluctuate from—

2¹³⁶ million gallons in the winter, to

4¹⁷⁶ „ „ in the summer.

During periods of drought, owing to the limited area of the watershed and the small quantity of water to be seen in the reservoirs, great apprehension of scarcity is felt, and this has continued through many years.

In 1867 a Commission was appointed to report upon the supply of water to Sydney and its suburbs. Various projects were considered, and in 1869 a Report was submitted, recommending a scheme which had been elaborated and investigated in considerable detail, and called hereafter "The Upper Nepean scheme."

In

* There are no means of accurate measurement of this quantity.

In the course of the proceedings of this Commission the following sources of supply had engaged attention :—

The Grose,
 „ Warragamba,
 „ George's River,
 „ Nepean, at Penrith,

besides several other tributary and minor streams, which appeared to offer a prospect of giving the required supply, at a height sufficient to command the city by gravitation.

Since the date of the Report of the Commission other projects have been brought forward, proposing as sources of supply the following :—

The Loddon River and Madden's Plains, with extension to the Wingecarribee Swamps ;

The Erskine Valley,—a tributary of the Nepean River ; and

A further scheme for supplying water from wells at Botany Reserve.

The engineering advisers of the Government, as members of the Commission, having recommended the Upper Nepean scheme, it appears to have been considered by the promoters of the others, which had not been adopted, that an impartial opinion was not to be expected from them on any scheme that might be considered as a rival to their own ; and an independent opinion was desirable. Under these circumstances I have had the honor to receive the instructions of the New South Wales Government.

In undertaking this service, the duty I have to perform is somewhat of a judicial character, to weigh the merits of the several schemes brought before me, and select the one that promises to be the best, the cost and other matters considered ; and at the same time to use my opportunities for observing any fresh source of supply during my investigations.

With the exception of the scheme of the Commission, the various proposals have emanated from unprofessional gentlemen, and are wanting in many of the data necessary for a just comparison of their respective merits. In several of these, great personal labour and some considerable expense have been entailed on the proposers. No greater proof of the strength of the convictions of these gentlemen as to the merits of their individual schemes could be given. It is scarcely to be expected that they could have elaborated their schemes to the full extent requisite ; nor, on the other hand, could the Government be expected to undertake the working out in detail of all the schemes brought forward. I have therefore been obliged to supply that which has been wanting to enable me to determine the probable cost, as well as the possible efficiency of the various suggestions. This was the only way of arriving at a just conclusion.

I have been anxious as far as possible that each project should be fairly considered ; and to enable me to accomplish this, I have found it necessary to call for further information, in the shape of surveys, levels, &c., the preparation of which under my instructions, has necessarily occupied some considerable time.

Upon the subject of quantity, the Report of the Commission says—“ We put it down at 12,000,000 gallons per day for a population of (say) a quarter of a million ; and further, “ that any scheme should be capable of expansion.” So far I fully concur in the views of the Commission. The growing population—the importance of the city—the wealth of mineral and other natural products—the prospects of its becoming in the future, owing to the cheapness and abundance of fuel, the seat of manufactures,—indicate the desirability of a supply in excess of what is usually considered ample.

The population of Sydney and its suburbs was in 1869 and 1876 as follows :—

	1869.	1876.
Sydney	64,000	93,269
Suburbs	56,000	73,872

being, in seven years, an increase per cent. of—

Sydney	44	per cent.
Suburbs	32 (nearly)	„

The Commission also defines what they consider should be the capacity for expansion that any scheme should have, viz., double the above amount, or to 24,000,000 gallons per day.

The

The Sewage and Health Board, at their meeting on the 28th March, 1876, resolve, "That no supply would be considered adequate unless it would ensure a daily supply of at least 30,000,000 of gallons."

Now, the figures 24 and 30 million gallons are very enormous quantities to provide daily, and when taken with the fact that storage for nearly twelve months' drought has to enter into the question, such a condition would exclude from consideration some of the schemes proposed, which in other respects would be entitled thereto.

There can be no doubt that any scheme which possesses capabilities of expansion, with economy in cost, must be held to possess greater advantages than one without it.

I have endeavoured in each case to ascertain the cost of supplying 12,000,000 gallons per day, with the subsequent cost of adding to the supply by increments of about six million gallons.

Past experience of droughts—some of them extending over more than one year, and the certainty of their recurrence—makes it necessary to adopt the *minimum rainfall as the safe unit for calculation* when considering the source of a future supply.

The records of observations taken at the Sydney Observatory give 50^{·47} inches per annum as the average fall of rain for the past thirty-six years. During 1849, however, 21^{·49} inches only fell, and this is the least annual rainfall for any one year during which authentic records have been kept. The nearest approximations are in 1862—23^{·98} inches, and in 1854—29^{·29} inches.

It would appear, however, that even smaller quantities of rain have fallen, as in 1824 it is stated that 19 inches only fell, but no authentic record of this seems to exist, and it cannot therefore be taken into consideration.

The determination of the minimum rainfall is a point of the greatest importance, as affecting the question of an unfailing supply of water to towns.

Of the quantity of water falling in the form of rain, over any specific area—part will be evaporated—part will be absorbed by vegetation—part will go to feed, by subterranean channels; springs at a distance—and the remainder will flow off by the natural drainage channels, the creeks and rivers of the watershed.

The last of these portions is that which we have now to deal with as available for our purpose; it is susceptible of actual measurement, and such records form the only safe guide for estimating the value of a source of supply.

To obtain such information, regular observations have been carefully made upon the rivers Nepean and Cataract during the past eight years, and afford most valuable data upon which to estimate the quantity of water that may be expected from any given area of watershed in this portion of the Colony. Observations of the amount of rainfall at Cordeaux, and Wilton, points in the catchment area, have also been recorded.

By these observations it is sought to establish a proportion of the available quantity of water due to a given area from an observed depth of rainfall.

It must be remarked that information so obtained is valuable, in proportion to the number of places of observation where the area is large, and to the length of the period over which such observations have extended—a period of not less than twenty years is requisite in order to form an accurate estimate; but as observations extending over such a time are not available, it is only necessary to observe greater caution in the use of the information which has been obtained.

The observations upon rainfall of the dry year 1848–9 were taken at Sydney—no observations had at that time been taken on the area from which the Commission could establish data for the supply. Rainfall at Sydney was therefore assumed as being applicable thereto.

During the intervening eight years since the issue of the Report of the Commission, a drought has occurred, viz., for eight months, extending from August, 1875, to March, 1876 (both months inclusive); during this period the amount of rain which fell at Sydney was 9^{·91} inches.

Mr. Moriarty, in a memorandum dated 6th March, 1877, has drawn attention See Memo., page 50. to the fact that while in the dry year 1849, when only 21^{·49} inches of rain fell—during the driest consecutive eight months 13^{·49} inches fell—*i.e.* that in the driest years recorded there was no period so severe as the consecutive eight months of 1875–6 above referred to.

The table, page 43, in the Appendix, gives, amongst other information, on the Upper Nepean Scheme, the amount of rain falling at the several places of observation, Sydney, Wilton, and Cordeaux; also the quantity measured as passing down the rivers Cataract and Nepean, together with the percentage which this quantity represents, when compared with a rainfall over an area of 35·4 square miles, of the depth recorded.

From the commencement of June, 1871, the Cordeaux observations are taken as more nearly representing the average rainfall for such an area, and will be more nearly applicable to the various projects which have to come under consideration.

During the dry period above alluded to, from August, 1875, to March, 1876, when 9⁹⁴ inches fell at Sydney, 16⁹² inches were recorded at Cordeaux, and the Table as constructed, calculates the ratio of discharge to rainfall as observed at Cordeaux.

Plan No. 1 in the Appendix shows the rivers, creeks, &c., draining the several watersheds proposed as sources of supply, and a general outline of the schemes.

The following diagrams have been prepared by Mr. Moriarty to illustrate the subject, and are annexed to the Report:—

Diagram (No. 2) showing the monthly rainfall at Sydney, Wilton, and at Cordeaux, and the quantity passing down the rivers Nepean and Cataract.

Diagram (No. 3) showing the amount of water that would have been available monthly from the Nepean and Cataract Rivers for the supply of Sydney, during the years 1869 to 1876, through the conduits proposed in the Upper Nepean scheme.

Diagram (No. 4) showing the quantity of water that would have passed into the Prospect Reservoir* during the dry period from August, 1875, to March, 1876; also, the amount of water that would have been withdrawn from the Prospect Reservoir by evaporation, and by the supply of quantities equal to the daily supply to Melbourne, Dublin, Liverpool, Manchester, and Glasgow.

The observations of the quantities passing down the rivers, so far as they extend, are of the greatest value; and what may be learned from them is the fact that, unless a supply be drawn from some inexhaustible source, such as the Nepean at Penrith may be assumed to be, no scheme can be considered as permanent and sufficient, which does not provide a storage capacity on the occurrence of such a drought, equal to supplying the requirements of the city, and allow for the waste from evaporation of its exposed surface.

Taken annually the Table shows that the proportion of the water falling as rain which passed down the river was as follows:—

In 1869	'38	1873	'33
1870	'68	1874	'30
1871	'47	1875	'25
1872	'13	1876	'27

While, however, the average discharge of the years 1875–6 was about ²⁶/₁₀₀, the discharge for eight consecutive dry months of those years, taking the quantities registered at the several places of observation for calculation, was as follows:—

<i>Rainfall.</i>	<i>inches.</i>	<i>Discharge.</i>	
Sydney	9 ⁹⁴	proportion would be	'072
Wilton	10 ¹⁷	„ „	'070
Cordeaux	16 ⁹²	„ „	'042

These proportions, which represent the minimum quantities passing down the rivers Nepean and Cataract, will in the subsequent pages be adopted as generally applicable to the various schemes which will come under review, there being no other data available; or, in other words, the various schemes will be tested by the provision made for furnishing the required supply during a period of eight months, drought, and during which the water passing down the rivers bears this proportion to the total rainfall.

On the occurrence of dry periods the evaporation is necessarily very great; the showers of minor duration and amount, falling on a surface previously parched by the sun, are evaporated and absorbed, and little or nothing is added to the volume passing down the rivers. During

* Upper Nepean Scheme.

During the dry period of 1875-6 before alluded to, the evaporation at the Sydney Observatory amounted to 32[·]₃₀₀ inches; this would be from a surface of water freely exposed to sun and wind. It was more than double the amount of rainfall, and it is evident therefore that little effect upon the discharge in the rivers could be expected from the rain.

On the subject of evaporation the observations recorded at the Sydney Observatory give 48[·]₃₀₀ inches as the mean of seventeen years from a glass vessel, and 31[·]₉₂₄ inches per annum as the mean from a tank in the ground.

The latter of these conditions more nearly compares with that of a storage reservoir, but the Commission adopted 48 inches in their calculations, which as being probably in excess, is safer.

Another point I may here allude to: it appears to have been adopted as a somewhat foregone conclusion, that a supply by gravitation could be obtained, and that a pumping scheme would not be desirable; and, in some of the papers before me, I find that the liability to accident and interruption from the failure of machinery is put forward as a reason why a pumping scheme should not find favour.

This view of the case is scarcely tenable here. We are accustomed to go to sea for long voyages, trusting entirely to the proper and continued action of the steam-engine—we travel on railways without fear of such failures; and if there be one use of the steam-engine more than another where it can be made applicable with confidence and economy, it is in the pumping of water.

As a matter of economy, where engines of proper construction are adopted, the cost of raising 1,000 gallons 100 feet high is but little more than one-fourth of a penny where coals are procurable at £1 per ton.

If then the actual cost of the water, as represented by the interest on capital expenditure, working expenses, and maintenance be ascertained, and it be found to be less by a pumping than a gravitation scheme, I think there is no valid objection to the adoption of the former, provided it is not inferior in the quality of its water, nor in any collateral advantages.

Purity of Water.—The Commissioners, in the Appendix to their Report, page 101, give a general view of the analysis of waters of various localities which are available for supply. These with a few exceptions may be taken as good water for town purposes, and amongst the best are those furnished from the present supply from Botany.

As the list contains specimens from all the sources which have been suggested, I have not thought it necessary to have any further especial analysis made, except in the case of the Wingecarribee water, which will be found in the Appendix.

The principal feature in the list of waters above referred to is the absence of lime in the greater number of the specimens. It is the salts of this substance which give the property of hardness to water, and when absent preclude the use of lead pipes; when 3 grains per gallon are dissolved in the water it is good for all domestic purposes and more palatable as a drinking water, while the slight deposit which forms on the pipes protects them from its solvent action.

With these preliminary remarks, I proceed now to discuss the various projects which have come before me for consideration, after first noticing the subject of the present supply from the Botany and Lachlan Swamps.

Present Supply.

Sydney is at present supplied from an area lying immediately adjacent to the city on its south side.

It comprises—

The area of the Lachlan watershed, supplying the lower parts of the town by gravitation	1,125 acres.
And Botany watershed, supplying the city by engine-power	2,614 „

Total area	3,739 acres
	or 5 [·] ₈ square miles.

The

	Contents.
The area of the reservoir space on the Lachlan, in seven reservoirs, is $65\frac{3}{4}$ acres	$77\frac{3}{4}$ million gallons.
On the Botany	220 $\frac{3}{4}$ „ 473 „
Total	<u>$286\frac{1}{2}$ acres</u> <u>550 million gallons.</u>

In addition to the above, a further catchment area is in course of preparation of	1,461 acres.
Added to above	<u>3,739 „</u>
Gives a total of	<u>5,347 acres.</u>

From this total area however of catchment, 85 acres occupied by dwellings, will have to be deducted, leaving 5,262 acres area for furnishing future supply.

The capital expended on these works I have not been able to ascertain.

This area is composed entirely of loose sand, upon which a stunted and sparse vegetation is existing. By borings which have been made in fifteen places, the sand has been proved to extend to depths varying from 34 to 109 feet below the surface, with occasional thin layers of clay at irregular intervals.

The locality has been described as a natural depression, subsequently filled with drift sand from the sea, and this is probably correct; its natural outlet at Botany Bay has been stopped by a puddle embankment.

The area so described is undoubtedly one of very great utility for water purposes; few similar cases can be met with where so large a mass of sand is contained within a natural basin.

So constituted, it is at once a catchment area, a reservoir, and a filter bed; and under these various heads it may be considered.

As a catchment area, its extent, though not large, has the power of absorbing rapidly the water that falls upon it.

Experiments conducted in England (*vide* Minutes, Institution of Civil Engineers, vol. 45) for the last fourteen years go to show that out of an average depth of 25 $\frac{7}{12}$ inches of rain per annum,—

On ordinary soils—

The percolation is	7 $\frac{53}{100}$ inches.
Evaporation	<u>18$\frac{14}{100}$ „</u>
	25 $\frac{7}{12}$ „

On sand—

The percolation is	21 $\frac{40}{100}$ inches.
Evaporation	<u>4$\frac{32}{100}$ „</u>
	25 $\frac{7}{12}$ „

The percolation would of course vary with the difference of soil, and evaporation with the difference of climate; but it would appear that whereas the percolation in sand is nearly three times as great as in soil, the evaporation from a sandy surface is less than one-fourth; and that the percolation through sand, in an average year, is in England 83 per cent of the quantity of water that falls upon it as rain.

From inquiry and examination of the locality, I am led to believe that the water in the sand is not wasting into the sea in any considerable quantity.

As a storage reservoir the capacity of these sands is immense; not only are they saturated with water from their lowest depths to the surface of the creeks, but they also retain the water at a higher level in the hills. They afford a receptacle for the rain which falls in the wet seasons, and retain it for use in the dry, but up to the present time that portion only of the contents which exists above the levels of creeks has been drawn upon.

The observations of Mr. Prestwich, F.G.S., on the absorbing power of sand, go to prove that it will contain from two-sevenths, to one-half its bulk of water when saturated; and it will therefore be safe to assume one-third of the bulk of sand, as water.

The great value of the area as a storage reservoir will at once be apparent from the fact, that every inch of rain which falls on this area of 5³/₈ square miles, and which, without being dissipated by evaporation or otherwise, sinks to a depth of about 2 feet beneath the surface, will be stored, and give an available quantity amounting to 85 million gallons.

There is also evidence that the quantity in the dams alone does not furnish the supply to the city. Thus, during the recent drought of 1875-6, from papers before me, it is evident that a much larger quantity was delivered than could have been furnished by the contents of the dams, and must therefore have been supplied from the store in the sand.

Various endeavours have been made to increase the supply, owing to apprehensions that it would fall short of the demand; these have been,—

Firstly—By the temporary expedient of deepening the channels (that feed the main streams) during the dry period.

Secondly—By the construction of dams across the main streams to intercept the flow of water during periods of rain.

These dams are composed entirely of sand, and their stability as permanent structures has been called in question; several of them have failed on occasions of heavy storms, owing as has been explained, to the insufficiency of the overflow or waste weirs provided; these have since been extended, and by limiting the depth and velocity of the flowing water greater safety for the dams is obtained.

The purpose which these dams have served, has been to arrest the flow of water on the surface, and give it time to be absorbed by the surrounding sand. It then becomes stored in the sand, the whole body of which forms a reservoir, from which the supply is drawn as required.

The largest daily supply to the city of which I find any record was in January, 1875, viz. :—

By Botany engines	5,254,200	gallons.
Through the tunnel, assumed	1,250,000	„
	<hr/>	
Total	6,504,200	„

The average daily supply for last year (1876) was *4¹/₄ million, and the largest delivery since 1869, viz., in 1870, was 5³/₈, average per day throughout that year, when the population was 40 per cent. less than at present.

Now the area of the sandy reservoir is 5³/₈ square miles in extent, and assuming that only one-half of it is susceptible of saturation (probably a very low estimate), the quantity of water which it will contain, being as before stated one-third of its bulk, is 168 million gallons for each foot of depth.

So recently as last year considerable apprehension was entertained as to the quantity of water in the Botany and Lachlan Swamps; it may therefore be well to consider what was the condition of things during that time.

This dry period before alluded to extended from August, 1875, to April, 1876, say 240 days, and the daily supply was †5¹/₄ million gallons; the total quantity for this period amounted to 1,260 million gallons.

About half of this, or 551 million gallons, was supplied from the dams, the remainder being supplied by the rainfall—9³/₈ inches during that period—together with that drawn from the storage in the sand.

Assuming one-half the rainfall of the period (9³/₈ inches) to have been lost by evaporation, &c., and the remainder, say 5 inches, available for supply, *i.e.*, $5 \times 85 = 425$ million gallons.

Then,

$$\frac{551 + 425}{(\text{daily supply}) 5\frac{1}{4}} = 185 \text{ days' supply.}$$

The remaining 55 days' supply, to complete the 240 days of the dry period, was on this assumption drawn from the sand.

The quantities pumped weekly during the month of March were respectively, in million gallons :—28¹/₄, 25³/₈, 26¹/₄, and 25¹/₂.

From

* From Botany 3, Lachlan 1¹/₄. Total, 4¹/₄ million gallons.

† From Botany 4, Lachlan 1¹/₄. Total, 5¹/₄ million gallons.

From the time when the rain commenced to fall, these quantities gradually fell in amount until in the month of August they reached 151 million gallons.

It cannot therefore be said that the supply actually failed, nor how long it would have held out under a continuance of the drought; and the length of such possible holding out is rendered the more difficult to estimate, from the fact that no means existed for ascertaining the quantity supplied through the tunnel*; the falling off of the quantity would most probably first show itself at this, the upper portion of the swamp.

If however the sand had been drained to a certain depth below its ordinary saturation level, a definite quantity of water would doubtless have been obtained; and I estimate that for every $\frac{3}{8}$ of an inch so drained, a day's supply of $5\frac{3}{4}$ million gallons would have been procured, or a quantity approximating to 168 million gallons for every foot, as above stated.

In order that some reliable information may be obtainable as to the quantity of water stored in the sand-hills, I have requested that several boreholes should be made and kept permanently open by tubes; this will admit of occasional observations being made of the level of saturation in the sand, under the varying conditions of rainfall and consumption.

The boreholes are not yet all completed; but I have been furnished with the results in a few cases, by which I find that (at the end of March last) the water stood at an elevation, over that in the dam adjoining, or stream by which it finds outlet, and at a distance from it as follows:—

Distance of Borehole from the Dam or other outlet.	Elevation of water in the Borehole above that in the Dam or stream adjoining.
1,800 feet.	$12\frac{1}{2}$ feet.
850 "	$4\frac{1}{2}$ "
800 "	5 "
600 "	$2\frac{1}{2}$ "
400 "	5 "

It is scarcely possible to determine exactly the inclination of the surface which the level of saturation assumes; to do this it is necessary to know the exact point to which the imprisoned water is flowing; but the above results are quite sufficient to show that if a nearly level drain be cut into the hill-side it will liberate an additional quantity of water for supply, as the inclination of the natural slope will then be directed to the new and nearer point of escape.

Such records being taken, data for establishing the actual quantity available will be obtained, and go far towards removing the apprehensions that have from time to time agitated the public mind on the occurrence of unusually dry seasons.

Since making the request for sinking these boreholes, I have seen an account of some inquiry and experiments made at the suggestion of Sir W. Denison (*Sydney Magazine of Science and Art*, vol. 2, 1869), upon this subject. He stated that the slope assumed by the surface of saturation had been found to vary from 1 in 114 in the dry weather to 1 in 122 in the wet.

The large mass of sand also acts as a filter bed, and the purity of the water is ensured by the natural process of filtration it undergoes as it passes into and through the sand; as at present delivered at Sydney it is slightly coloured by peat, and not unfrequently contains a quantity of flocculent vegetable matter. Issuing from the sand-hills, the water flows into the shallow reservoirs at the back of the dams, and there meets with this impurity which passes on with it for distribution.

The impurity is not necessarily of a deleterious character, but it is such as to prejudice the supply in the opinion of consumers; if, however, the water could be removed from the sand and distributed without passing into the reservoirs, its purity would be preserved.

The question is, how best to draw off the water and leave the sand behind.‡ Mr. Bell has proposed to sink tube wells for this purpose, and his experiments from what I can understand promised to be successful; as however it involved the purchase and erection of machinery, the idea seems to have been abandoned.

In

* Since the above was written, I have ascertained that the supply from the Lacluan through the tunnel did fail, and was shut off on the 6th March;—the supply by the Botany engines however continued at the rate of 3.6 to 4 million gallons a day, to the end of the dry period.

‡ Mr. Wilshire's proposal (page 33) relates to this subject.

In place of the present mode of taking the water direct from the reservoir, which necessitates the excavating of the channels in the dry weather, in order to keep up the supply, it would be better that under drains be laid along and parallel to the principal creeks and channels, to collect the water from the sand, and conduct it direct to the pump-well and tunnel mouth.

These drains to be surrounded with broken stone, broken brick, or shingle, or any hard material which will, as in an ordinary filter, permit the flow of water into the central pipe and arrest the sand.

At intervals along the course of these drains, and at their junctions with the branches, wells to be built, where the flow of water could be obstructed when desired; by this means the quantity discharged would be regulated, and kept under control.

It is difficult to say what length would be required to furnish a given supply, but calculating from the experience of the passage of water in filter beds, I estimate it would not exceed 500 yards in length of drains, laid as I propose, for each million gallons per day, in sand saturated with water.

A further effect of these drains will be, to draw off the water from a greater depth beneath the surface than is possible by the mode now in use, and thereby increase the available supply. Every 6 feet in depth over an area of 5 $\frac{3}{4}$ square miles, half of which is saturated, will contain 1,018 millions of gallons, or 169 days supply at 6 million gallons.

There would be some difficulty in laying these pipes in sand saturated with water. I have, however, discussed the subject with Mr. Bell, the City Engineer, and he has furnished me with an estimate. I am of opinion that the present daily supply could be filtered out in the way I have indicated above, at a cost of £10,000, by drain pipes laid 6 feet below the present level of saturation.

A not unimportant point in this mode of taking the water, is, that in addition to the filtering immediately before use, it would be kept unexposed to light,—which is always desirable for water intended for town supplies.

While, however, this source is sufficient for giving a supply at the present rate, and has stood the test of a severe drought of eight months, and has moreover a capacity for extension never yet tested to its full extent, it is necessary to examine further what were the conditions under which the supply was given during that critical period, and what would be the result of an increased demand, say of 6 million gallons per day, under conditions of extreme drought.

During 1870, when the largest daily supply was given averaging 5 $\frac{3}{4}$ million gallons throughout the year, the rainfall was 64 $\frac{22}{100}$ inches, or 14 inches above the average quantity.

During 1876 the average daily supply for the year was 4 $\frac{1}{4}$ million gallons, and the rainfall was 40 $\frac{385}{100}$ or 10 inches under the average fall. It appears from this that had the waste* which occurred during 1870 been allowed to continue to 1876, the resources of the present supply would have been severely taxed, and probably much inconvenience and distress would have been experienced. Still more so would it be on the recurrence of a dry year like 1849 when only 21 $\frac{40}{100}$ inches of rain fell, as the following calculation will show;—assuming that one-half of the 21 $\frac{40}{100}$ inches was dissipated, and that one-half or say 11 inches was stored;—considering moreover the reservoirs as full at the commencement of the dry year and omitting evaporation from their surface, they would supply as follows:—

	million gallons.	
Storage in dams	551	
Daily supply	6	= 92 days supply.
	million gallons.	
Due to rainfall (11 × 85)	935	
Daily supply	6	= 156 days supply.
		= 248 days supply.

Or, without drawing upon the storage in the sand, the present supply would fail before the end of the dry year.

Again.

* This waste has since been prevented by an improvement in the house fittings.

Again. Supposing that the daily consumption requires an increase to 12 million gallons, the annual quantity will amount to 4,380 million gallons. Now the average annual rainfall, as recorded at Sydney, is 50 inches, and the total quantity therefore falling on 5's square miles is 4,210 million gallons, or *the entire average rainfall is absolutely insufficient for such increase.*

It must be observed that this conclusion is arrived at principally by assumptions, but it is sufficiently near to indicate that a continuous supply of 6 million gallons per day during a dry year would severely test the resources, and that a supply of 12 million gallons a day, which is considered to be necessary in the future, could not be obtained; in fact, though the storage capacity of the swamp is ample, the catchment area is far too small to admit of any large extension to the present supply with safety.

There are several other considerations connected with this area—its position, the rapid extension of buildings in its immediate vicinity, the desirability of its appropriation for an extension of the city, and as a site for manufacturing industries. All these indicate that some other source should be looked to for furnishing the future supply.

Six million gallons per day would supply the present population of 167,000 with 36 gallons per head; this, if undue waste be prevented, would in most cases be considered sufficient for domestic purposes; in view however of the rapid increase in the population anticipated, and of manufacturing undertakings requiring this essential to their further development, no time should be lost in coming to a decision on this subject. Under any circumstances new works will occupy several years to complete; and I have therefore thought it desirable to consider some means for improving the existing arrangement, that may be adopted in the meantime.

In the future use of this reserved area for the purpose of habitation and manufacturing industries, the drains would require to be increased in number, in order to drain the area to a sufficiently low level to furnish dry sites, or they may be continued in their use as collectors of water for manufacturing purposes.

I would here also remark that though it has become necessary to seek a more extended source, yet the Botany and Lachlan area is of a very remarkable and valuable character; and I am of opinion that the measures which have been adopted to maintain and increase the supply have been judicious, and without them a great deficiency of water would ere this have been experienced by the citizens.

Upper Nepean Scheme.

THE result of the labours of the Water Commission in 1869 was the elaboration of a scheme for drawing a supply of water from Nepean, Cordeaux, and Cataract Rivers, at a level sufficiently high to supply Sydney by gravitation.

The Commissioners' Report so fully explains all the details of the project that it will be sufficient here briefly to recapitulate its general features.

The drainage area comprises 354 square miles, entirely in a sandstone country, and with a trifling exception is, on account of its sterility, wholly unoccupied, and not attractive for agricultural or pastoral occupation.

The quality of the water from such a source is unquestionable, and for the reason above stated likely to remain so.

The rivers have their rise in the mountain country running parallel to the coast between Bulli Pass and the Mittagong Range, and which attains an elevation of 1,000 feet and upwards.

The mountains present a very precipitous face towards the sea, with a more gentle slope landwards; they thus form a barrier to intercept the rain clouds and mists coming from the sea, which condensing discharge their water on the extended area of these landward slopes. A comparison of the records of rainfall near the coast with that more inland will show in figures that the larger rainfall is deposited soon after the clouds pass the summit of the range.

There are moreover numerous swamps in this upper portion of the catchment area, which retain the water falling upon it, preventing its rapid discharge by the rivers and rendering their flow more equable.

These

These rivers, like all those in this sandstone country, have cut their way into narrow gorges of a very rugged character till their waters reach in a comparatively short distance a level very little above that of the sea. The sides of these gorges are thickly covered with timber.

From Pheasant's Nest, which is a gorge of the character above described, just below the junction of the Cordeaux River with the Nepean, it is proposed to take the waters of the united streams, which together with the waters of the Cataract River, form the source of supply.

A dam, 10 feet high, built in the channel of the Nepean, will hold up the water, and enable it to be deflected through a tunnel $4\frac{1}{2}$ miles in length in the sandstone rock to Broughton's Pass, where the waters of the Cataract join those of the Nepean and Cordeaux Rivers.

At Broughton's Pass another small dam across the Cataract River will hold back its waters to a level of 421 feet over sea, and divert them into another tunnel $1\frac{1}{4}$ mile long, from which they will emerge on the western slopes of the main dividing ridge, separating the waters of the Nepean from those of the George's River.

The country continues to be of a somewhat rugged character, through which the waters on leaving the second tunnel are to be conducted in an open conduit following the direction of the range to a point near Mount Sugar-loaf, where the sandstone rock ceases, and is succeeded by the Wianamatta shale. From this point the open conduit is continued with occasional short tunnels to $34\frac{1}{2}$ miles from the Pheasant's Nest Dam; here the line crosses the dividing Range in a tunnel 3,300 yards in length, and at the 41st mile the water will be delivered into the Prospect Reservoir.

This reservoir will be formed by the construction of a dam, having a length of about 108 chains and maximum height of 80 feet. Its area when full will be 1,291 acres, and contents 10,635 million gallons, of which the upper 25 feet would be available for distribution in Sydney, and contain 7,110 million gallons. The level of the top water would be 195 feet over sea, and 170 feet when drawn down 25 feet.

From the storage reservoir the water will be conducted by an open conduit for a distance of 4 miles 58 chains, when it will be carried on by an iron-aqueduct for a distance of 7,986 feet to 48 miles 64 chains.

At the end of this aqueduct, at 48 miles 64 chains, and 14 miles from Sydney, a small reservoir is to be constructed, capable of holding 400,000 gallons. The next construction is a syphon pipe, 48 inches in diameter, crossing the valley through which Duck Creek flows; it is a depression of about 100 feet, and the length of this syphon pipe is 4,628 yards, capable of conveying $14\frac{3}{4}$ million gallons in twenty-four hours.

From this point the water is again conveyed for a distance of 1 mile 37 chains in an open conduit to 52 miles 73 chains, where a small storage reservoir is to be formed by an earthen embankment.

Here the water will be delivered at an elevation of 164 feet over sea level; and here also commences the pipe, 42 inches in diameter, which is to convey the water to Sydney, its length is 10 miles, and it will be capable of delivering daily 12 million gallons into the Crown-street Reservoir.

At Petersham it is proposed to construct a reservoir capable of containing 800,000 gallons for the supply of that suburb.

By this arrangement, instead of a continuous length of piping from Prospect, the larger carrying capacity of the open conduit enables a supply of nearly 29 million gallons daily to be brought to a point 14 miles distant from Sydney, and 84 million gallons to within $20\frac{3}{4}$ miles, at which place provision is made for a storage of 7,110 million gallons.

The total cost of these works as estimated in 1869 was—

Works...	£702,741
Land ...	12,288
Superintendence and Contingencies ...	30,000
Engines, &c., at Waverley ...	10,000
	<hr/>
Total ...	£755,029
	<hr/>

During

During the interval between 1869 and the present time, prices of materials and labour have risen in most cases, and at my request Mr. Moriarty has revised the above estimate to make it applicable to existing circumstances. As now before me it amounts to,—

Works...	£820,757
Land ...	12,768
Superintendence and Contingencies ...	30,000
	<hr/>
	£863,525
	<hr/>

Bearing in mind that the proposal of the Commissioners is that the scheme adopted shall be capable of immediately supplying 12 million gallons per day, and of extension to double that amount, it will be desirable here to examine the capacity of the scheme to satisfy these requirements.

In the present case, with so large a catchment area as 354 square miles, there can be little doubt as to the annual quantity available, and the whole question hinges upon the amount of storage, and I find that without any addition from rain, or from the rivers, and deducting loss by evaporation, the available capacity (7,110 million gallons) of the reservoir is sufficient to supply Sydney with 12 million gallons per day (equal to 72 gallons per head of its present population of 167,000) for a period exceeding twelve months.

The observations taken during the last eight years upon the flow of water down the Nepean and Cataract Rivers also fully prove this sufficiency.

*Appendix,
diagram Nos.
3 and 4.

The diagram* has been prepared for the purpose of exhibiting the quantity flowing down the river and the condition of the Prospect Reservoir,—and shows that during the period of eight months' drought which occurred in 1875–6, with a draught upon it of 12 million gallons per day for supply to Sydney, and the loss by evaporation from its surface, that 6.45 feet only out of the depth of 25 feet of storage would have been drawn from the reservoir.

Thus estimated, the entire quantity coming down the river, limited only by the capacity of the conduit, is shown as going to the reservoir. I observe, however, at page 37 of the Commissioners' Report, it is proposed that only quantities above 10 million gallons per day and under 84 are to be taken into the reservoir.

This 10 million gallons is, I believe, considered to be retained in the river channel, for purposes of proprietors of land along the course of the Nepean River.

On this subject I may here express an opinion that, if provision for the requirements of adjoining landowners can be made in some other and independent manner, it would be preferable.

Such independent mode would not be difficult or expensive I apprehend, and under this view I will not now diverge from the main subject before me to consider it.

†Appendix,
diagram Nos.
3 and 4.

The Prospect Reservoir, as shown by diagram,† is amply sufficient to meet the requirements of the city, and the diversion of the 10 million gallons would probably not affect that supply, even in so dry a period as that upon which the estimates of quantity are based; but on occasions of drought it would possibly lead to the difficulties and disputes which are usual under such circumstances.

Having ascertained that this scheme will answer the requirements as to quantity during periods of drought—having also inspected the line of conduit, and satisfied myself that the proposed works are practicable—I will now proceed to notice the one important subject which this scheme presents for consideration, viz., the character and cost of the works by which the water is to be brought to Sydney for the use of the citizens.

The character of the works is that usual in such cases; there are no especial or difficult features, in an engineering point of view, to be overcome—the distance is, however, considerable, being 63 miles from the source to the distributing reservoir. Its principal features are—

Tunnels ...	10 $\frac{3}{4}$ miles
Open conduit ...	34 $\frac{1}{4}$ „
Aqueduct ...	3 „
Pipes ...	13 $\frac{1}{2}$ „
Reservoir ...	1 $\frac{3}{4}$ „

The

The sandstone country in which the greater part of the tunnelling will be required is economical for such work—the rock is easily cut, and will not require lining; it is where these tunnels are constructed in the Wianamatta shale that any uncertainty as to the cost of the work occurs.

The shale in most of the sections I have seen is horizontal and evenly bedded, and is of an impermeable character. Where the conduits are constructed in strata of this character lining will probably not be required.

Where however, as in some places, the shale alternates in thin layers of hard and soft strata, as in the railway cutting near Campbelltown, lining would be required both for tunnels and conduits in excavation.

In laying out works of this character the greatest care and judgment are required to obtain the greatest economy, not only in selecting the easiest line—the amount of work considered—but also with reference to the class of work to be executed.

The most economical is generally found to be in light cutting, and therefore the line should be laid out with special reference to this fact.

The question as between a lined and unlined construction is of the greatest importance, as the one may roughly be estimated at three times the cost of the other; to avoid the necessity for lining the work, is therefore the endeavour of the careful engineer.

To bring these variable quantities into estimate with exactness is impossible, and even with requisite surveys and borings they can only be approximately ascertained.

These surveys and borings could not be completed during the period of my visit. I have however gone over the country, and after careful observation with the assistance of some trial holes, I have formed an opinion as to the nature of the ground to be gone through.

The Wianamatta shale, according to my observation, contains beds of hard sandstone: Specimens of rock from several trial holes sunk where the tunnels occur have been procured, and are generally of a favourable character.

I think if it be assumed, that the tunnel at the Sugar-loaf Hill, and all those below that place, will, for one-half their lengths, require masonry lining, it will be sufficient for a safe estimate. This would occasion an increase to the cost of about £28,000, on the item tunnels, above the amount given in the revised estimate.

What has just been stated with regard to the tunnels applies also to the open conduits. I have gone carefully over these, and in several cases put down an increased price, notwithstanding that the revised estimate provides for a lining of rubble masonry throughout its length in the Wianamatta shale.

There are several short aqueducts crossing creeks on the line. These consist of cast-iron troughs on rubble masonry embankments for the approaches, and wrought-iron troughs supported on masonry piers, in spans of 60 feet between them.

The principal aqueduct however is at 47 miles, crossing a depression where the Great Southern and Western Railway occurs. This aqueduct is 7,986 feet long, in 133 spans of 60 feet. The greatest height is 49 feet; its average height, 40 feet. As originally designed in the Report of the Commission it is entirely of wrought-iron. In the revised estimate, masonry piers are substituted for wrought-iron piles. Its use is in connection with the conduits, to bring the water to the nearest point to Sydney with the least diminution of head.

The cost of the pipes will depend upon the price of iron ruling at the time the works are to be executed. At present, cast-iron pipes can be delivered in Sydney at a price not exceeding £8 per ton. The quantity of this material required is 15,490 tons.

The Prospect Reservoir is one of the main features of the scheme. I have carefully examined the site, and find it well adapted for the purpose. The seat of the impounding dam, when the surface soil is removed, will be on an even bed of firm shale. Abundance of material of a retentive character for the construction of the embankment is obtainable; clay also is found in the bottom for puddle, while the adjacent Prospect Hill furnishes material for pitching.

The cubic content of this embankment is two million cubic yards.

The other reservoirs mentioned in the Schedule as below the Prospect Reservoir serve their respective uses for balance and storage purposes; they will moreover tend to prevent injury to the pipes, arising from sudden checks to the delivery of the water.

The

The revised estimate for the works, as per Schedule, page 46, Appendix, furnished to me by Mr. Moriarty, who has had great experience in the Colony, is doubtless a reliable one; but to assist me in forming an independent estimate of the cost of these and other works, I have obtained rates and prices current in the Colony from several sources; these as may be expected vary considerably. Many of Mr. Moriarty's prices are, I consider, sufficient; in some cases however, considering what I have before mentioned as to the character of the work in tunnel and conduit, &c., I have thought it necessary to increase them to be safe.

Under these circumstances my estimate is as follows:—

Works, as per Schedule, Appendix (Page 46)	£1,074,000
Land, as per revised estimate	12,768
	————— £1,086,768

It is only fair to notice that the estimate for this scheme includes several items for valuable subsidiary works, such as a covered reservoir at Petersham capable of containing 800,000 gallons, also two other small reservoirs. With the assistance of these, and others of similar character, several other places, as Ashfield, Redfern, &c., can be supplied from the conduit on its course to the Crown-street Reservoir.

Loddon and Wingecarribee.

JAMES MANNING, Esq., proposes to obtain a supply of water from the Loddon and Madden Plains, supplemented by a further supply from Kangaloon and Wingecarribee.

He has a still further proposal to obtain a supply from Port Hacking, but which is entirely separate and distinct from the others.

The Loddon scheme has its collecting reservoir near to, and north of the road leading from Appin to Bulli Pass; and on the river Loddon this is supplemented by some other small intercepting reservoirs.

The catchment area in this locality is stated to be between 9,000 and 10,000 acres, or about $15\frac{1}{2}$ square miles.

It is entirely on the sandstone formation, quite unsuited for cultivation; and from its general sterile character it may be assumed that except as a catchment area for purpose of water supply, it is unlikely to find any economical use. It is moreover, I believe, unalienated.

The area has been carefully inspected, and its characteristic feature is the large extent of swamps of which it is composed.

These swamps are not deep, but even during a somewhat dry period at the time of my visit in December last they were saturated with moisture.

Their existence is due probably to the elevated situation of the district, 1,100 to 1,300 feet above the level of the sea, and also to its proximity and influence.

It is proposed to form a reservoir by constructing a dam of concrete across the Loddon Creek about 60 chains from the point where it runs under the Appin Road.

This dam with a maximum height of 55 feet will form a reservoir estimated by the proposer at 408 acres in extent, with a storage capacity of 1,446 million gallons, or, as stated, 120 days supply, at the rate of 12 million gallons daily—this does not however allow for loss by evaporation.

A second and smaller dam half-a-mile nearer to the Appin Road, and lower down the stream, would intercept a portion of the water at a somewhat lower level and add 37 acres to the storage reservoir. The dam is proposed to be 20 feet in height. A third dam, on Madden's Plains, $26\frac{1}{4}$ acres in extent, will receive the drainage of 1,500 acres included in the above total area, lying to the east and west of the Bottle Forest Road; these are to be brought into connection with the main tunnel through which the water passes in its course to Sydney.

The heights of the waters in these reservoirs are stated to be 1,121,—1,111, and 1,203 feet above the sea respectively.

The

The sandstone rock is exposed at the surface at the proposed sites for the dams.

The total distance of the Loddon Lake from Sydney over the various lengths of work mentioned by Mr. Manning will be $40\frac{1}{4}$ miles.

The water is to be conducted from these storage reservoirs, partly by tunnel and partly by open conduit to a point on the Bottle Forest Road, $8\frac{1}{4}$ miles from the Loddon Reservoir, where a pipe line is to commence by which it descends to Sydney by gravitation.

This pipe line is to follow the Bottle Forest Road to George's River, to be crossed either by a timber bridge, or by a flexible pipe laid in the bed of the stream, and thence to a reservoir proposed to be constructed at Waverley; the total length of this pipe line is stated to be 32 miles.

The cost as estimated by the proposer is £600,000, and the amount of water to be delivered during four months of the year, or dry season, 9 million gallons a day; and for the remaining portion of the year 12 million gallons daily.

Mr. Manning considers that this portion of his scheme will be sufficient for many years to come, and that only when it is proved to be insufficient will it be necessary to extend this work to Wingecarribee.

He claims for it the great advantage of a delivery of the water to a distributing reservoir to be constructed at Waverley 300 feet above sea level, and at a pressure of 700 feet, which used as a motive power will go far towards paying the interest on the total cost of the work.

Under this view it will be convenient to inquire, how far this scheme will be likely to realize the expectations of the proposer, in delivering into Sydney 9 to 12 millions of gallons daily for domestic consumption, from a catchment area of $15\frac{1}{2}$ square miles, aided by the reservoir for storage.

It must however be noted that situated as the area is, very near the top of the range of hills and sources of the Cataract and George's Rivers, it is necessarily limited in extent, and Mr. Manning evidently depends upon arresting the water that would otherwise run off by the river during periods of storm. At ordinary times the discharge by the river Loddon is small, and on the occasion of my inspection of it was insignificant.

As before mentioned, I propose to apply to this and the other schemes the test of the dry period of eight months in 1875-6.

The tables of rainfall, &c., in the Appendix, and the proportion flowing down the rivers Nepean and Cataract, will also be used for this purpose.

It was found, page 6, that $\frac{1}{10}$ or about 1-20th of the rainfall by measurement was passing down the river at this period, and that proportion is therefore assumed as the quantity available.

It is however to be borne in mind that the atmosphere of this district is frequently loaded with moisture which, though not measurable by the rain-gauge, will probably assist in saturating this swampy area; while on the other hand it must be remembered that the evaporation from a swampy area, is most probably largely in excess of the average. Moreover, exposed as the region is to the south-east winds, and close upon the sea-coast, the rainfall is considerable. This however affects the measurement in the river lower down, where observations have been most carefully recorded during the past eight years, and it will therefore be safe, and not unjust to the merits of this scheme, to take these results as applicable to this case.

The amount of rainfall, as recorded at Cordcaux during eight months, September, 1875, to August, 1876, was $16\frac{1}{2}$ inches.

1-20 of $16\frac{1}{2}$ inches on $15\frac{1}{2}$ square miles	190 million gallons.
Storage capacity of Loddon Reservoir assumed as full—at commencement of the dry period	1,446 ..
Total available for supply	1,636 ..
Deduct evaporation from 408 acres for the same period at $32\frac{1}{2}$ inches	301 ..
	<hr/>
	1,335 ..

or 112 days supply at the rate of 12 million gallons daily.

The depths and contents of the smaller reservoirs are not given by Mr. Manning—they would not however materially affect the result when evaporation is taken into account.

Assuming that <i>one-third</i> of the rain could have been stored, then		
$\frac{1}{3}$ of 16 ⁹² inches of rain from 15 $\frac{1}{2}$ square miles ...	1,269	million gallons.
Quantity in the full reservoir	1,446	„
	<hr/>	
Total.....	2,715	„
Deduct evaporation as before	301	„
	<hr/>	
	2,414	„

Equivalent to 201 days' supply at 12 million gallons, whereas the dry period extended over 240 days.

However efficient in ordinary seasons, it is very evident that the Loddon scheme would be insufficient to give the requisite supply during a period such as that experienced last year, and the extended project to include the Kangaloon and Wingecaribee must now be considered.

This Wingecaribee Swamp is described as six miles in length, and of varying widths from 60 chains downwards; it measures 1,170 acres in area, and its average depth is stated to be about 20 feet; its surface is more or less covered by a quaking bog, bearing water-plants and mosses. It receives the drainage of about 18 $\frac{1}{2}$ square miles; its natural outlet is by the Wingecaribee River into the Wollondilly, and thence into the lower Nepean by the Warragamba. The surface level of the water has been found to be about 2,244 feet over the sea.

In addition to this, Mr. Manning proposes to intercept the drainage of 14 $\frac{1}{2}$ square miles, running into the Kangaloon Creek and Nepean, or Mittagong River.

From these sources it is stated that 20 million gallons, or more, daily could in all seasons be taken, and by means of wrought-iron pipes and conduit delivered into the tunnel reservoir at Loddon 1,100 feet below the Wingecaribee.

At very considerable personal labour Mr. Manning has recently taken the levels over the country between Wingecaribee and Loddon, and the section so made has been handed to me; it shows a very rough country, and one which for purpose of a pipe line and conduit is certainly not favourable. No doubt, however, it could be much improved by further examination and survey.

An inspection of the locality, with all the information I could obtain, appeared to indicate that a considerable supply could be derived from this source. Mr. Hanrahan, an old resident, informed me that I saw the water at its lowest, and there was then a stream of about three million gallons daily running into the swamp at its upper end, and, in addition, in every direction small rills of water were trickling down the hill sides, in quantity which would add considerably to the total volume. Scarcely any open water was to be seen. At the surface of the swamp, upon which cattle were grazing; a twenty-foot pole did not fathom the depth in several places when tried, but a plummet suspended to a string could not be got through the mass of vegetation.

The outlet from the swamp into the Wingecaribee at the time I saw it was running in large volume, owing to a heavy rain of eight or ten hours duration, which had fallen in the previous night, and could not be taken therefore as an indication of the ordinary flow.

In consequence of the analysis of the Wingecaribee water, as given in the Report of the Commission, being somewhat unfavourable in regard to the volatile matter, 3 grains per gallon indicating a somewhat large amount of organic impurity, a further analysis has been made by the Government Analyst, which will be found in the Appendix, page 47.

The fact has been brought to my notice that the river which drains the swamp is occasionally dry. This indicates that seasons do occur when the swamp would have to be drawn upon as a reservoir. It is a matter for consideration how far it is suited for this purpose. Pure as the water now is—without any demand on its volume beyond that of the overflow by the river and loss by evaporation—it might be

be otherwise when 10 or 12 million gallons daily were withdrawn from it and probably some of the vegetation now immersed became dry; the conditions would then be altered, and a process of decay and change would be continually going on, which might alter materially the present pure condition of the water.

The country round the swamp and Kangaloon Creek is very fertile, the soil consisting of decomposed trap; and every portion of the district is, I believe, alienated, with exception of the area of the swamp itself. It is being rapidly cleared of timber and converted into pasturage for cattle. To a small extent it is used for agriculture. Its value is said to be from £10 to £12 per acre to the agriculturist, and I should apprehend would become the seat of a large population.

The plans and data with which I have been furnished by Mr. Manning are necessarily very incomplete. He has, however, estimated the cost of the entire project at $1\frac{1}{2}$ million sterling, and, when completed, its daily delivery at 30 million gallons of water.

There are no data to enable me to estimate this latter quantity except those which have been already applied to Lake Loddon; nor have I any means of determining the storage capacity of the Wingecarribee Swamps, or amount of evaporation from a reservoir, nearly filled with growing vegetable matter, the presence of which diminishes the storage capacity and increases the rate of evaporation.

In the absence therefore of any observations of the rainfall of this district, or of the discharge of the rivers, I adopt those above referred to, for the dry period of eight months in 1875-6; and I may here add that while I hold an opinion that the Wingecarribee Swamp is unsuited to act as a storage reservoir, I am desirous to give the full advantage to the statement of the promoter of this scheme, by taking a part of its waters.

On the occasion of my visit Mr. Manning pointed out what appeared a suitable site for a reservoir at Kangaloon; he since informs me that "a simple crib and earth dam, 29 feet high, and $11\frac{1}{2}$ chains over all, would throw back a sea of water second only to the Loddon Lake." This however would require verification by actual survey; for the purpose of estimate, however, I will assume that one or more such sites could be found where by the construction of dams it would be possible to impound at reasonable cost as much water as has been calculated for Lake Loddon.

Under this supposition we shall then have the entire drainage area comprised in the several sites, as follows:—

Loddon	...	...	...	...	$15\frac{1}{2}$ square miles.
Kangaloon	...	...	...	...	$14\frac{1}{3}$ "
Wingecarribee	...	...	...	...	$18\frac{1}{2}$ "
					—
			Total	...	$48\frac{1}{2}$ "
					—

Taking then 1-20th of the rainfall 16.92 inches as recorded at Cordeaux, during the dry period of eight months before referred to, as the quantity passing into the reservoirs, it will amount to 593 million gallons.

Then—

From rainfall	...	...	...	...	593 million gallons.
Quantity stored, assumed as twice the quantity in Loddon Reservoir	...	...	...	...	2,892 "
					—
Total	...	...	...	...	3,485 "
Deduct evaporation 2×301	...	...	...	...	602 "
					—
					2,883 "
					—

an amount equivalent to 240 days' supply, at the rate of 12 million gallons per day, which would empty the storage reservoirs at the end of such a period of eight dry months.

Mr. Manning states that the cost of these works will be " $1\frac{1}{2}$ million of money."

I have also endeavoured to form an estimate with the information before me. To do this, however, it has been necessary to assume many quantities which could alone be ascertained by detailed surveys, which, I have little doubt, from an inspection of the sections, would rather tend to increase than diminish the amount. Exclusive of land, compensation, &c., my estimate for the works executed, as proposed, with wrought-iron pipes, &c., amounts to £1,136,000. This sum includes the cost of two pipes, each 24 inches in diameter, for the lower or Loddon portion of the scheme, each theoretically capable of delivering $7\frac{1}{2}$ million gallons in twenty-four hours. The sum also includes the cost of one 26-inch pipe between Winge-carribee and Loddon, capable of delivering $6\frac{1}{2}$ million gallons per day theoretically.

In the event of an addition to the daily 12 million gallons becoming necessary at any future time, an additional $54\frac{1}{2}$ miles of pipes would be required, costing £556,000 for the increase to the supply of 6 million gallons, supposing that from the source under consideration water be available.

The wrought-iron pipes which are proposed for conveying the water to Sydney are used in America, but I am not aware that, up to the present time, they have been used in England, or by English engineers.

When the pressure exceeds 300 or 400 feet of head, wrought iron is undoubtedly better suited to bear such excessive pressure, and the concussions liable to be brought upon it, than cast iron. It is known, however, that when buried in the ground, wrought iron does not resist corrosion so well as cast iron. I have known wrought iron to be used for gas-pipes, and when the asphaltum, with which they are always coated, was perfect, the pipes were durable; but where, from any cause, such as making a connection, or otherwise, any part of the iron was exposed to the action of the soil, a hole speedily followed, and the pipes were ultimately removed, owing to the large escape of the gas from this cause.

It is proposed that the wrought-iron pipes, which are riveted longitudinally, and across to form the joints, should be coated with Angus Smith's solution inside and out, in the same way that is now the universal practice for the protection of cast-iron pipes; this is done by immersing the pipe in the molten liquid and boiling them in it for about twenty minutes; so applied it forms an efficient protection. Where however the seams would have to be riveted in the pipe-trench, to join together the different lengths, the solution can only be painted on, and it is precisely at these joints, as with a steam boiler which they resemble, where corrosion would take place. Everyday experience will render familiar examples of the corrosion of plate iron when used for water tanks.

Bessemer iron, which is rolled out from an ingot, and is therefore homogeneous and unlike ordinary rolled plate, which is lamellar in its structure, would be far better suited for such work than the best of ordinary plate. The corrosive action of the soil would affect this also, but in a less degree, as it would take place only at the surface.

A further consideration in the case is, how far it is desirable to undertake a work of this nature, with a material dependent in so great a degree upon a varnish for its permanence.

Regarding the motive power, which Mr. Manning expects might be obtained from pressure, due to the height from which the water is brought, it may be well to explain, that by the usual arrangements no effective power can be obtained save by an extra expense in cost of piping.

The size of a pipe is usually calculated to be that which will at the given inclination deliver the quantity of water required.

In this case the distance of the inlet of the pipe at Madden's Plains from Waverley is 32 miles; the difference of level is 1,062, less 320 or 742 feet.

A pipe to deliver 6 million gallons flowing continuously during twenty-four hours must be 22 inches diameter, and the water will issue with a velocity of 4.66 feet per second, or about 3 miles per hour only, to supply that quantity.

If then any form of machine be interposed, in order to obtain useful work, the flow will by the resistance it has to overcome be checked, and the discharge diminished in proportion to the resistance interposed.

To obtain motive power from water flowing through a pipe, it is therefore evident that a pipe of larger diameter than is actually necessary to supply the city must be adopted, involving an extra expense.

In the case of hydraulic gold-mining, jets of water are used of much smaller diameter than the pipe which supplies them, as in the case of fire hose attached to an ordinary street hydrant; if, however, these jets be increased in number till their collective areas approach to that of the pipe which supplies them, they will fail to act as jets.

It may be remarked that the pipes included in the estimate are calculated to discharge theoretically 3 million gallons daily in excess of the required quantity; this is necessary to ensure efficient working, and to meet occasional difficulties when repairs of pipes are required; but I am not of opinion that it would be desirable to apply any power which might be derivable from this increased size, to any purpose foreign to the delivery of water for the supply of the city.

Valuable as such a power would be, especially in extinguishing fires, such a pressure as is here contemplated could not with safety be put upon the ordinary street mains and house fittings, which are calculated to bear from two to three hundred feet, and special pipes of the necessary strength would require to be provided. There are many other inconveniences attending the introduction of such extreme pressures into the arrangements for town supplies.

The better plan in such a system is to control the flow of water by a sluice placed at or near its upper end, while the pipe is left entirely open at its lower end. By this arrangement all danger of bursting the pipe by a sudden stoppage of the flow of water would be avoided.

This being the only one of the various schemes which is capable of delivering water at a higher level than the Crown-street Reservoir, it is necessary to ascertain the amount with which this scheme should be credited, in order to make a just comparison with others not possessing this advantage.

It has been ascertained that of the present population of 167,116 of Sydney and its suburbs, that 146,000 reside on an area of the town which can be supplied by the Crown-street Reservoir, and that 21,000 are on the area above that level—the latter being the population of Cook and Fitzroy Wards, together with portions of Paddington, Randwick, and Waverley. The present proportion would, therefore, be about seven to one. This proportion must increase every year, as the high level area is of very limited extent, whilst the low level area may be taken as extending as far as Paramatta, and the settlement per acre is much more dense than is ever likely to be on the high land about Paddington; moreover, all water used for manufacturing purposes would, of course, be supplied from the low level.

Such being the case, one-eighth of the daily supply must be estimated as requiring to be pumped from Crown-street, and if it be assumed that the higher or Waverley levels be one-third of that area, the quantity, when 12 million gallons per day are supplied, will be as follows:—

12 million	
—————	= 1½ million per day
8	
To be lifted to the height of Paddington Reservoir...	214
From Crown-street	141
	————— 73 feet.
And one-third of 1½ million = 500,000, to be lifted—	
To Waverley say	320
From Paddington	214
	————— 106 feet.

The above quantities lifted these respective heights will be equivalent to lifting the entire quantity of 1½ million gallons to a height of 108 feet, and this would require an engine of 70 h.p., working twelve hours per day.

The cost of the above with necessary buildings, or of duplicating the engine of 84 h.p., now in course of erection, is about £9,000.

The cost of establishment and coals, at £1 per ton, stores, and upholding will amount to £1,750 per annum, which capitalized—

£1,750 per annum, at twenty years' purchase...	35,000
Cost of engines, buildings, &c.	9,000
	—————
	£44,000

Which sum of £44,000 must be taken in reduction of the estimate of this scheme for purpose of comparison, reducing it to £1,092,000. Mr.

Mr. Manning's Port Hacking Scheme.

The proposal is for supplying water by gravitation.

It is intended to erect a dam 70 feet high, for the purpose of intercepting the water from a watershed of 8,000 acres, or $12\frac{1}{2}$ square miles.

The level where it is proposed to erect the dam is 120 feet over sea.

A second dam is proposed two miles above the former to increase the storage, and the promoter believes that 12 million gallons per day will be obtained, when assisted by the "spare overflow" coming from his high level scheme.

From what has been stated with reference to the combined Loddon and Wingecarribee schemes, it will be apparent that this $12\frac{1}{2}$ square miles will be wholly insufficient to give an independent supply of 12 million gallons per day.

The storage capacity of the reservoirs formed by constructing the dams is not given, but it is stated that the 70-foot embankment will hold up the water for a distance of $1\frac{1}{2}$ mile.

The narrow gorge through which the Port Hacking River flows—at the part where I have seen it—is not favourable for forming a capacious reservoir.

Held up to a height of $120 + 70 = 190$ feet, the surface of the water in the reservoir would be 50 feet above the Crown-street Reservoir (which it is intended to supply) available for the depth of storage, and to give the necessary inclination to the pipe.

This pipe is to be 48 inches in diameter, and $26\frac{1}{4}$ miles long.

A pipe of this diameter and length would require a head of 44 feet to deliver the quantity running uniformly through the twenty-four hours.

This would leave 6 feet in depth available for storage in the reservoir behind the 70-foot dam.

Without knowing the actual area of the reservoir, but knowing the character of the country, I may confidently state that the reservoir would not contain a sufficient quantity for giving the required supply of water to Sydney during a period of eight months' drought.

I therefore gather from the allusion to the "spare overflow" coming from the level of the high-level scheme, that it is intended to supplement the high-level scheme by the addition of this Port Hacking portion.

The cost of $26\frac{1}{4}$ miles of 48-inch pipe, as proposed, would be about £450,000. Further observation and inquiry would however be necessary, before any conclusion could be arrived at, as to the drainage area, and storage available by the erection of dams, and also the size of pipe required, and approximate expense of the scheme.

As an independent supply for Sydney it would be wholly insufficient.

As an auxiliary it may be considered in connection with any other of the schemes proposed.

Lower Nepean Scheme.

THIS source of supply was investigated by the Commission, and the conclusion arrived at was, that "neither by gravitation nor by pumping can Sydney be economically supplied from the Lower Nepean."

The quality of the water, according to the Commission, is fairly good; it contains—

Total solid matter	10 ^o	grains per gallon.
Volatile	2 ²	"
Fixed	7 ⁸	"
Chlorine	2 ⁵	"
Hardness.....	3 ⁴	"

"Colour, dirty white, almost opaque, from diffused clay."

On my first visit to the district I was accompanied by Mr. Alderman Macintosh, M.L.A., who has interested himself on the subject, and I had the advantage of his views thereon.

The

The river Nepean above Penrith drains an area over 4,000 square miles; no other of the proposed sources of supply has so large a catchment, in fact it includes the others, the George's River and Port Hacking excepted; the Warragamba, with its 3,247 square miles of drainage, being one of its tributaries. When the Nepean ceases to flow, probably all the other sources would have failed.

From the Nepean Bridge at Penrith to the Warragamba, a distance of $10\frac{1}{2}$ miles, the river has a width during dry weather of from two to three hundred feet, which width is continued up the Warragamba for a distance of about 4 miles.

The combined area of the storage would be considerable, even omitting the constant flow into it from its large drainage area, a portion of which is given in the table* for the Upper Nepean scheme.

* Vide Appendix page 43.

No observations of its flow during dry periods have been taken, but there can be no doubt that it is ample to furnish 12 million gallons per day, and a large additional quantity when required.

During floods, and for several days afterwards, the water is very turbid. On the occasion of my visits it has not been sufficiently clear for distribution as a town supply without previous filtration.

It would not be necessary for a pumping scheme to construct any dam across the river. The pumping station would be placed near to the bank, at a sufficient elevation to be clear of the highest floods, and the water would be pumped direct from the river channel, and delivered at a height sufficient to flow by gravitation to Sydney.

Suitable sites for the pumping station, and for the storage tanks and filters at the requisite elevation have been found.

The former of these is about $2\frac{1}{2}$ miles up stream from Penrith. The latter is distant from the river about 4 miles, and in direction towards Sydney. Here about 100 acres would be required for works, and spare area.

Provision should be made for storing four days supply, where the water could settle before being let on to the filters; it would then be received into a clear-water tank at the head of the pipe, through which it would flow to Sydney.

The general arrangement of the works is shown on Diagram No. 10 in the Appendix.

It will be convenient to estimate for the works required for supplying 6 million gallons per day through a single pipe, and afterwards the additional cost of increments of 6 millions.

A 33-inch pipe with the fall that could be obtained from the clear-water tank, would deliver $6\frac{1}{2}$ million gallons per day into the Crown-street Reservoir.

The engines would be situated about 400 feet from the river bank, and a tunnel or suction-pipe, as would be found most suitable, would carry the water to the engines.

The engine-power required would be 340 horse power, arranged in two engines of 170 horse-power each, and one spare—total, 510 horse power. These would force the water from the lowest summer level in the Nepean, to an elevation of 280 feet above sea level, a total lift of 258 feet, through a 36-inch pipe, the length of which would be 4 miles.

Here it would be received into the reservoir arranged as for two settling tanks, having a capacity of 24 million gallons, with sufficient depth for the deposit of silt.

Three filters would be provided of sufficient area to pass through them 2 million gallons per day each, and a fourth filter as spare area.

From these the water would escape into a clear water tank, the capacity of which can only be determined from further detailed surveys.

The spot where the works would be situated is on the Wianamatta shale, and the reservoirs would be partly excavated in the shale, and partly embanked. They would be lined with puddle and stone pitching from the neighbouring hill. This lining is provided in the estimate. It is, however, not improbable that the character of the ground would admit of this expense being dispensed with, which would effect a considerable saving out of £30,000, which is its estimated cost.

The direction of the pipe line to Sydney could be either along the road or parallel to the railway. It would not be desirable to place it altogether on the latter. The lowest point of the ranges to be crossed would of course be selected.

The length of the pipe line from the filter works to Sydney would be 34 miles, its diameter, 33 inches. The total quantity of iron in the 38 miles of pipe is 29,128 tons, cost of which, laid at £11 per ton, will be £320,408.

There

There will be no difficulty in laying this line across the South, and Eastern Creeks, which will have to be passed. The distance from the railway is but trifling, and very little cost will be incurred for cartage; the price, £11 per ton, at the present price of iron would be ample.

The above are the principal items in the work. For supplies of 6 and 12 million gallons a day, my estimate is as follows:—

Works	...	...	...	...	533,800	
Land, for pumping and filter stations (say)					1,000	
						£534,800
Working expenses per annum, £6,000.						
For an additional 6 million gallons—						
Works	...	...	...	...	530,800	
Land	...	...	...	...	1,000	
						£531,800
Working expenses, £5,500.						
Or for 12 million gallons—						
Works	...	...	...	...	...	£1,066,600
Working expenses, £11,500.						
Coals are taken at 12s. per ton delivered at the pumping station.						

The Warragamba Scheme,

As proposed by Thos. Woore, Esq, R.N., is intended to obtain a supply of water by the construction of a dam crossing the Warragamba, near its junction with the Nepean River.

This dam would intercept the drainage of an area of 3,247 square miles. The dam, 170 feet high, is intended to hold up the water at an elevation sufficient to supply the Crown-street reservoir, 141 feet above sea level, by gravitation.

It is also intended as a means of irrigating a large portion of the county of Cumberland, and to have the further effect of relieving the Hawkesbury River of part of its waters during times of flood.

The effect of the construction of such dam would be to form a reservoir in the deep rocky gorge through which the river flows, 14 or 15 miles in length, with an average depth of 80 feet, and over 700 feet wide at its lower end.

With so large an area of drainage it is scarcely necessary to inquire into the sufficiency of the supply, and the water, though not the best examined by the Water Commission, is still of fair purity—its 4 degrees of hardness, which is higher than most of the other waters examined, is not excessive, in fact rather beneficial than otherwise, and would admit of the use of lead pipes.

The objections of the Commission to the scheme in 1869 were chiefly directed to the dam, which would be a work of unusual character, and, according to my view of the case, 214 feet in height.

I have been furnished with a section of the entire line of conduit between Sydney and the Warragamba. The first portion, between Sydney and Prospect, would necessarily be similar to that of the Upper Nepean scheme already described—chiefly of pipe line, with aqueduct and open conduit. At Prospect it crosses the site of the reservoir proposed by the Commission. Between Prospect and the Warragamba the direction of the conduit is generally parallel to the line of the Great Western Railway, averaging from 2 to 4 miles distant, and on its south side. It crosses the general direction of the drainage of the country and the following creeks, viz., Eastern Creek, Rope's Creek, South Creek, and Mulgoa Creek—some of them at a very considerable elevation. Between the Mulgoa Valley and the Nepean a tunnel would be required, and over the latter an aqueduct of great altitude, finishing by another tunnel of about $\frac{1}{2}$ a mile.

A recent inquiry, made for the purpose of this Report, shows the bed of the river Warragamba to be 29 feet over sea level at the site of the proposed dam, and the rise of the flood water over summer level to be 78 feet. The height of the dam will then be as follows :—

	feet
Height of Crown-street reservoir above sea level...	141
Gradient of conduit in 36 miles	72
Supply outlet below level of weir	10
Increase, for floods	10
Top of dam above surface of water in floods ...	10
<hr/>	
Total	243
Deduct height of river bed over sea-level	29
<hr/>	
Height of dam	214

As proposed, the dam would be constructed with a long slope of about 8 to 1 on its upper side, and about $2\frac{1}{2}$ to 1 on its lower side. The entire breadth of its base in the direction of the length of the river would be about 800 yards, and its cubic contents nearly 3 million of cubic yards.

It is intended by the proposer to be composed of the rough masses of rock quarried from the adjacent sides of the gorge—where the escape weir for the floods has to be formed—and thrown into the channel

To the dead weight of this mass of material Mr. Woore trusts for its safety, and by the construction of a vertical masonry wall in its centre he proposes to make it water-tight.

Thus erected, the dam would intercept the flood waters from an area of 3,247 square miles. The section of the stream during floods has been ascertained to be about 20,000 superficial feet, and its velocity is not less than 3 miles per hour.

The formidable nature of this stream, held up to a height of over 200 feet, I do not here stop to notice, further than that its disposal chiefly by the ordinary river channel must be provided for, as any quantity which could be taken off by an artificial channel for irrigation and other purposes would not exceed 1–20th part of its volume, and therefore would be quite insignificant.

The particulars of the important part of the work, the waste weir, are not given, but I observe on the plans furnished to me that the level of the outlet tunnel for the supply of Sydney is placed 6 feet below the top of the dam, and the waste weir would necessarily be at some intervening height between the two.

Under such circumstances the weir, to carry such a stream as that above indicated without flowing over the dam would be enormous. I have therefore in the above calculation for the height assumed 10 feet as the depth of the stream passing over the weir solely for the purpose of estimating its cost.

I must however here mention that I know no similar work where so vast a body of water is artificially impounded to so great a height, nor of such a waste weir as this would be, and I am here simply endeavouring to place the features of the scheme in a form that they may be easily understood.

Taking then 10 feet as the depth of the water passing over the weir, and with an approaching velocity of 3 miles per hour, I find that its width must be 813 feet.

For the purpose of this inquiry the point of the mountain between the Nepean and Warragamba Rivers has been accurately surveyed, and its levels ascertained.* These show that the maximum depth to be excavated between the two rivers is 220 feet, and the average 164 feet; and the shortest possible line for the weir involves an excavation of about $7\frac{1}{2}$ million cubic yards of rock.

* Plan No. 8, Appendix.

I must here observe that in a memorandum with which Mr. Woore has furnished me, he now contemplates that on the occurrence of exceptional floods a portion of the water will pass over the dam, and that constructed as above it will be safe for it to do so; and in addition to this, it is also proposed that if these means are insufficient, the opening of a tunnel or tunnels to the Nepean may be resorted to.

I gather also from the papers, that Mr. Woore was under the impression that a natural gully existed between the two rivers, which could be used as a waste weir, and some of the maps of the district show such a channel. An examination of the locality however proves that such does not exist; an artificial weir of at least the

dimensions above given is therefore necessary, for with such a stream it would be most unsafe to allow any water to escape over a mass of loose material piled to a height of upwards of 200 feet, nor am I prepared to advise the construction of a dam of such extreme height in any other way, unless the object sought could not otherwise be obtained.

Undoubtedly very great advantages are comprised in the scheme as proposed; but seeing the very considerable risk attending such a work, and the expense of the waste weir alone—upwards of $1\frac{1}{4}$ million sterling—compared with what is actually necessary to be done for supplying Sydney with water, I have not thought it necessary to pursue this subject further.

The Grose.

Having visited this river, I am enabled to confirm what is stated in the Report of the Commission of 1869 as to its impracticable character. The sides are exceedingly precipitous, and the huge boulders which strew its bed sufficiently indicate that no pipe could be laid without liability to destruction from falling fragments of rock, if near the bed of the river; and the formation of galleries or ledges on the sides of the precipices would entail enormous expense.

By the section of the valley which was taken for railway purposes, I find that to obtain the requisite level of 425 feet over sea, the water must be taken at a point nearly 15 miles from its junction with the Hawkesbury. This distance, taking the railway route to Sydney, would make the entire length of the conduit about 50 miles.

This distance might be shortened by tunnelling, but the great height of the mountain through which it would be driven for the greater part of the length, would forbid the selection of a direct line.

The further difficulty of crossing the Hawkesbury, added to the foregoing considerations, appear to place this project beyond the necessity for further inquiry.

George's River.

The Hon. Thomas Holt, M.L.C., and J. Lucas, Esq., M.L.A., have separately advocated the obtaining a supply of water for Sydney from this source.

The area drained by the George's River is stated to be 375 square miles, or 240,000 acres.

The proposal is to place a dam across the estuary, near its outlet into Botany Bay, at one of the three points—Rocky Point, Tom Ugly's, or Kangaroo—to the opposite shore. The distances across the river at these places vary from 1,492 feet to 1,896 feet, with a maximum depth of water of 48 feet. The bed of the river is sand and mud, resting on rock, which in places has not been reached by the boring-rod at 93 feet in depth.

The peculiar formation of the estuary, with jutting promontories and bays between them, offers an apparent facility for the construction of an impounding dam, together with the necessary waste-weir, by which the floodwater can be discharged.

The large drainage area is chiefly from the sandstone country, and the upper portion, near the sources of supply, is similar in character to the Cataract and Cordaux Rivers.

The river, rising in hills upwards of 1,000 feet over the sea, rapidly cuts its way down to a comparatively low level, through similar gorges; at its lower reaches however it receives the waters of the Bunbury Curran Creek and some others which drain a Winamatta shale district, and are exceptions to the very pure character of the sources of the water discharged into the river.

The

The tidal waters flow up to Liverpool, a town 21 miles from the mouth of the river in Botany Bay. Here a dam has been placed across the river, and some industries have been established, the drainage from which—one being a wool-washing and the other a paper factory—at present, does seriously pollute the river-water below the dam at Liverpool.

I have had frequent opportunities of observing this during the past few months, and a line of black filth marked the banks of the river between high and low water levels, for several miles below the Railway Station, where an offensive stench is very perceptible.

There is a large charitable institution located near the dam, the drainage from which* is into the river. The surface drainage of the town of Liverpool also discharges into the river, and must always so remain as its natural outlet; but in the event of the town being drained at some future time by a system of sewers, it is an indispensable condition that some provision should be made for the disposal of its sewage, as it is also for the removal of the offensive matters above alluded to, before the works for supplying Sydney with water from this source should be undertaken.

Near Sans Souci and for several miles up, the river is of a very picturesque character, and its ample surface of 3,000 acres has suggested the idea of converting it from an estuary of salt water to a fresh water lake for the supply of Sydney, from which it is distant only 10 miles.

Mr. Holt's proposal is to make a canal from the lake so formed, and to connect its water with the present engine pond at Botany, where it can be pumped into the city.

It has been shown by Mr. Moriarty† that to effect this it would be requisite to raise the surface water in the river 14 feet 6 inches above its present level at high-water.

Mr. Lucas proposes to place his dam at Rocky Point, near Sans Souci, and to lay a pipe from the head of Townshend's Bay to deliver the water at the same place, a distance of $4\frac{1}{2}$ miles, "the water could then be drawn by pipes" presumably into the pump well of the Botany engines; he would use the Botany waters as far as they would go, and then supplement the supply by the George's River.

No estimate has been given by Mr. Holt of the cost of the works; those of Mr. Lucas are put down at £243,000, of which sum £90,000 is for the construction of a dam.

The above are the chief features of these proposals which must be treated as one scheme.

As no plans accompany Mr. Holt's papers, I have given a sketch of what I think is his view of the sort of construction possible for a dam. It consists of two embankments formed of stone quarried from the adjacent promontories, where a waste weir would be made, the space between the banks is to be filled with either clay or sand, both of which materials are procurable in abundance. Plan No. 5
Appendix.

The interior space between the stone banks so filled in, is on completion of the structure, to be again excavated, and a puddle-wall sunk through the bed of the river, and down to rock beneath, which would be reached at a depth below high-water of 43 feet in one place, and would not be reached in others at a depth varying from 62 feet to 93 feet.

Mr. Lucas gives a sketch of his proposed dam. This is shown to be a bank of rubble stone which, like Mr. Holt's, is to be quarried from adjacent promontories; it is his intention to form the puddle wall first by driving two rows of piles across the river; having cleated and nailed together sufficient planks to reach from the bottom of the river to the surface at low water for a length of 30 feet, and two such sheets of planking having been prepared, these are placed on the inner sides of the piles, and the clay for the puddle wall is tipped in between them. This is followed up by the stone, which is tipped on either side to give sufficient strength to the dam; which is shown to be about 20 feet wide at top, and sloping on either side about 2 to 1. By repeating this process the dam would gradually be completed.

By the prize essay on "The George's River as a source of Water Supply," copy of which has been furnished to me, and which I believe embodies Mr. Holt's views, it appeared to be the intention to hold up the water by means of a dam to a height of 6 feet above high water.

The

*The dry-earth closet system is said to be in successful use here. †Report of the Commission, page 168.

The surface area of the water so impounded will be about 4,000 acres; the surface of the estuary as at present being 3,000 acres; 1,000 acres of the adjoining lands will, by this calculation, become flooded by the construction of the proposed dams.

The storage capacity of the reservoir so formed will be, above level of high water 7,329 million gallons, and of the 6 feet between high and low water 5,701 million gallons, total 13,030 million gallons; presuming the dam to be water-tight.

The above quantity of 13,030 million gallons, would furnish a supply of 24 million gallons daily for twelve months, after allowing for waste by evaporation; without any accession from the river.

Again, taking the storage contained in the top 6 feet of the reservoir above high water mark at 7,329 million gallons, and the evaporation for the eight dry months, August, 1875, to September, 1876 (240 days), as 2,880 million gallons, the remainder, 4,449 million gallons, would be sufficient to give a daily supply of 18 million gallons during the dry period, assuming that no additional water from rain or other source was added during its continuance; or 12 million gallons a day for a year on like assumption.

The next point for consideration is the waste weir.

In all works of this character the insufficiency of the waste weir is the chief cause of failure, it must be ample, not only for ordinary but for the maximum discharge of the river, which has ever been known or may be likely to occur; if the water is not to be permitted to flow over the dams such as are proposed in this case.

The depth of the water passing over the weir at such times must be between the top of the dam and crest of the weir; if this be limited, as is usual in such calculations to 2 or 3 feet, it is evident that at the time of the maximum discharge, the broad deep river must be spread out into the far broader and shallower one, and the breadth will become enormous; where, as in this case, the area drained is very considerable.

It may be truly said that there are but few cases where the same facilities exist as are here found for such constructions, where long promontories or tongues of rock oppose each other with deep bays between them.

In India broad rivers are dammed back for a height of 10 or 12 feet by works there called "annicuts." These are solid walls of masonry, placed on well foundations sunk in the sandy bed of the river.

During the dry season of the year, lasting about eight months, these rivers are empty, or nearly so, and on their sandy beds the works are built during the dry season. The effect is to hold up the water to the level of the top of the annicut, and the water is used for irrigating a level country.

Dry as the river-bed may appear to be, there is however, a current of water passing through the sand in the course of the stream. The effect of constructing the annicut is to intercept a portion of the current, and the surface of the water rises to its level.

In the wet season the water passes over the annicut for a depth of many feet, and there is always more or less of danger to its stability under these circumstances.

An annicut so constructed is not, however, water-tight, and it is found, after its erection that, though no water in the dry time is seen immediately below it, further down the river it again appears at the surface, and at the distance of a few miles but little difference has been caused in the river by the construction of the annicut.

The George's River differs from this,—instead of a nearly dry bed of sand to work upon there is a depth of water varying from 20 to 50 feet; well foundations for such a purpose would here be entirely inapplicable, and the construction of a masonry wall would be impossible without the aid of a coffer dam.

Here also the great height of wall from the rock-bed to the necessary level above the surface, together with coffer dam, would make it so costly as entirely to preclude this form of construction.

Therefore with either form of dam suggested, it is evident that the waste weir must be of sufficient extent to prevent the water during the maximum flow from passing over them.

Mr. Lucas gives the particulars of the waste weir and dam, which he proposes; the level of the former, is to be 4 feet above high water-level, thus limiting the storage to that depth, over an area of between 3,000 to 4,000 acres; its length is

to

to be 2,000 feet. The water in the reservoir is to be permitted to pass over the weir at a depth of 6 feet—the dam itself being 4 feet higher or 10 feet above the level of the waste weir.

The question resolves itself into what will be the cost of such a weir.

It is found that the dam, constructed upon Mr. Holt's plan, would require for its formation to 12 feet above high-water level 633,000 cubic yards of rubble stone, in addition to the enclosed mass of sand or clay.

To enable me to determine the quantity of excavation for the waste weir, and the best position for its construction I requested that surveys, levels, and borings might be made in two of the positions proposed for the dams, and which, after inspection of the country, I considered most suitable. The result proves that the best position in every respect is between Tom Ugly's Point and Horserock Point, on the line of the present ferry.

My calculations indicate that it is desirable to confine the depth of water passing over the weir to the lowest possible limit; and this limit is of course due to the quantity passing over the weir in a given time, and the width of the weir to carry it.

The quantity of water passing down the river has never been ascertained, but the observations taken on the Nepean show that the heaviest recorded discharge down that river was on the 25th February, 1873—31,092 million gallons as measured.

This corresponds with about 6 inches of rainfall over the entire area of catchments; in that case 354 square miles.

Other observations have proved, that on occasions, the discharge is fully that due to the observed rainfall. These occur when several successive days of rain have fallen continuously or nearly so, when all the swamps are saturated, and hollows filled to overflowing; the entire quantity falling under these circumstances is immediately discharged.

In the case of the George's River, the more level features of the country towards the lower portion of the area, would prevent the rapidity of discharge, while, on the other hand, the limited amount absorbed by the shale country would earlier be satisfied, and the total rain would run towards the river.

Bearing in mind that safety is only to be found in the ample dimensions of the weir to meet the requirements in extreme cases, it may be assumed that the weir for the George's River should be capable of discharging a quantity equal to the depth of 6 inches in 24 hours over the entire catchment area.

On examining the plans which have been made at my request, I find that the greatest length which can be obtained on the line above selected wherewith to form a waste weir will be 33 chains, or say 2,180 feet, and in order to discharge 6 inches from the catchment area of 375 square miles in 24 hours over this length of weir, it must run at a depth of 3¹/₂ feet, or less than Mr. Lucas has proposed, but yet more than is usual in such cases.

The proper adjustment of the relative heights of weir and dam is of the most vital importance.

There are reasons why the level of the weir should be the lowest possible, as in this case, for if it be raised considerably, say 20 feet above low water, the leakage through a dam not tight will be considerably more than if it be limited to 4 feet, as proposed by Mr. Lucas; but if this height of 4 feet be adopted, it would considerably enhance the cost of the waste weir, as it would involve a larger amount of excavation in the rock; but again this height would not give the ample storage which a work of this character should have—6 feet more nearly represents that quantity as I have above shown.

Assuming then 6 feet over high water will give the required amount of storage, with the least possible pressure on the dam, I find that the quantity of excavation for the weir will be 927,000 cubic yards.

This is considerably in excess of the quantity required in the dam, and as the cost of the latter is dependent upon the quantity of material used in its construction, it may be assumed that the entire quantity, 927,000 cubic yards, moved in the formation of the waste weir, is the quantity available for the construction of the dam, which will then be of the dimensions shown by the dotted lines in the sketch plan No. 5.

Mr. Holt's proposal, as formerly stated, is to force the water through a canal, to be made to the present Botany engines. Mr. Lucas also takes the water to the same point by means of pipes, thus continuing the use of the present supply.

As

As before mentioned there are many reasons why the present water reserve should not be retained for its present purpose.

The George's River drainage area of 375 square miles is, with the proposed reservoir, sufficient to give the entire supply required, and to adopt it simply as an auxiliary to the present one, would appear to be unnecessary; the main features of this scheme and the cost of it would have to be encountered, and a better plan would be to lift the water direct from the George's River on to the adjoining high land, where a sufficient elevation can be got whereon to construct a tank capable of forcing the water into the Crown-street Reservoir, 141 feet over sea level.

It is on this view of the case I propose to estimate for comparison with other schemes, in order that the Botany and Lachlan Swamps may be dispensed with as a water reserve.

The project thus becomes a pumping scheme, with the advantage of a reservoir, which can be filled at convenient hours of working, keeping up the pressure in the mains by gravitation.

Plan No. 6,
Appendix.

A suitable place for the engines and filter beds has been found near to the bay, on the East of Bald-Face Point. The engines can be fixed within 100 feet of the bay; and land of sufficient elevation can be got within a $\frac{1}{4}$ of a mile of the same place whereon to build the requisite reservoir and filter-beds. From this point the water descends by gravitation through a 36-inch pipe laid along the Koggerah high road to Sydney, a distance of 10 miles; this pipe will deliver 6 million gallons per day; Ashfield, Petersham, and other suburban places being supplied by branches from the main on its course.

It will be necessary also to provide storage reservoirs (as in the case of the Lower Nepean Scheme) and filters to cleanse the water on the occasion of heavy storms, when the water is turbid. These will not be required to the same extent as in the above scheme, but cannot be entirely dispensed with; probably the case will be met by providing filter area, as in that case, with half the amount of storage.

So estimated, the cost of the works for the supply of 12 million gallons per day is £658,000, and working expenses £14,000 per annum.

The works, including the dam and weir, would first be constructed to deliver 6 million gallons per day, and additions of 6 millions a day could be made as required, the cost of each successive increment of 6 million gallons being £214,000, and working expenses £7,200 per annum.

This estimate does not include any sums for the following purposes—

Purchase of land already alienated.

Compensation for the land flooded by reason of the construction of the dam, or any other claim in the form of compensation for loss of water frontage, and of the convenience of the river for the purposes of communication, or for the removal of the objectionable features at present existing in the neighbourhood of Liverpool.

There are several other important points for consideration in connection with this as a source of supply besides those already noticed, viz., the manufacturing establishments and drainage at present received by the river at Liverpool, together with the prospective drainage of that town, all of which should be provided for before adopting the George's River as a source of supply of water to Sydney.

The objection to the conversion of a salt estuary to a fresh water lake has been well answered in the prize essay above alluded to. This shows the number of times the river water can be renewed in ordinary seasons, and the gradual diminution of its saline ingredients. This point, however, is one upon which every person will form his own judgment; it is one which can scarcely be reduced to actual certainty by such arithmetical computations.

No records of the discharge of the creeks in the shale have been taken, it is impossible therefore to say what their influence on the large body of undoubtedly good water is likely to be, and the extent to which the suspicions of the Commissioners on this point are justified.

The navigation on the George's River at present is said to be confined to a few wood and fishing boats, and is not worthy of consideration. Such may be the case at present, but the future should also be considered. Manufactures which have been commenced at Liverpool may extend, and the possibility of obtaining cheap freight

freight for goods by small vessels to the coast may be a desideratum in the future; and there appears to be no reason why the river should not be made navigable for barges as high as Liverpool.

Botany Bay is a shallow inlet of the ocean; it receives the drainage of the George's and Cook's Rivers—the latter a very inconsiderable stream. The principal cause of its remaining open is due to the fresh water coming down the rivers in floods, and the tidal ebb and flow which is now able to expand over the picturesque bays of George's River, the entire area which it is intended to impound. If, however, this tidal action be stopped in the future, it is not difficult to foresee that Botany Bay—the channels of which at present receive some scour due to this cause—will diminish in depth by the accumulation of drift sand from the shore of the ocean, and become useless for the purposes of navigation.

I must not omit to mention one of the advantages which Mr. Holt expects to obtain from the impounding of the waters, viz., the power which may be derived from the waste water for pumping purposes. Undoubtedly, when the water is running to waste it possesses power which could be made available; this power, viz., that of the water falling through a minimum of 6 and maximum of 12 feet, according to the condition of the tide, could be made to work machinery for pumping.

When, however, it is considered that the lift must be to a height of 180 feet, or twenty times the available fall, and that this can only be used at uncertain intervals on the occasions of rain, when the water will be flowing over the weir, it is questionable whether an amount of benefit would be derived from it sufficient to warrant the erection of a second set of pumping machinery to be worked in this manner.

On this view of the matter I have not taken it into consideration, but have estimated the cost of the works and pumping expenses as that due to a pumping scheme, worked by the best and most economical form of engine for that purpose.

The estimate includes the cost of two locks, by which small vessels could be passed through the dam, and which would be necessary in its construction. Should the desirability be established for utilizing the power of the water passing over the waste weir, after the construction of the works one of these could be converted into a mill race or otherwise utilized for this purpose; by the lock, coals could be delivered at the pumping station by barges, and the cost of cartage avoided. Except for such purposes, I consider there should be no regular traffic on a lake reserved for the water supply of a city.

The success of this scheme is wholly contingent on the dam. The construction should therefore be such as to preclude all risks of failure.

After the construction of the dam, as described at page 27, Mr. Holt's proposal is to sink a trench down through the soft material to the rocky bed of the river and make a puddle wall. This would be attended with considerable difficulty. The leakage into such a trench would be great, and the construction of an impervious wall of puddle therein would be a matter of great uncertainty.

I think I have now noticed the more important points which require consideration in connection with this project. Magnificent as the storage would be, if successful, and advantageous as is its position near to the city, there are several features connected with it which, both in the present and the future, are likely to affect its permanent success.

The river channels of a country are its drainage outlets; they are also the highways by which the produce and manufactures of the interior reach distant markets by the cheapest route. To interfere with the freedom of these natural outlets, by works which limit or destroy them, is not desirable, even though no immediate inconvenience would follow the construction.

Mr. W. S. Jevons, in his book "*Some data concerning the Climate of Australia and New Zealand*," page 59, gives extract from the *Sydney Government Gazette*. "1841, April 29.—Most violent storm of rain. Rain fallen on that day and night amounting to 20¹/₂ inches." Ample as are the dimensions of the weir provided in the George's River scheme for all ordinary times, it is on the occurrence of such exceptional storms, that destruction to such a work as is here contemplated is to be feared.

Port

NOTE.—Since the above calculations were made from the sections of Horse Rock and Bald-faced Points, I have received from Mr. Surveyor Hancock his plan of the locality (No. 6 Appendix). It appears from this that a considerable additional quantity of rock cutting, beyond what I had previously estimated, would be requisite at the high point marked A on the plan, to provide the necessary approach to the weir. This will make an addition to the cost of the work. I have not, however, delayed the report for further levels, &c., to enable the quantity to be calculated.

Port Hacking and Woronora.

I HAVE also visited in company with Mr. Holt the Port Hacking River, an estuary very similar to that at the George's River; it is distant 14 miles from Sydney, but is fed by a watershed having only 52 square miles of area—not sufficient in extent to be considered a safe source to depend upon for 12 million gallons of daily supply, during a protracted dry period.

I have thought that this watershed might be supplemented by the area drained by the Woronora, it having a watershed of about 48 square miles. The idea was to construct a low dam on the Woronora above the influence of the salt water, and thereby to force the water through a tunnel into the Port Hacking River, a distance of about $2\frac{1}{4}$ miles.

The estuary of Port Hacking would require to be obstructed by a dam in the same manner as George's River, whereby a large area of about 2,000 acres of water surface, would be impounded. Here at low-water is a large sandy pool with a very small depth of water over the bar at its entrance at high-water.

The drainage of both rivers is entirely from a sandstone country, very sterile and unlikely to be used for agricultural or pastoral occupation.

The first inspection of Port Hacking impressed me favourably with these advantages, and at my request surveys, levels, and borings have been made. The apparently shallow depth of water, the small area drained (52 miles), and consequently diminished rush of water in flood times, induced the opinion that the rock would be found near the surface, and in that case the construction of an efficient dam would be attended with little difficulty, and small expense comparatively.

On being furnished with the section and borings* of the estuary, at the point selected for the dam measured from low-water, it shows the depth to the rock as varying from 25 to 43 feet, and the length at high-water level to be 2,200 feet.

The height of the dam should be sufficient to store a quantity equal to 30 million gallons per day for one year—

	or say 10,950 million gallons.
Evaporation from 2,000 acres at 4 ft. per annum ...	2,177 ,,
Total	<u>13,127 ,,</u>

To contain this quantity, a reservoir of the superficial extent of Port Hacking would require to be 24½ ft. deep.

Assuming that the dam be made water-tight, and that the storage is obtained above low-water level,—

The height of the dam would be	24½
Average depth below low-water to rock	<u>35½</u>
Total height of dam	<u>59 feet.</u>

Such a dam would require to be built of masonry, which necessitates the use of an expensive coffer-dam, the total cost of which, and the masonry wall or dam, would I estimate be £649,000.

Under these circumstances I have not considered it desirable to proceed further in this inquiry.

Erskine Valley Scheme.

THE Erskine Valley, as a source of supply, has been advocated by Drs. Fortescue, and Spencer, and Mr. Grantly Fitzhardinge.

This valley, a tributary of the Nepean, is one of the gorges in the sandstone rock, similar in character to others in the district; the water is of undoubted purity, and the area—the drainage of which it is proposed to intercept—is not likely to be required for any other purposes.

The

The proposal is to erect a dam at a point about 4 miles from its junction with the Nepean, to divert the water into an aqueduct falling at the rate of 4 feet per mile to the Nepean. This river would require to be crossed at a height of 300 feet; the water would thence proceed to Sydney in piping.

The drainage area above the point where it is proposed to intercept the flow is about 100 square miles. A survey of the valley in 1876 by Mr. Mitchell, whose report has been handed to me, proved that a dam 50 feet high where the required elevation is obtained would throw back 60 millions of gallons only; and that, as measured by him, the stream was running at a little under 6 million gallons per day.

No other observations of the discharge of the river have been recorded, but it is evident that without a large storage reservoir the stream could not be depended on for a regular supply of 12 million gallons per day.

I have visited the gorge, in company with Dr. Spencer and Mr. Fitzhardinge. Like others of the same character, its fall is so rapid that no large storage capacity can be obtained by the construction of a dam of moderate height.

The proposers of the scheme are aware of this, and they suggest that an additional supply should be obtained, when the stream in the valley fails, by pumping from the Nepean. The scheme, therefore, becomes a combined one of gravitation and pumping.

To be efficient, the pumping arrangements must be precisely of the same character as if in constant use, and any saving that would be made would be in the consumption of fuel, the cost of the engines and establishment to work them remaining the same.

Under this view of the case, the most economical arrangement would be to place the engines at a suitable point on the river nearest to Sydney, and this would be in the position selected for the pumping arrangements, &c., in the 'Lower Nepean' scheme.

So few of the necessary data have been obtained, upon which to establish calculations for the project, that I am wholly unable to form any conclusive opinion on its capabilities; but in the absence of storage, which could only be provided by a succession of expensive dams, it is certain that the supply of 12 million gallons per day could not be obtained from this source.

The valley, for the portion of it travelled over by me, is of a very impracticable character, and probably the cheapest form of conduit would be a tunnel through the sandstone rock; an aqueduct crossing the Nepean at 300 feet of elevation would be a very costly construction. From this point to the pumping station of the 'Lower Nepean'—six miles—the water would be carried by a pipe.

It appears possible that with a drainage area of 100 miles, 6 million gallons a day may be obtained from this source, and as an auxiliary to the 'Lower Nepean' scheme it may possess some advantages, *i.e.*, if the diminished cost of pumping 6 million gallons a day, say £6,000 per annum, and representing a capital of £120,000, would suffice to pay the cost of the works for bringing 6 million gallons from the Erskine Valley.

I think this is unlikely, and that the entire cost of the works would be not less than £133,000.

I have therefore not pursued this subject further; but as an auxiliary to the 'Lower Nepean' it would be desirable to obtain further observations on the discharge of the stream, before the works for the second increment of 6 million gallons per day are undertaken in that work.

Tube Wells.

Mr. P. Wilshire has addressed several letters to the Government upon this subject. These with explanatory drawings have been placed before me. I have also had an interview with Mr. Wilshire, and received his further explanations.

The proposal appears to have originated from the paper by Mr. F. Bell, the City Engineer, dated October 24, 1872, wherein is described his experimental tube well, sunk to a depth of 80 feet in the sands of the Lachlan Swamp, and the difficulty met with on account of it resting on a bed of clay.

On the occurrence of such a difficulty, where from any cause the bottom of the well is obstructed and entrance of the water prevented, Mr. Wilshire's proposal is the providing of means for its admission at the sides. To accomplish this, the iron cylinder to be sunk has an arrangement of shifting panels at the sides, which are to be closed while in process of sinking, and opened when this operation is completed.

A principal feature in the arrangement is to fill the bottom of the well, where the panels are placed, with broken stone of various degrees of fineness, the finest next to the exterior sand, the coarser in the middle; and in this way, after removal of the panels, the water enters the well as through an ordinary filter, leaving the sand behind.

A well, 20 feet diameter, so constructed, the proposer calculates, will yield 5 million gallons of water per day. He is further of opinion that the Botany Swamp is fed by an area of 730 square miles, and by this means he suggests that a quantity of water sufficient "to supply 30 to 40 million gallons daily, which may be wholly drawn from the south shore of Botany Bay."

Water is undoubtedly present in the sands of the locality in large quantities, but there appears to be no sufficient reason for assuming that it is the one means of egress to the sea of the subterranean water from so large an area. I have endeavoured, when speaking of the present source of supply, to show that if the total rainfall of an average year on the area of 5³ square miles were conserved, it would still be insufficient for the future supply of the city.

There appears to be no great difficulty in sinking the wells through loose sand by aid of the sand-pump, and it is unnecessary to pump out the water during the operation.

How much water can be drawn from such a well in a given time is a question more of area than of pressure; for if the water in the well is pumped out in so large a quantity as to cause great difference of level between it and that outside, the loose sand will be scoured in from the exterior with the water, and choke the interstices of the filtering media, and the action of the well become disarranged. The water must in fact pass into the well slowly, as through an ordinary filter, to preserve its proper action.

To accomplish the object of the proposer, it would be sufficient if perforations were made in the sides of the lower portion of the cylinder, and that the bottom of the well, when sunk to the required depth, be filled with broken stone, so as to cover the apertures, previous to pumping out the water.

For the reasons before given, viz., the insufficiency of the area of the Botany and Lachlan sources, I have not thought it necessary to pursue this subject further.

Mr. Sadleir's proposal.

Richard Sadleir, Esq., R.N., proposed in 1852 to supply Sydney with water from the George's River, by connecting it with the Nepean by a tunnel 3 miles long, near Appin.

As the city expanded to the heights at Waverley, it was subsequently proposed that the united waters of the Cordeaux, Bargo, and Cataract Rivers should be impounded where suitable to obtain the higher service in Sydney.

No information is given as to the details of the project, and it was regarded by the author rather as a suggestive proposal. The scheme of the Commission subsequently adopted nearly the same source of supply.

In the foregoing pages of this Report, all the various proposals for supplying Sydney with water, have been noticed, and several have been shown to be wanting either in the sufficiency of supply, or in practicability, so as to render further inquiry unnecessary.

After eliminating these schemes four remain, viz. :—

The Upper Nepean, gravitation scheme.	
Loddon and Wingecarribee, do.	„
Lower Nepean, pumping	„
George's River do.	„

Estimates for each of these have been made, and the working expenses calculated. I am now, therefore, in position to make the further comparison of the actual cost of the water delivered by each into the Crown-street Reservoir at Sydney.

In addition, however, to the items of first cost and working expenses, there are still several points, wherein actual comparison can, and several where it cannot, be shewn in figures.

Of the former class is the cost of upholding the works—also the cost of cleansing and repairs incidental to conduits, pipes, &c.,—short of actual renewal. Where iron pipes are the chief item of cost, the expenditure in repair will be greater than where the works consist mainly of tunnels, masonry, and earthwork; where machinery is employed and in constant use, its repair will be *pro rata* more expensive than in the case of iron pipes.

In order, therefore, to assist in arriving at a comparative estimate of the cost per unit of quantity of the water in the several cases, I purpose, in addition to 5 per cent interest on the capital expenditure, to make the following rates of annual charge, viz. :—

On the first cost of tunnels, masonry, and earthworks ...	$\frac{1}{8}$ per cent.
On pipes and ironwork	1 do.
On machinery and buildings	$2\frac{1}{2}$ do.

Among other items which cannot be readily estimated, is the interest on the works while unproductive or in course of execution; this, however, is common to all, and considered as for a work to deliver 12 million gallons per day the various cases will differ somewhat; it would be greatest in the Upper Nepean scheme, and least in the case of the George's River. The *risk*, however, to which the respective works are liable, both during construction and when complete, are still less easily brought into estimate,—they would be vastly greater in the last-mentioned scheme, where a heavy flood during construction, and before completion, might partially destroy it.

With this allusion to financial points, of importance in consideration of questions of this nature, I purpose in the comparison to omit these items of interest on unproductive works, and permanent charge to cover risks.

Charging each scheme then with 5 per cent. interest on its estimated cost, annual working expenses, and cost of upholding, at the rates above given, the following will be the cost of 1,000 gallons of water delivered into the Crown-street Reservoir, viz. :—

COST PER 1,000 GALLONS.

	6 million gallons per day.	12 million gallons.	18 million gallons.
	d.	d.	d.
Upper Nepean ... ..	...	3 ⁵²⁷	2 ⁴⁵
Loddon and Wingecarribee ...	5 ¹⁴	3 ⁵⁵	...
Lower Nepean	4 ³⁷	4 ²⁸	4 ²⁷
George's River (exclusive of land submerged, compensation, and Liverpool circumstances) ...	3 ⁶⁵	2 ⁹⁵	2 ⁷

The above table shows the inelasticity of the schemes in which the supply is mainly through pipes.

The highest of these estimated costs is furnished by the Lower Nepean scheme, viz., 4²⁸d. per 1,000 gallons; the lowest by the George's River, viz., 2⁹⁵d. From the latter, however, is omitted those serious items which I have been unable to bring into estimate. For the Upper Nepean scheme, when extended to 18 million gallons per day, the rate is 2⁶⁵d. per 1,000 gallons, somewhat cheaper than the water from the George's River, notwithstanding the great disparity in distance over which the water has to be conducted.

I have now arrived at a definite conclusion on the more important question of cost. The result is unfavourable to the Loddon and Wingecarribee; and without further reference to the inferiority of this scheme, in its limited catchment area, I am thereby enabled to remove that project from the list, and to proceed now to consider the others, on the more general grounds of their respective merits, and in connection with their relative cost.

The Lower Nepean, with all its advantages of an abundant and permanent source of supply, has nevertheless the great demerit of an extreme distance from Sydney, only to be covered by iron pipes—the most expensive of all forms of conduit; the estimated rate for these, at £11 per ton laid, would only hold good at the present low price of iron, and should any considerable rise in the price of this material take place, the work could not be executed for the estimated amount; nearly 30,000 tons are required for 6 million gallons per day, and double this quantity for 12 million gallons.

It is the great length of pipes that, together with the working expenses, makes this scheme the dearest in the list, viz., 4½d. per 1,000 gallons; it is 60 per cent. above the cost of that supplied by the Upper Nepean scheme, and under these circumstances it is necessary to remove it from the list also.

The remaining schemes are the Upper Nepean and George's River; the latter of these has the great recommendation of smaller first cost for the requisite works,—but it is attended with exceptional risks in its execution, and uncertainty in its results. After duly weighing all the concomitant circumstances in connection with it, it does not commend itself to me as an engineering work, nor do I think it would, when put to the test of actual experience, give that satisfaction to the public which is so essential in a matter of this nature.

This last mentioned then, the Upper Nepean scheme, I consider to be much superior as a source of supply, and as a permanently secure work, and also to possess collateral capabilities of extended usefulness beyond that of supplying Sydney. Moreover, though equally cheap in supplying 12 million—when extended to 18 million gallons per day, the water will be furnished at a cheaper rate than by any of the other schemes.

After much consideration, therefore, I with great confidence recommend that the Government adopt the Upper Nepean scheme for the future supply of the city.

I have mentioned (page 7) the collateral advantages which attach to the various schemes reviewed. I may now more particularly refer to this subject: it is one which, as connected with the Upper Nepean scheme, is of great importance.

The works as proposed comprise the tunnels, conduits, &c., capable of delivering into the Prospect Reservoir, at 40 miles from the source, 84,000,000 gallons per day; the table (page 43) shows that a large quantity of water is allowed to run to waste after the Prospect Reservoir is full.

This waste water, supposing means of storing it along the line of the conduit to be available, would undoubtedly be found of great value to the country through which it passes.

An examination of the tables of daily flow down the rivers Nepean and Cataract show that this quantity varies from 22,000,000 gallons daily in 1872, when 37.2 inches of rain fell, to 64,000,000 daily in 1870, when 64.2 inches of rain fell, and during the eight years over which the records extend, an average of 40,000,000 gallons daily would have run to waste.

Situated as the conduit will be, on or near the top of a ridge, it will command a wide extent of country on either side, and which for a distance of many miles is chiefly of an agricultural and pastoral character. All that would be necessary in order to bring this quantity of water into use, for irrigation, pastoral, or manufacturing purposes, would be, the provision of reservoirs to contain it.

For this purpose the country is especially favourable; a cursory examination of it, with a view to the utilizing the water otherwise to be wasted, shows that there are sites more or less suitable for ten storage reservoirs in the length of 21 miles of the conduit south of Prospect; and no doubt numerous other such sites exist.

Time will not permit me here to pursue this subject, but it is perfectly evident that this portion of the county of Cumberland may derive large advantages from the use of the water.

Very many eligible sites for residences and homesteads exist in the district passed through, and in all probability would be made available could this great advantage

advantage be secured to them, and for which they would no doubt willingly pay; the only additional expense will be the construction of the dam necessary to impound the water.

Two of the above sites have, at my request, been more particularly examined: The first at 30 miles 30 chains from Pheasant's Nest, is situated on the Cabramatta Creek, an embankment 35 feet in height, comprising 40,589 cubic yards of earthwork and puddle, would enclose $34\frac{1}{2}$ acres of water of an average depth of 14 feet, with a capacity for impounding 131 million gallons, and would command a considerable area of agricultural land: The other is situated on the Orphan School Creek, at 36 miles 60 chains; an embankment, 30 feet high will enclose $36\frac{1}{2}$ acres of water 12 feet deep, with a capacity of $119\frac{1}{4}$ million gallons. The dam in this case will contain 46,274 cubic yards of earthwork and puddle, and it will also command a considerable area a portion of which is under cultivation.

Plans and sections of these reservoirs are given in the Appendix. Nos. 11 and 12.

The plan would probably be for private owners to provide the reservoir on their own land, of the capacity to suit their requirements, and that these be supplied with water at such times as the reservoir at Prospect is full; the priority to supply at such times into the private reservoirs being an element in the price to be paid for the water.

I am unable to go fully into the estimate of the value of the water in an agricultural or pastoral district; it is possible, however, to estimate what a surplus quantity of 20 million gallons per day would do. It would be capable of supplementing the rainfall to an extent of 12 inches per annum on 20,000 acres, at a time when most required, or it would, if sold for wool-washing, or manufacturing purposes, at the price of a half-penny per 1,000 gallons, yield a revenue of £15,000 per annum, or a quarter of the total annual charge on the scheme for delivering 12 million gallons per day into Sydney.

Further examination shows that even this quantity of water may be considerably increased, and that by enlarging the capacity of the conduit from 84 to 120 million gallons per day, a quantity varying from 6 million gallons per day, in 1872, to 27 million gallons, in 1870, could be further secured.

Similarly, by increasing the conduit to carry 160 million gallons daily, an increased quantity of from 12 to 50 million gallons per day in the above-named years respectively could be effected.

It is therefore worth further inquiry into the value of this surplus water, before a commencement of the works between Prospect and Pheasant's Nest is made, with a view to ascertain whether it be sufficient to warrant an increase in the sizes of the conduits and tunnels to receive the larger quantity of water; for it must be borne in mind that the increase in the cost, will not be in so large a proportion as the carrying capacity of these works.

I have further to notice some of the points that have been alleged in depreciation of this scheme. In addition to the great length of the conduit, its construction partly in tunnel, partly in open channel, partly aqueduct, and partly pipe, have caused it to be regarded as of a complicated character; while after going so far for a source of supply, it reaches the city at an elevation insufficient to supply the whole of its area without pumping.

As an engineering work it is much in the nature of a line of railway, but more simple in its character; it can be carried round quicker curves, and the gradients, though all necessarily falling in one direction, can be changed and altered according to the circumstances of the situation, and if need be by a sudden drop. In this case the surface inclination of the country is in the required direction, but the ridge which the conduit follows, falls too rapidly, and the longitudinal section shows 16 drops, aggregating a fall of 90 feet between Pheasant's Nest and Prospect Reservoir, with a further fall of 60 feet into the Reservoir; this latter fall could be utilized as a source of power. The stream, when running steadily at the rate of 12 million gallons per twenty-four hours, would be equivalent to 151 H.P., and about one-half of that amount could be made effective for the pumping of water or any other purpose for which it may be required.

In the further investigation of the subject—should it be deemed desirable to increase the capacity of the conduits—any extra expense for the aqueducts can be entirely avoided by giving a greater inclination to the stream at those points.

There

There is also some advantage in adopting a nearly level gradient on portions of the length, with stop-gates and drops. These would afford facilities for laying portions of the conduit dry, for the purpose of cleansing and repair, bye-washes for emptying consecutive portions being provided for this purpose.

The masonry works shown in the Report of the Commissioners for these drops appear to me of a somewhat expensive character. All that is necessary is, to provide a well or water-cushion, lined with substantial masonry, to prevent injury by scour.

One feature in the works is indispensable, viz., that the conduits shall be watertight. The country through which they will pass is of a favourable character for this purpose; in the solid sandstone rock, it is only where fissures occur that any work beyond the excavation will be required; these cases, it is apprehended, will be of limited character, and easily made good with masonry in cement.

The Wianamatta shale, from all I can learn, is of an impermeable character, while the clay, which is generally present in its vicinity, provides the necessary material for lining, when it is otherwise.

In the Appendix, plan No. 9 shows the section of conduit, as proposed in the scheme of the Commission. It is not, however, necessary that this particular form of channel (Nos. 1 to 8) should be used in all cases; it may be varied to suit the locality and conditions of soil, &c., and it will, I think, be found that a channel with sides sloped, as in figure 9, will be more suitable where a lining of puddle and rubble walling is required.

The following are the lengths of some of the principal conduits for the supply of cities:—

New York Croton Aqueduct	...	...	...	40 miles.
Glasgow (Loch Katrine)	...	...	...	26 „
Aberdeen	...	...	...	20 „
Vienna	...	...	...	57 „
Paris	...	...	...	104 „

The greater portion of the New River, which supplies a large portion of London, is an unlined channel; as originally constructed it was 39 miles long, though the spring at its source is from London 20 miles only by direct line; the proposed conduit from Pheasant's Nest would therefore compare favourably with one of the most useful and profitable works ever constructed.

The line selected for the conduit undoubtedly admits of some considerable modification and improvement, and must be regarded as a preliminary line only. Surveys, borings and trial holes, the most careful and extended, will be necessary before the exact position of the line can be determined, and it will probably be found that where any considerable length can be saved, the cheapest form of conduit will be tunnel, when in hard rock.

It is quite impossible to do more than direct attention to these important investigations, but it may be confidently asserted that great economy in construction may be obtained if these inquiries be carefully conducted.

When the work comes to be executed, doubtless some other modifications may be made; among them of the pipes proposed under Duck Creek, and that delivering the water into Sydney, 48 inches and 42 inches diameter respectively. I would recommend that 36-inch pipes, capable of delivering 8 million gallons per day, be first laid, and that as the consumption increases these be duplicated, and thus avoid the risk attendant upon the use of one pipe for the entire supply.

It has also been pointed out in the Commissioners' Report, that the supply to Sydney need not be delayed till the Prospect Dam, and the long tunnel from the Nepean to the Cataract are completed. Temporary arrangements may be provided for carrying the Cataract water by flumes, &c., past the site of the Prospect Reservoir. These are the works that will occupy the longest time in their execution.

Regarding the insufficiency of head afforded by the Prospect Reservoir to supply the highest part of the city, at page 21, it will be seen that £44,000 represents the capital sum required to overcome this difficulty by pumping.

At page 140, *Report of the Commission*, Mr. Grundy has pointed out another and very desirable position for an impounding reservoir, at Bull's Hill, close to Prospect, which would afford sufficient elevation; and it was a question with the Commission of 1867 which of the two should be adopted. I quite concur in the decision that selected the Prospect in preference to the other—the larger area and cubical contents, its embankment 16 feet less in height, containing $\frac{1}{4}$ million yards

yards less earthwork—less cost, and possibility of conveying a larger daily supply to a point 6 miles nearer to Sydney—these advantages more than outweigh the higher delivery from a reservoir at Bull's Hill.

The prominent feature of the Upper Nepean scheme is the Prospect Reservoir; it resembles the Yan Yean in Victoria, and affords like it, the very abundant artificial storage so essential in a climate liable to extended periods of drought.

The Yan Yean Reservoir has an area of 1,303 acres, and cubic capacity of 6,400 million gallons; the Prospect will be twelve acres less, but its capacity greater, viz., 7,110 million; the Yan Yean is distant from Melbourne 20 miles, the Prospect 21 miles from Sydney. Both reservoirs have the advantage of being removed from the direct channel of the rivers that supply them; they are thus able to reject the water when turbid, and to prevent the entrance of drift timber and rubbish which collects behind a dam formed in the course of a stream. This matter is always difficult of removal, and liable to affect the purity of the water. Moreover, reservoirs formed in the channel of a river have to pass through their area the entire quantity of flood water, which when due to a large area necessitates a waste weir of formidable dimensions, and by reason of the uncertain quantity always involves some risks.

The Prospect Reservoir has very little catchment area beyond its own surface, as it is situated in the bend of a dividing range of hills, a waste weir of very small extent only is therefore requisite.

The area is at present, for the greater part, sparsely covered with the usual scrub of the country, a portion only being cultivated. The work of clearing it will not be heavy. As noticed by the Commissioners, it will undoubtedly take some time for the water, after its first admission, to attain its proper condition and brightness. The loose rubbish, vegetable and mineral, which the water will take up in the new channel and reservoir, will be held in suspension for a time.

I have not thought it necessary to provide for filtering the water; with so large an area for settlement, and from so unexceptional a source, it will not require it after the first difficulties are overcome. Filters, however, could easily be provided for clearing all the water drawn from the reservoir down to a level of 20 feet from the surface when full.

It remains for me to notice the subject of the distribution of the water on its arrival in Sydney. It is not necessary for me to go into the details, but I may give a general idea of the principles which should guide the authorities in this branch of the subject.

Reservoir space within the city is of great importance; it should be fully equal to two days' consumption, to permit of occasional necessary repairs to the supply conduit.

This space in a city like Sydney, covering an area with levels varying from that of the sea to a height of 360 feet above it, would be best disposed in several reservoirs for the supply of separate districts, and situated at suitable levels for commanding those districts; separate and distinct supply mains being laid from the central supply to the district reservoir. From this latter the distributing mains to be carried as nearly as possible to the streets occupying a limited range of elevation, each forming a distinct system in itself.

If this principle be adopted, the pressure will be more equable, much confusion will be avoided, while the pipes will be reduced to the minimum size necessary for a small district.

The present reservoirs are :

	Contents.	Top water line above sea level.
Crown-street	3 $\frac{1}{4}$ million gallons.	141 feet
Paddington (as now enlarged)	2 " "	214 "
In addition to the above, I would propose the following reservoirs :—		
At Petersham (by the Commissioners' scheme, capacity 800,000) should be enlarged to hold		
2	" "	141 "
Newtown	3 "	141 "
Woollahra	1 "	276 "
Waverley	1 "	360 "

Four of the above reservoirs will be new; and I have ascertained that there is vacant land in each place at the required elevation. The

The sites for the Petersham and Newtown Reservoirs are near the line of the main supply pipe from Prospect, that at Petersham being near the highest point of the hill to the south of the Railway Station, and capable of supplying that district and Balmain; that at Newtown, near the end of Missenden-street on the Newtown Road, for supplying the Glebe, Camperdown, and adjacent district, including St. Peter's on the south.

Crown-street supply will then be given to the district between Camperdown and Fitzroy Ward; and the Paddington supply to the whole of the district which it at present commands below the level of 214 feet.

The reservoir for Woollahra will be situate near the windmill, on the Lachlan Water Reserve; it will supply levels above the command of the Paddington Reservoir and below 276 feet.

The Waverley Reservoir is proposed to be on the Flagstaff Hill, and will command the highest levels from that point towards Randwick.

These reservoirs are recommended for adoption as the necessity for them arises with the growth of the city.

It is also highly desirable, in very wide streets and principal lines of traffic, to have separate pipes for each side of a street. Some extra expense in the cost of the mains will thereby be entailed, but great economy in the house service will be ensured, with less disturbance and expense in the restoration of the street surface for the purpose of making connections, doing repairs, &c. The Cock boxes, which often form such objectionable obstructions, will thus be removed from the centre of the street.

The present supply to Sydney is conducted chiefly on the constant service principle—undoubtedly the best where proper house fittings are used and kept in good order. The subject of fittings is intimately connected with that of waste, and in all places more or less one of difficulty.

The responsibility of the Corporation, or Public Company, to keep up the supply, and practical irresponsibility of the consumer to limit the consumption to its legitimate use, lead to continued dissatisfaction.

The cause lies chiefly in the cost of fittings, and of their subsequent repair; the former is expensive—the latter both expensive and annoying; the tendency is to limit the former to the necessary articles of the cheapest kind; the latter, as it is generally within private premises, is neglected.

Where cisterns are used, the leakage through a ball cock uncared for, and running off through the waste pipe will frequently more than double the consumption of the house. This has led to the abolition of the waste pipe, and the substitution of 'warning pipes,' which discharge the water from the cistern in some conspicuous place that will compel attention.

The above is only one source of waste—there are however many others; the constant dripping from a leaky tap will add largely to the consumption, while the deliberate opening of the taps for the benefit of the drains, as a general system is calculated to embarrass the most liberal arrangement for supply.

The right of admission to premises—after due notice, being recognised by legislative enactment—my experience dictates that it is better to send the Water Inspector as a friend rather than as an informer; and if he be provided with the means of effecting trifling repairs, consumers will gladly pay a small sum for a trifling repair who would, in the dread of a visitation by a plumber, allow waste to continue.

A water company supplying a large town in England within my experience acting on this principle, when water was becoming scarce undertook the making of trifling repairs without charge. The cost to the Company was trifling, but the result within a few weeks was that the difficulty was entirely removed, and their shortened available means were fully equal to the demand upon them.

It is not however necessary to go to Europe for the experience I have already drawn attention to, in the fact that, had the waste of water supplied to Sydney in 1870 been continued to 1875-6, it is quite probable that it would have resulted in serious inconvenience.

The nearly unanimous opinion of those who have the charge of the distribution of water for town supply, is in favour of the use of the meter, for water as for gas: by its adoption, the consumer at once becomes responsible for the condition of his fittings, and he has the opportunity of reducing his consumption at pleasure.

I recommend this mode of regulating the charge for supply wherever it is practicable; there has however been a difficulty in obtaining meters of a satisfactory construction, but this is gradually being overcome, and there are several meters which, with official testing at regular intervals, may be used with confidence, and at the cost of a few shillings per annum.

In the Appendix I have given copy of Regulations in use in one of the large towns in England, viz., Bury, Lancashire. These are drawn up by Mr. Hawkesley, Past President of the Institution of Civil Engineers, and are among the best for this purpose.

The provision of a stop-cock between the service pipe in the street and the outer wall of the house to be supplied,—by means of which, on occasion, the water can be turned off—comprises, with the meter, all that is required to prevent waste when payment for the water is made on this principle.

When the works are complete, an abundant supply to the city will be available for manufacturing as well as for domestic purposes. It may be assumed that the consumption will at least amount to six million gallons per day. This quantity distributed through the existing pipes, and sold to consumers at the rate of 1s. per 1,000 gallons, will yield a revenue sufficient to pay interest and working expenses, and leave some profit. As the consumption increases, the rate of charge can be reduced to large consumers.

The supply to the higher levels above Crown-street should be charged 1½d. per 1,000 gallons over and above that for the portions of the city below that level, to cover the additional expense of pumping, &c.

The value of property, for assessment in Sydney, including Government buildings, I learn is estimated at, per annum	... ..	£947,065
The value of that in the suburbs I have not been able to ascertain, but assuming it to be one-half of that in the city, say	... ..	473,532
Total	... ..	<u>£1,420,597</u>

Six per cent. on the above is £85,236 per annum, which, after paying working expenses and interest on capital, will leave a sum of £20,000 to pay establishment, and interest on the cost of extended reticulation.

As the consumption extends, of course these charges will diminish, but 5 per cent. is a usual charge on property for an abundant supply of water; and any profit which accrues may, as in Manchester (England) be applied to municipal improvements.

In that city, where the daily supply is 25 million gallons, the charge for 20 gallons per day is 12s. 9d. per annum, or 1s. 9d. per 1,000 gallons. In Glasgow, where the daily supply is 30 million gallons per day, the charge is 16s. per annum. Both of the above cities are supplied by gravitation works.

In eighty cases of gravitation works, as given by Humber in his recent work, "Water Supply of Cities and Towns," while seventy-three cases are in excess of the Manchester rate, seven only are below it.

It will therefore be seen that the above estimate of 1s. per 1,000 gallons,—on a supply of 6 millions, will furnish a revenue to pay working expenses, and interest at 5 per cent upon the capital expenditure of this scheme,—and at the same time not bring more than an ordinary rate of annual charge on the property supplied. Moreover, as the demand increases the rateable charge will diminish; or in other words, the more its capabilities of extension are availed of, the cheaper will be the commodity supplied.

At page 14 the subject of the appropriation of a daily quantity from the Nepean water, between the limits of 10 and 80 million gallons daily, as proposed by the Commission, is alluded to. The reservation of the 10 million gallons per day is I consider inadvisable, for many reasons. Of these, participation in the right to the water when most valuable is not the least, as it is generally found to lead to difficulties.

The portion of the river more immediately affected will be for a few miles below the dam. The Nepean below its junction with the Cataract and as far as Menangle has but little fall, and is navigable for a small boat. About 4 miles

below the dam the Bargo falls into the Nepean; this stream has a drainage area of some 60 square miles, the water from which, together with the surplus from the Nepean, if impounded, would probably supply the quantity required. A dam 10 feet in height constructed across the stream* below the Menangle Bridge would hold up the water for a distance of 10 miles, and would probably be a sufficient substitution for the water taken for the supply of Sydney; or some one of the reservoirs to which I have before referred, to be fed by the conduit, would be even more valuable. I think if £10,000 be added to the estimate for this purpose it will cover any expense chargeable to the scheme on this account.

There will also be an amount to add to the estimate for the cost of engineering and surveying, dependent somewhat upon the agency employed for carrying out the work; this would probably be covered by a sum of £30,000.

No item of severance of land is included, as it is considered that collateral advantages as above referred to will more than compensate for charges of this nature.

With the above last additions, the total cost of the undertaking may be considered to be as follow:—

Land and Works	£1,086,768
Capitalized value of raising $1\frac{1}{2}$ million gallons a day to high levels	44,000
Compensation Dam	10,000
Engineering and Surveying	30,000
	————— £1,170,768

In conclusion, I may remark that the scheme which I recommend for adoption, though it goes a long distance for its supply, promises to be not only a source of health and convenience to the inhabitants, but its financial results also promise to be equally satisfactory.

As an Engineering Work, in its conception, it will be a credit to the Colony; and when successfully carried into execution, will occupy a position with the most important works of this character of modern times; it has moreover the merit of being practicable mainly with the materials and resources of the Colony.

W. CLARK,

Member Institution of Civil Engineers.

15 May, 1877.

* On the 18th April the stream was 71 feet wide, with a depth of 2 feet in the deepest part; it has a rock bottom.

Appendix.

	Rainfall.			Quantity due to Rainfall over 354 square miles.	Measured quantity passing down the Cataract and Nopean.	Percentage of Rainfall discharged.	Quantity passing into Prospect Reservoir.	Quantity consumed.			Quantity running to waste.	Rainfall in excess of Evapo- ration.	State of Reservoir.
	Cordeaux.	Wilton.	Sydney.					By Evapo- ration, less Rainfall.	By supply.	Total.			
	Inches.	Inches.	Inches.	Mill. gall.	Mill. gall.	Per cent.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.
1869.													838
January			1.03	Sydney	5,280	63	1.2	63	88	372	460	.....	441
February			7.21	"	36,974	4,170	11	1,382	.....	336	336	2,788	61
March			5.18	"	26,564	341	1.3	341	.....	372	372	.....	20
April			5.99	"	30,717	36,995	120	1,975	.....	360	360	35,020	63
May			12.42	"	63,692	26,187	41	2,249	.....	372	372	23,937	272
June			1.42	"	7,282	10,719	147	2,166	.....	360	360	8,553	6
July		2.14	3.28	Wilton	10,974	4,664	42	2,000	.....	372	372	2,664	67
August .....		.38	.70	"	1,947	1,378	70	1,351	39	372	411	26	.....
September		1.51	1.63	"	7,743	1,212	15	973	50	360	410	239	.....
October		3.01	1.76	"	15,455	1,091	7	960	67	372	439	131	.....
November		4.45	5.57	"	22,820	2,995	13	1,796	3	360	363	1,199	.....
December .....		.60	2.03	"	3,077	770	25	770	104	372	476	.....	.....
For the Year							38						
1870.													
January		2.82	2.76	Wilton	14,481	1,653	11	1,135	90	372	462	519	.....
February		1.70	1.50	"	8,717	1,248	14	925	123	336	459	323	.....
March		14.38	18.70	"	73,740	52,083	70	2,393	.....	372	372	49,690	406
April		10.59	5.53	"	54,305	52,597	97	2,400	.....	360	360	50,197	115
May		5.66	10.47	"	29,024	37,519	129	2,480	.....	372	372	35,039	280
June		1.81	1.50	"	9,281	12,701	137	2,400	.....	360	360	10,301	6
July		2.20	2.40	"	11,281	9,790	87	2,447	.....	372	372	7,342	41
August .....		.73	2.82	"	3,743	5,085	136	2,425	.....	372	372	2,660	.....
September		1.30	1.05	"	6,666	2,142	32	1,889	52	360	412	253	.....
October		6.01	4.19	"	30,819	13,121	42	2,104	.....	372	372	11,017	23
November		8.98	5.49	"	46,049	23,802	51	2,368	.....	360	360	21,434	19
December			7.80	Sydney	39,999	12,049	30	2,480	.....	372	372	9,560	64
For the Year							68						

	Rainfall.			Quantity due to Rainfall over 35½ square miles.	Measured quantity passing down the Cataract and Nepcan.	Percentage of Rainfall discharged.	Quantity passing into Prospect Reservoir.	Quantity consumed.			Quantity running to waste.	Rainfall in excess of Evapo- ration.	State of Reservoir.
	Cordeaux.	Wilton.	Sydney.					By Evapo- ration, less Rainfall.	By supply.	Total.			
1874.	Inches.	Inches.	Inches.	Mill. gall.	Mill. gall.	Per cent.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.	Mill. gall.
January.....	4.29	2.24	3.86	Cordeaux..... 21,999	2,420	11	1,257	44	372	416	1,163	.....	7,110
February.....	15.11	7.79	10.49	"..... 77,484	37,692	48	2,136	.....	336	336	35,553	174	"
March.....	6.61	4.90	4.38	"..... 33,896	5,648	16	1,785	.....	372	372	3,863	4	"
April.....	3.97	1.67	9.15	"..... 20,358	2,952	14	1,431	.....	360	360	1,514	199	"
May.....	4.51	2.86	8.62	"..... 23,127	7,074	30	2,395	.....	372	372	4,679	184	"
June.....	7.31	3.80	9.27	"..... 37,486	9,951	26	1,977	.....	360	360	7,917	226	"
July.....	8.66	4.37	6.26	"..... 44,408	14,051	31	2,480	.....	372	372	11,571	139	"
August.....	2.25	0.80	1.35	"..... 11,538	10,697	92	2,355	68	372	440	8,312	.....	"
September.....	1.46	1.02	2.10	"..... 7,487	1,194	16	1,194	72	360	432	.....	.....	"
October.....	3.14	2.35	3.88	"..... 16,102	1,795	11	969	51	372	423	826	.....	"
November.....	2.57	1.94	3.33	"..... 13,179	785	5	754	126	360	486	31	.....	"
December.....	0.40	0.30	0.95	"..... 2,051	320	15	320	258	372	630	.....	.....	6,800
For the Year.....	.....	.....	.....	.....	.....	30	.....	.....	.....	.....	.....	.....	.....
1875.													6,800
January.....	1.77	1.70	1.15	"..... 9,077	195	2	195	224	372	596	.....	.....	6,399
February.....	10.34	9.78	5.59	"..... 53,024	4,525	8	1,730	.....	336	336	2,795	48	7,110
March.....	12.89	3.38	6.73	"..... 66,070	19,276	29	2,473	.....	372	372	16,803	79	"
April.....	7.36	2.31	4.78	"..... 37,742	10,358	27	2,231	.....	360	360	8,127	51	"
May.....	9.35	6.30	12.55	"..... 47,947	19,748	41	2,458	.....	372	372	17,290	316	"
June.....	9.27	5.25	7.82	"..... 47,537	16,751	35	2,392	.....	360	360	14,362	195	"
July.....	0.74	0.49	1.61	"..... 3,795	3,752	99	2,177	.....	372	372	1,575	1	"
August.....	0.51	0.53	0.52	"..... 2,615	1,549	59	1,316	99	372	471	203	.....	"
September.....	1.53	0.67	1.70	"..... 7,816	549	6.9	549	98	360	458	.....	.....	"
October.....	4.11	1.01	1.06	"..... 21,076	429	2	439	163	372	535	.....	.....	7,014
November.....	1.31	0.71	0.88	"..... 6,718	204	3	204	243	360	603	.....	.....	6,619
December.....	1.68	2.63	1.87	"..... 8,615	114	1.3	114	266	372	638	.....	.....	6,091
For the Year.....	.....	.....	.....	.....	.....	25	.....	.....	.....	.....	.....	.....	.....
1876.													
January.....	3.66	2.60	1.84	"..... 18,768	397	2	397	269	372	641	.....	.....	5,847
February.....	2.98	1.70	1.66	"..... 15,281	233	1.5	233	190	348	538	.....	.....	5,542
March.....	1.14	0.32	0.42	"..... 5,846	202	3.4	202	207	372	579	.....	.....	5,165
April.....	6.09	1.53	5.25	"..... 31,230	758	2.4	707	.....	360	360	51	41	5,553
May.....	6.58	5.36	13.17	"..... 33,743	5,288	15	1,751	.....	372	372	3,537	11	6,943
June.....	3.48	1.97	4.42	"..... 17,845	3,969	22	1,433	.....	360	360	2,486	66	7,110
July.....	10.53	5.05	6.74	"..... 53,998	35,049	64	2,381	.....	372	372	32,665	132	"
August.....	1.45	1.64	1.30	"..... 7,436	2,698	36	1,927	.....	372	372	771	84	"
September.....	4.01	2.29	3.61	"..... 20,563	9,890	48	1,504	41	360	360	8,386	.....	"
October.....	5.02	5.12	2.84	"..... 25,743	16,160	62.9	1,897	71	372	372	14,263	.....	"
November.....	4.15	3.49	4.82	"..... 21,281	1,775	8	1,494	59	360	360	281	.....	"
December.....	1.43	0.45	4.53	"..... 7,333	989	13	989	121	372	372	.....	.....	"
For the Year.....	.....	.....	.....	.....	.....	27	.....	.....	.....	.....	.....	.....	.....

NEPEAN AND CATARACT RIVERS.

STATEMENT showing the Number of Days on which the Water would have run to waste in consequence of the Prospect Reservoir being full; and also the amount of Water that would have been saved if additional reservoirs were provided.

Year.	No. of days on which water would have run to waste.	Probable quantity would have been saved by additional reservoir.	Equal to million gallons per day.
1869 (Reservoir full 27 June.)	307	Million gallons. 5,613	30
1870	365	23,604	64.7
1871	351	17,602	48
1872	327	8,050	22
1873	365	17,105	46
1874	344	15,290	41
1875	256	10,802	30
1876	267	9,225	25
	Average, 323 days per year.	Total... 107,291; or an average of nearly 40 million gallons per day for 7½ years.	

Evaporation allowed at the same rate as at Sydney.

UPPER NEPEAN SCHEME.

SCHEDULE OF WORKS.

From Pheasant's Nest to 16 miles 35 chains, and from the Prospect Reservoir to Sydney.

Section No.	Description.	Quantity.
1.	Tunnel in rock	568 chains.
2.	" lined	8 "
3.	Conduit in rock	267 "
3a.	" "	129 "
4.	" in boulders	10 "
5.	" in bank	251 "
6.	" when lined	271½ "
7.	" when below reservoir	302 "
8.	" in bank above reservoir	141¼ "
	Dam across Nepean River.	
	" Cataract River.	
	Aqueducts—	
	Over Simpson's Creek.	
	" Elladale.	
	" Ousedale.	
	" Malaly.	
	" Leaf's Creek.	
	" creek at 11 miles 59 chains.	
	" Woodhouse's Creek.	
	" Menangle Creek.	
	Prospect Reservoir—	
	Earthwork in dam	1,833,300 cubic yards.
	Clay puddle	211,150 "
	Pitching	112,933 "
	Fencing	2,220 rods.
	Land	1,300 acres.
	Clearing	1,300 "
	Outlet tower and tunnel, with pipes	14 chains.
	Reservoirs—	
	At Duck Creek.	
	At Haslem Creek.	
	At Petersham.	
	Aqueduct (wrought iron)—	
	Above reservoir	840 feet.
	Below reservoir, with brick piers	7,986 "
	Conduit (cast-iron) above reservoir	1,278 "
	Pipe	1,018 chains.
	Land	141 acres.
	Clearing line	141 "
	Fencing	11,300 rods.
	Side drains	926 chains.
	Culverts	1,023 cubic yards.

(Signed) E. O. MORIARTY.

From

From 16 miles 35 chains to 37 miles 49½ chains, or Prospect Reservoir :—

Description.	Quantity.
Section No. 1. Tunnel in rock	222 chains.
2. " lined	66 "
5. Conduit in bank	214 "
" part shale	1,142 "
Aqueduct—	
Crossing of Great Southern Railway.	
Crossing at 17 miles 49 chains.	
Crossing of wrought-iron	120 feet.
" with brick piers	666 "
Cast-iron in conduit	884 "
Weirs	No. 17
Fencing	13,560 rods.
Side drains	21 miles 15 chains.
Culverts	1,250 cubic yards.
Land	170 acres.
Clearing	170 "
Sundry accommodation—	
Bridges	

(Signed) F. H. GRUNDY.

31 January, 1877.

SOURCE of Sample—Wingecarribbee. Taken 24th January, 1877.

(Parts per 100,000.)

Total solid matter.	Volatile matter.	Fluid matter.	Chlorine.	Saline ammonia.	Ammonia from organic matter.
8.76	1.90	* 6.86	1.57	.0007	.02

* Any carbonic acid driven off during treating was restored before weighing.

Remarks.

The sample was almost colourless, bright, and free from taste or odour. It contained a few floating particles.

Microscopical examination—There was scarcely any deposit to submit to examination.

Under the microscope nothing was observed but what would be found in any good unfiltered surface water—such as minute pieces of vegetable structures and small particles of earthy matter.

CHAS. WATT,
Government Analyst.

Chas. Watt, Esq., to The Principal Under Secretary.

Sir,

31 January, 1877.

Herewith I have the honor to forward my analysis of a sample of a water received from Mr. Clark, the Hydraulic Engineer.

I have, &c.,

CHAS. WATT.

BURY IMPROVEMENT ACT, 1872.

WATER REGULATIONS.

For preventing waste misuse undue consumption or contamination of the Water of the Commissioners the provisions contained in Schedule (G.) to this Act shall have effect but the person or persons supplied or requiring or entitled to be supplied with Water by the Commissioners or liable to the payment of any rate or rent for such Water (herein and in such regulations called consumers) shall not be required to alter or remove in compliance with such regulations any pipes or apparatus by means of which at the commencement of this Act Water is supplied to them by the Bury Company or by the Haslingden Company until such pipes or apparatus shall in the opinion of the Commissioners have been found to be defective or shall conduce to the waste misuse undue consumption or contamination of Water and the Commissioners shall have given notice thereof in writing to the consumer and the Commissioners (except on emergency) shall allow the consumer not less than Fourteen days after such notice to comply with any requirement thereunder.

Regulations for preventing waste of water

The Commissioners may if requested by any person supplied or about to be supplied by them with Water furnish to him at his costs and charges and from time to time repair or alter any such pipes valves meters cocks cisterns baths soil-pans water-closet apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf.

Power to the Commissioners to supply fittings &c.

REGULATIONS

REGULATIONS TO BE OBSERVED FOR PREVENTING WASTE MISUSE UNDUE CONSUMPTION OR CONTAMINATION OF THE WATER SUPPLIED BY THE COMMISSIONERS.

1. *As to laying Street Services by the Commissioners.*

The Commissioners shall at their own cost lay down and maintain all the lead or other branches extending from the main or other pipe of the Commissioners to the side of the public highway or street in which such main or other pipe is situate and carry the pipe to within a distance of one foot from the fence or frontage wall (if there be one) forming the boundary of such highway or street to which branch the consumer's plumber shall connect his work.

2. *As to Consumers' Pipes.*

(a) Where the internal diameter of any consumer's pipe exceeds one inch the Commissioners may require the same to be of cast iron.*

3. *Prohibition from carrying Consumers' Pipes through Ashpits &c.*

A consumer's pipe shall not be laid kept or fixed through in or into any sough drain ashpit or manure hole or through in or into any place where in the event of the pipe being or becoming unsound the water conveyed through such pipe would be liable to become fouled or to escape without observation except in case such sough drain ashpit manure hole or place is in the unavoidable course of the pipe in which case the pipe shall be passed through an exterior cast-iron tube or box of sufficient length and strength to afford due protection to the pipe and to bring any leakage or waste therefrom within the means of easy observation.

4. *As to Construction of Drawing-cocks &c.*

(a) A drawing-cock stop-cock or ball-cock shall not be used or fixed unless it is strong well made and a hard brass and of the kind from time to time sanctioned and approved by the Commissioners.

(b) Every drawing-cock and stop-cock except where used for hot water shall be strong and be made of hard metal and shall have a loose screw-down valve with leather face not liable to be turned round on the seat and shall be in every respect of the quality known as "best" and be so marked thereon.

(c) Every drawing-cock and stop-cock used for hot water shall be similar to those lastly hereinbefore mentioned except that a face made of a material adapted for use in hot water shall be substituted for the leather face therein described. Provided that the drawing-cocks attached to boilers fixed in kitchens and other similar places and also stop-cocks where used for hot water may either be of the kind lastly described or may be strong and well made ground plug cocks.

(d) Every cock used or fixed as aforesaid and placed in a public thoroughfare or in a court or other exposed situation shall be protected by a sufficient iron casing and shall be made to open by means of a removable key.

5. *As to Consumers' Cisterns.*

(a) A Cistern shall not be made or used underground unless the use thereof is allowed by a memorandum in writing of the duly authorized officer of the Commissioners.

(b) The water supplied by the Commissioners shall not be allowed to communicate with any cistern intended or used for the reception of rain water.

(c) Every cistern shall be made and be at all times maintained absolutely water-tight and shall be provided with a sufficient ball-cock for the inlet pipe thereof.

(d) Every cistern and the pipes cocks and other apparatus in connection therewith shall be so made as to be open to inspection and shall be provided with means of access thereto.

6. *As to Consumers' Baths.*

In every consumer's bath the inlets must be distinct from and unconnected with the outlet and the inlet pipes must be visible and accessible and be attached to the bath above the bottom thereof and such bath shall be provided with a proper well fitted and perfectly water-tight ground outlet plug or cock.

7. *As to Overflow Pipes.*

An overflow or waste pipe shall not be made or attached to any cistern or service box or bath and every overflow or waste pipe attached to a cistern or service box or bath shall be removed or permanently closed.

Provided that as a precaution against overflowing there shall be attached to the cistern or service box and there may be attached to a bath a proper detective or warning pipe laid and fixed in a suitable manner so as to discharge in some conspicuous place on the outside of the house or building containing such cistern or service box or bath the same to be laid and fixed under the inspection of the Commissioners and after such detective or warning pipe has been laid and fixed as aforesaid it shall not be removed or altered without the consent in writing of the duly authorized officer of the Commissioners.

8. *As to Consumers' Water-closets.*

(a) Every pan water-closet shall be provided with a ball-cock and a service cistern comprising a boot or division as high as the top of the cistern and capable of containing not more than two gallons of water when filled to within three inches of the top thereof.

(b) Every such service cistern shall have two proper alternating valves so arranged at the opposite ends of a lever as to let down at each pull or lift of the valves only the water contained in such boot or division and such boot or division and valves shall be so arranged and contrived that water cannot flow both into and out of the boot or division at the same time.

(c) Every pan water-closet shall have a proper lead pipe leading from such boot or division to the basin of the water-closet of not less than one and a quarter inches internal diameter and weighing not less than nine pounds to every lineal yard thereof and provided with a proper air pipe thereto of not less than half an inch internal diameter.

(d)

* NOTE.—The regulations for the weight of lead pipes are here omitted.

The Report of the Commissioners, page 101, gives the following as the hardness of the water in the Upper Nepean schéme:—

Nepean, above Penrith	...	...	...	...	...	...	...	1°4
Cordaux	...	...	...	...	...	...	...	0°7
Cataract	...	...	...	...	...	...	...	0°7

Lead pipes (unless lined with tin) and cisterns cannot be used with safety for the conveyance and storage of the water. Galvanized iron with good workmanship is the best substitute.

- (d) Every pan water-closet shall be properly provided with a basin a scatterer a weighted lever a pan and a trap and all other necessary and proper appliances.
- (e) Every pull down water-closet or soil-pan shall have either a proper service cistern similar in kind to that prescribed in case of pan water-closets or a proper iron service box fitted with a proper cover screwed thereon and every such service cistern or service box as the case may be shall consist of or be fitted with a boot or division containing two alternating valves and with a lead or cast-iron pipe similar in all respects to the boot or division alternating valves and pipe prescribed in case of pan water-closets.
- (f) Every pull down water-closet shall have a proper wide rim flushing basin and trap.
- (g) Every service box connected with a pull down water-closet shall be provided with a ball-cock not exceeding three-eighths of an inch in diameter.
- (h) The valves of every pan water-closet or pull-down water-closet shall be worked by inflexible brass rods not less than a quarter of an inch in diameter, and not by wires or chains.
- (i) No consumer's pipe used for the purposes of any pan or pull down water-closet or soil-pan shall communicate directly or indirectly with any part of such water-closet or soil-pan or any apparatus connected therewith other than the service cistern or service box thereof.
9. *As to Consumers' Meters.*
- (a) A meter shall not be used unless the same is of a kind and is placed in a situation approved in each instance by a memorandum in writing made by the duly authorized officer of the Commissioners.
- (b) Every meter shall be so placed as to be open to inspection and as far as practicable in a situation where it cannot be affected by frost or injured by any other means and shall be provided with means of access thereto.
- (c) A meter shall not be used or be continued to be used if it is found on being tested by the Commissioners to be inaccurate to the extent of more than five per centum.
- (d) A meter shall not be connected to more than one separate and distinct inlet pipe leading from the service pipe or other pipe of the Commissioners unless permitted by a memorandum in writing under the hand of the duly authorized officer of the Commissioners.
- (e) No stop-cock drawing cock pipe branch outlet or apparatus other than the stop-cock immediately affixed to the meter shall be attached to the inlet pipe of a meter unless permitted by a memorandum in writing under the hand of the duly authorized officer of the Commissioners.
10. *As to Removal of Meters for Examination.*
The Commissioners may from time to time remove any meter for the purpose of testing the accuracy thereof or for examination or repair or for the purpose of substituting another meter and in case of the discontinuance of the supply.
11. *As to Hose and Movable Pipes.*
Water supplied by the Commissioners otherwise than by measure shall not be drawn or used through any hose or movable pipe except by previous agreement with the Commissioners as to the use of such pipe and as to the sum to be paid to the Commissioners for the water to be conveyed through the same.
12. *As to Discontinuance of improper Pipes or Apparatus.*
Any consumer's pipe or apparatus laid fixed or used otherwise than in accordance with these regulations or the materials or workmanship of which shall in the opinion of the officer of the Commissioners be of bad or defective quality shall if and when the Commissioners shall so require be discontinued and disused by the consumer.
13. *As to Connection Extension or Alteration of Pipes or Apparatus.*
No pipe or cock shall be attached to the works of the Commissioners or to any pipe or apparatus connected therewith nor shall any addition or alteration be made to or in any existing pipe or apparatus without due notice having been previously given at the office of the Commissioners nor until such pipe cock or apparatus shall have been inspected by the duly authorized officer of the Commissioners and found to be in accordance with these regulations and the charge or additional charge (if any) payable in respect of any such connection extension or alteration shall have been determined and agreed upon by the Commissioners.
14. *As to Employment of Plumbers.*
No Plumber or other workman shall be allowed to do or perform any work connected with the supply of water unless he shall have been admitted and enrolled by the Commissioners as an authorised Waterworks Plumber and has engaged to conform to and comply with these regulations.
Provided that the Commissioners shall not refuse to enrol any Plumber carrying on business within the water limits who shall have satisfied them in all respects as to his competency on his applying and engaging as aforesaid, unless his name shall have been already erased from the list of authorised Plumbers.
If at any time afterwards any such Plumber wilfully infringes the said regulations either by himself or his workmen or refuses to communicate any needful and proper information required of him in regard to any work connected with the works of the Commissioners done by him or his workmen or under his superintendence or upon his responsibility his name shall be erased by the Commissioners from the list of "authorised Plumbers" and may be forthwith advertised as so erased in some one or more local newspaper or newspapers.
No consumer of water shall employ in or about the supply of water to his premises or in relation to any pipe or apparatus connected therewith any person who is not an "authorised Plumber."
15. *As to Standard set of Pipes and Apparatus for Inspection of Consumers.*
The Commissioners shall maintain for the inspection of the consumers in a convenient place a standard set of the pipes and apparatus from time to time required by them to be used in accordance with the foregoing regulations.
16. *Interpretation.*
- (a) In these regulations the term consumers' pipe means any pipe not being the property of the Commissioners used or intended to be used for the conveyance or distribution of water for the time being supplied by the Commissioners.

- (b) The consumers' apparatus means a consumers' pipe cock cistern bath water-closet or any other apparatus instrument or thing used by a consumer for the conveyance distribution reception storage or use of water for the time being supplied by the Commissioners.
- (c) Where any act is required or authorised to be done by the Commissioners the same may be done on behalf of the Commissioners by an authorised officer or servant of the Commissioners and where any notice is required to be given by the Commissioners the same shall be sufficiently authenticated if signed by an authorised officer or servant of the Commissioners.

MEMORANDUM.

E. O. Moriarty, Esq., to W. Clark, Esq.

* No. 4.

Sir,

6 March, 1877.

I beg to transmit herewith for your information a diagram* showing what would have been the daily state of the Prospect Reservoir during the late drought of eight months, commencing in August, 1875, and ending April, 1876, during which only 9·94 inches of rain fell.

On looking at the returns of rainfall published under the authority of the Astronomer, it will be observed that although in the years 1849-50, 1854-55, and 1862 less rain fell within the whole year than in 1875-1876, yet in none of them was there so protracted a period of drought.

In the year 1849 only 21·49 inches of rain fell, but during the driest consecutive eight months 13·49 inches of rain fell. In 1854 29·29 inches fell, but during the driest consecutive eight months 15·54 inches fell. In 1862 10·33 inches fell during the eight months; while in 1875-76 as I have stated, only 9·94 inches fell in the eight months referred to, being 69 inches less than the driest period in the last 37 years or since 1840.

Thus we are fortunate in having one of the most trying periods on record in which to gauge the resources of the Prospect Reservoir, supposing it to have been completed, and the city to have been supplied from it during the period of drought mentioned.

The diagram exhibits at a glance what would have been the daily condition of the reservoir supposing it to have been called upon to supply the quantities delivered to such cities as Melbourne, Dublin, Liverpool, Manchester, and Glasgow, varying from about 12 million gallons in the first, to 30 millions in the last.

In Melbourne, with its 200,000 inhabitants, the summer supply is stated by Mr. Gordon to vary from 10 to 15 millions; I have taken it at an average of 12 million gallons per day, which was the amount proposed by the Water Commission for Sydney with present population of about 180,000.

I am here referring only to the quantity of water impounded between the 170 ft. and 195 ft. contours, which is 7,100 million gallons, and am not at all taking into account the body of water below the first named level, which amounts to 3,000 million gallons more, and which it is proposed to leave as a settling pond for sediment. The curves of the diagram indicate the daily loss by evaporation, as well as the quantities supposed to be withdrawn for town supply, the evaporation being taken as equal to that recorded at the Observatory.

I have preferred taking this quantity, as erring on the safe side, although there is no doubt whatever that the measurements of evaporation given for small vessels such as those used at observatories are altogether in excess of what would take place from large reservoirs or lakes; indeed it is now an established fact that in large deep reservoirs the temperature of which in summer keeps below that of the atmosphere, what has been designated negative evaporation takes place, or in other words the reservoir under certain conditions ceases to be an evaporating pan and becomes on the contrary a condenser, condensing the moisture in the warmer air and causing its deposition in the form of dew. I have, however, preferred disregarding this view of the case, and have taken the evaporation at its maximum:

I think it has been the practice of engineers in determining on the size of reservoirs necessary to supply a given demand, to allow for a period of about four months comparative drought, or say 120 to 140 days.

But in the Prospect reservoir we are dealing with a period of about 240 days of drought, and it will be seen that under even these trying circumstances the water stored in the reservoir never would have been reduced below 5,000 million gallons with a daily consumption of 12 million gallons plus evaporation, and in two months after the break up of the drought in April it would have been filled to the brim again.

Had 14 millions been withdrawn daily (which is the present supply to Dublin with its 330,000 inhabitants) plus the evaporation, the reservoir would only have been lowered to 4,600 million gallons.

If it had been called upon to supply Liverpool with its 620,000 inhabitants the reservoir would not have been reduced below 4,100 million gallons, and would have been filled again in three months after the breaking up of the drought.

The Manchester supply of 25 million gallons would have left about 2,400 million gallons, and Glasgow with its consumption of 30 millions to a population of 540,000, would still have left about 1,200 million gallons in the reservoir when the drought broke up, and it must be borne in mind that owing to the peculiar circumstances of the case in regard to Prospect, all the water remaining in the reservoir above the 170 feet contour at this date would have been available, whereas in most other reservoirs the water becomes unfit for use when drained too low.

It is evident that the reservoir would have stood nearly ten months drought under the Glasgow rate of consumption, twelve months drought under that of Manchester, a drought of sixteen months under the rate of consumption at Liverpool, and nearly two years drought for the consumption of Dublin or Melbourne, which is over three times the present supply of Sydney.

When the time arrives that the population of Sydney equals that of Glasgow (540,000), a city acknowledged to be the best watered in Great Britain, it may become necessary to consider the expediency of constructing additional reservoirs, and the Report of the Water Commission has shown that one or both of the sites at Bull's Hill would be suitable for this purpose. The tunnels, canals, and aqueduct works would be sufficient to fill them and keep them filled in ordinary seasons.

E. O. MORIARTY,

Mar. 6, 1877.

SYDNEY WATER SUPPLY.

MEMORANDUM OF SURVEYS PREPARED IN CONNECTION WITH THIS INQUIRY.

George's River and Port Hacking Scheme.

Plan of portion of the Estuary of George's River ...	...	...	...	...	...	...	...	1 sheet.
Diagram, Plan, and Sections of Kangaroo Point ' ...	...	...	...	...	...	...	...	2 sheets.
Do. do. Bald-Face Point ...	...	...	...	...	...	...	...	2 "
Do. do. Tom Ugly's Point ...	...	...	...	...	...	...	...	2 "
Do. do. Horse Rock Point ...	...	...	...	...	...	...	...	2 "
Do. do. Rocky Point ...	...	...	...	...	...	...	...	2 "
Do. do. Cummins' Point ...	...	...	...	...	...	...	...	2 "
Plan of portion of the Estuary of Port Hacking ...	...	...	...	...	...	...	...	1 "
Do. do. Burrancar Point ...	...	...	...	...	...	...	...	4 "
Do. do. Cabbage-trec Point... ..	...	...	...	...	...	...	...	2 "
Do. do. Spit Point ... ..	...	...	...	...	...	...	...	2 "

Warragamba Scheme.

Plan at junction of Warragamba and Nepean Rivers	6 sheets.
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Lower Nepean Scheme.

Plan and Sections trial sites for Pumping and Filter Stations	2 sheets.
Do. Further trial sites... ..	...	...	...	...	...	...	...	2 "

Upper Nepean Scheme.

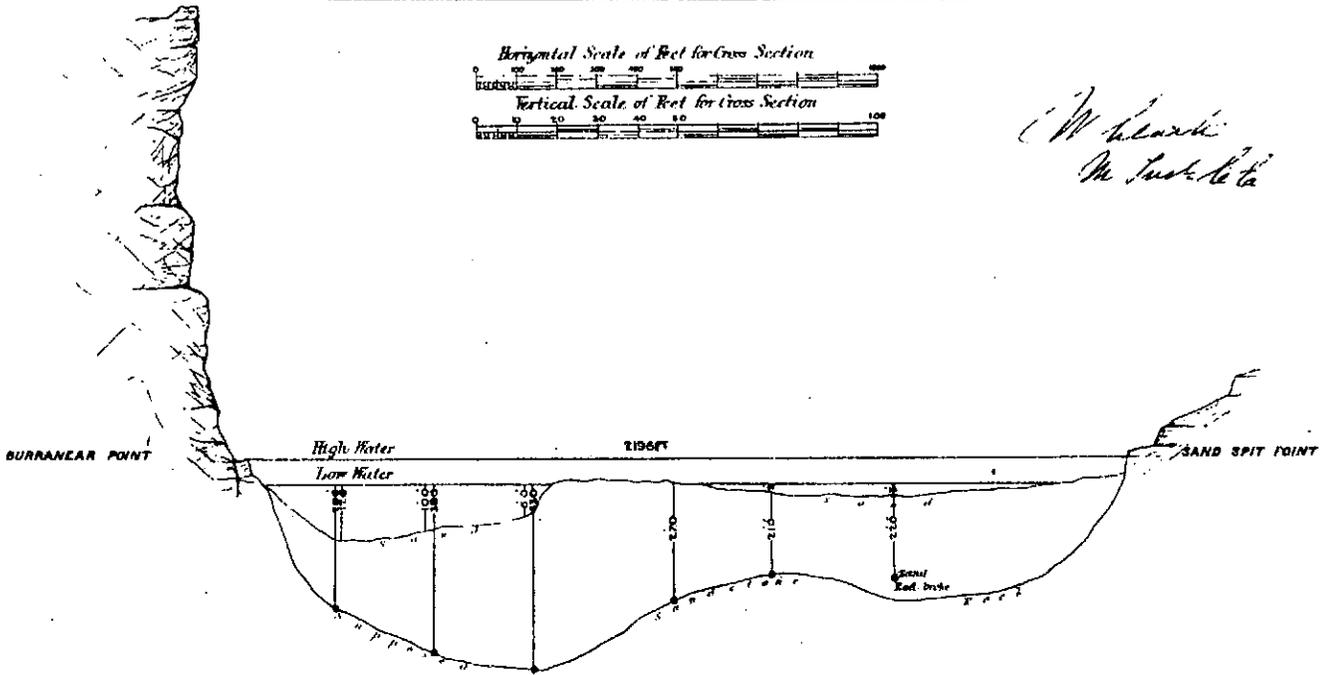
Plans of sites for Reservoirs on the line of Conduit	2 sheets.
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Nº7

CROSS SECTION

OF

PORT HACKING FOR WATER SUPPLY.



REFERENCE TO BORINGS

No.	Name of Place	County	Depth				Total depth		Remarks
			of Water of Bore						
1	Port Hacking	Cumberland	12	6	10	0	78	6	Down to supposed Sand Stone Rock
2	do	do	11	0	29	0	39	0	do do do do
3	do	do	6	0	37	0	43	0	do do do do
4	do	do	0	0	27	0	27	0	do do do do
5	do	do	2	0	19	0	21	0	do do do do
6	do	do	3	0	19	0	22	0	East broke in Sand

(310-)

Nº 1
SYDNEY WATER SUPPLY
PLAN shewing the RIVERS, CREEKS, &c.
DRAINING the several WATERSHEDS proposed as SOURCES of SUPPLY
 — AND —
GENERAL OUTLINE OF THE SCHEMES.

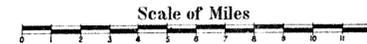
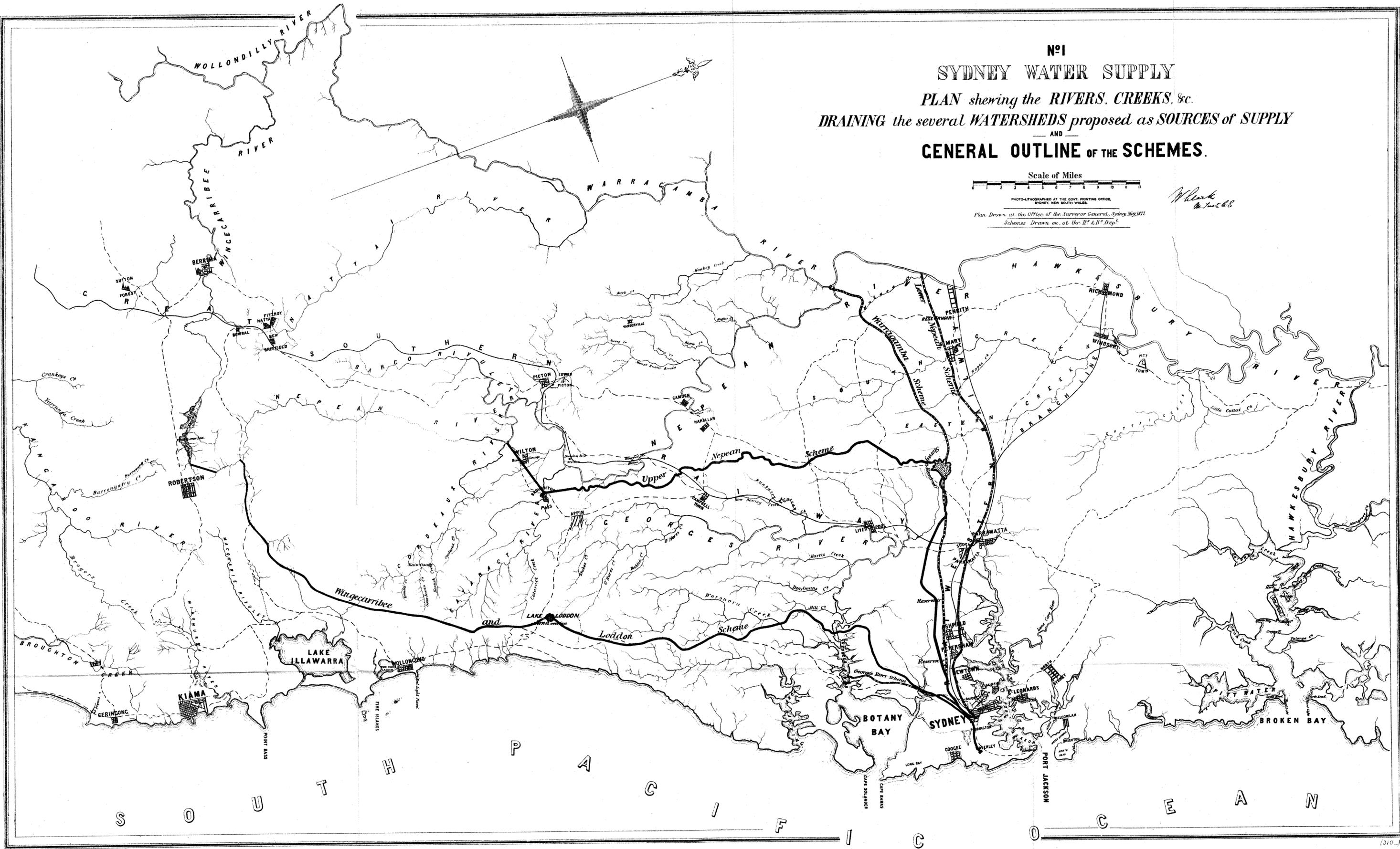


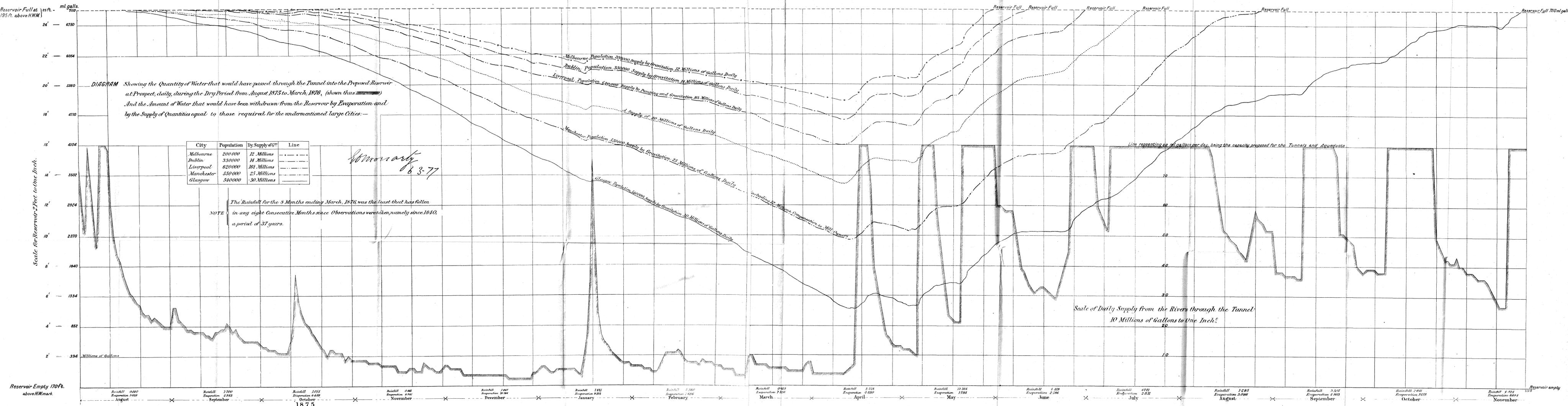
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
 SYDNEY, NEW SOUTH WALES.
Plan Drawn at the Office of the Surveyor General, Sydney, May, 1871.
 Schemes Drawn on, at the H^o & R^o Dep^t.

W. Clark
Dec. 1868

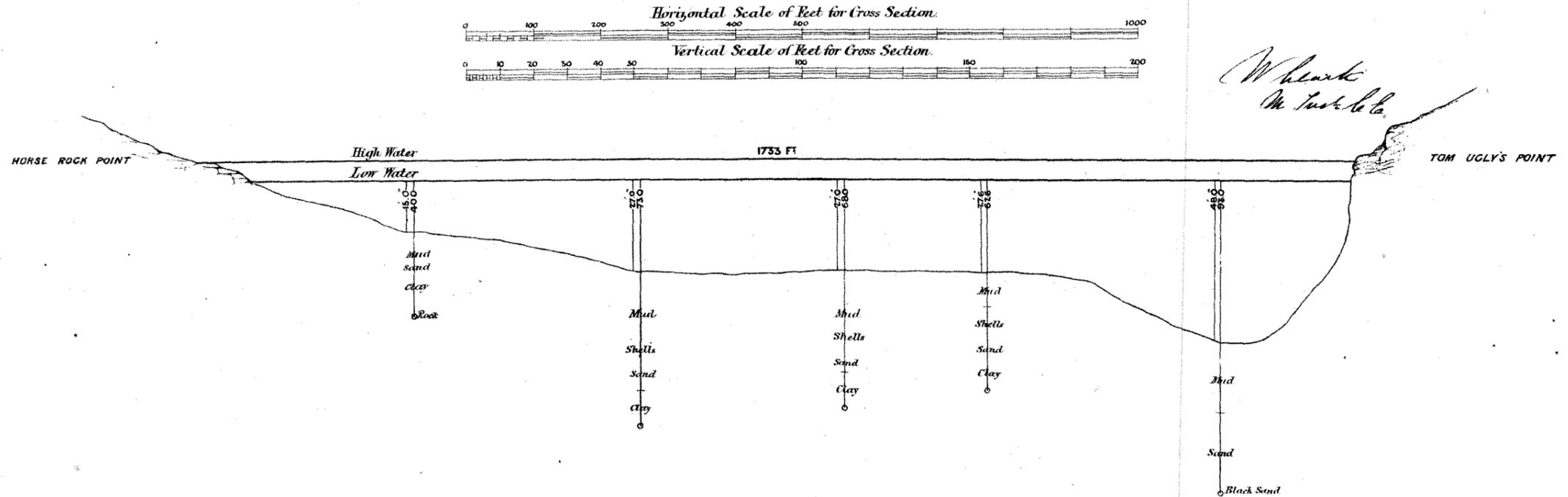


SYDNEY WATER SUPPLY

CATARACT AND NEPEAN RIVERS.

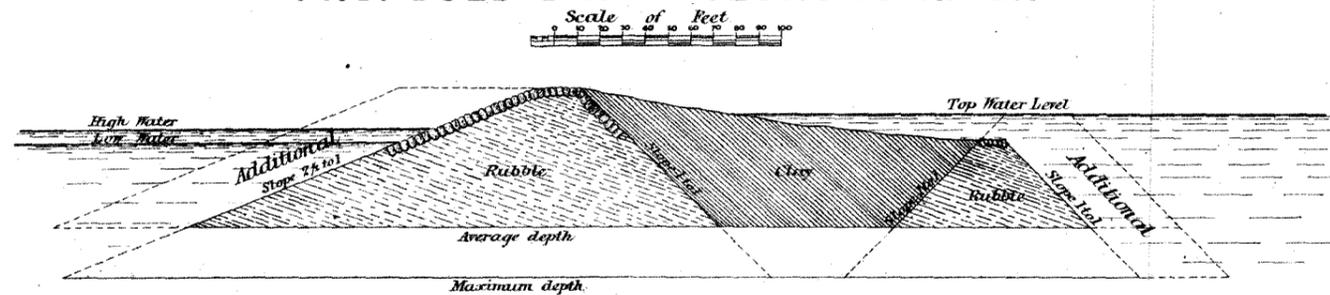


CROSS SECTION OF GEORGE'S RIVER FOR WATER SUPPLY



W. H. ...
The ...

SECTION of PROPOSED DAM across GEORGE'S RIVER



REFERENCE TO BORINGS

No.	Name of Place	County	Depths		Total depth	Remarks	
			ft	in			
1	George's River	Geelong	48	0	93	0	Black sand
2	do	do	27	6	62	6	Clay
3	do	do	27	0	68	0	do.
4	do	do	27	0	73	0	do
5	do	do	15	0	40	0	Rock.

}

Tom Ugly's Point

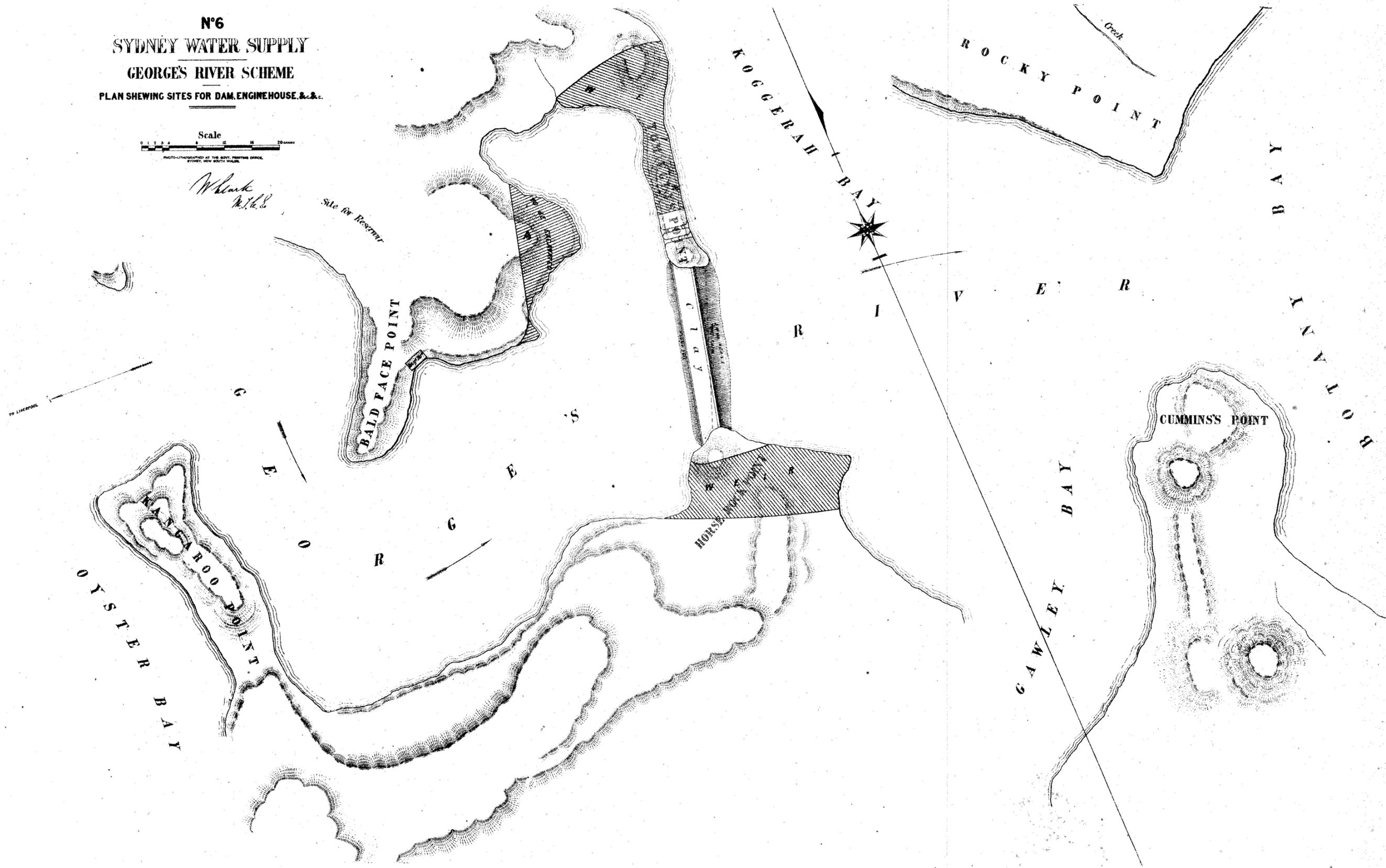
(310-)

N°6
SYDNEY WATER SUPPLY
GEORGE'S RIVER SCHEME
PLAN SHEWING SITES FOR DAM, ENGINEHOUSE, &c. &c.



W. Clark
A. H. C.

Site for Reservoir



SYDNEY WATER SUPPLY

N^o 9

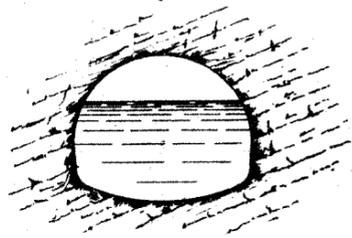
CROSS SECTIONS OF CONDUIT

Scale of Feet

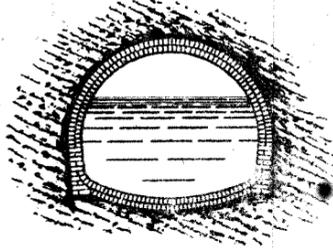


*W. H. Lamb
M. S. S. Co.*

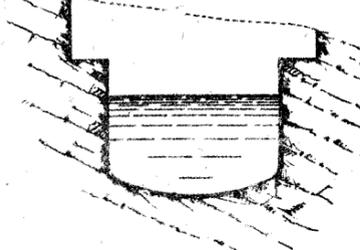
**TUNNEL
SOUND WATERTIGHT SANDSTONE
1**



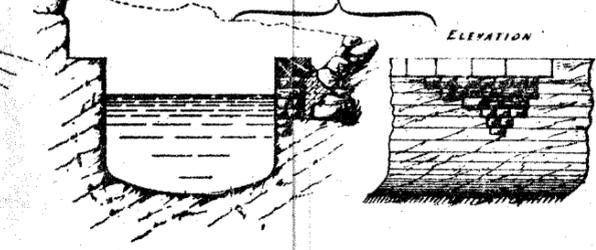
**N^o 1 & 6 ABOVE RESERVOIR
TUNNEL
CLAY and SHALE
2**



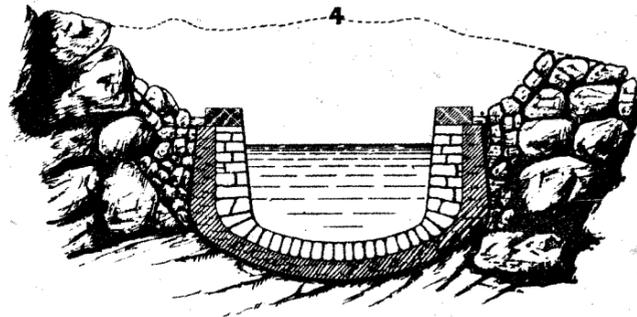
**N^o 7 and 8 BELOW RESERVOIR
OPEN CUTTING
SOUND SANDSTONE
3**



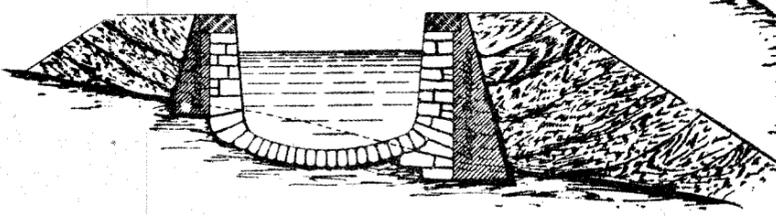
**OPEN CUTTING
ROCK with FAULTS
3^a**



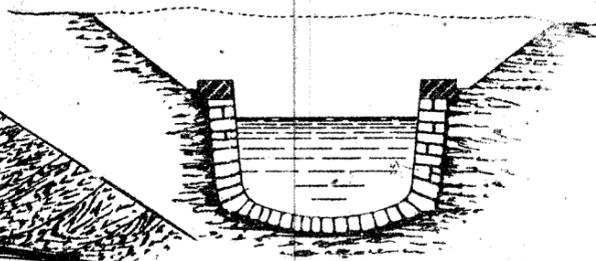
**OPEN CUTTING
UN SOUND LEAKY ROCK and BOULDERS
4**



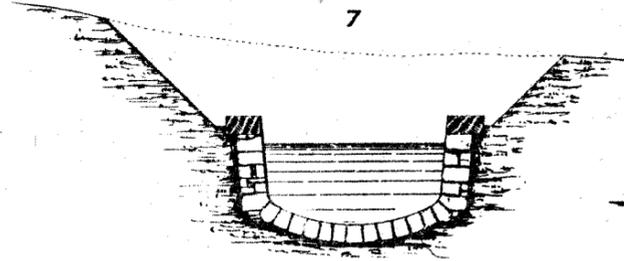
**OPEN CANAL
IN EMBANKMENT
5**



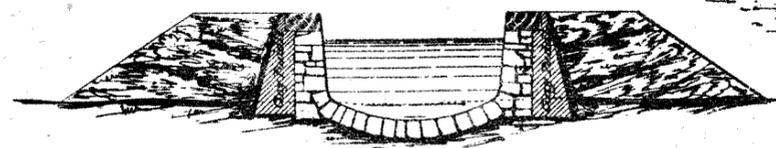
**OPEN CUTTING
SOUND WATERTIGHT SHALE and CLAY
6**



**OPEN CUTTING
SOUND WATERTIGHT SHALE and CLAY
7**



**OPEN CANAL
IN EMBANKMENT
8**



9

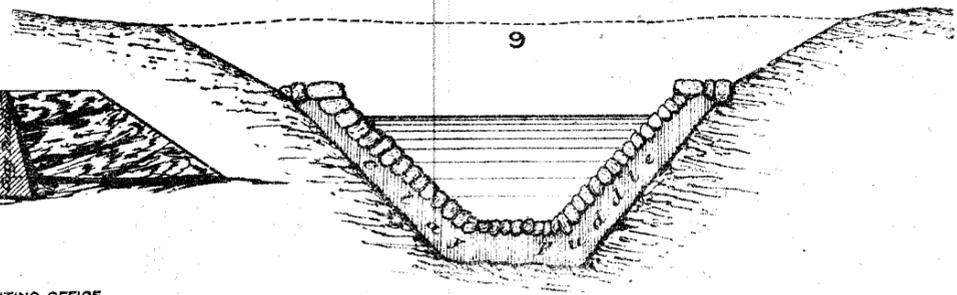


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE
SYDNEY, NEW SOUTH WALES.

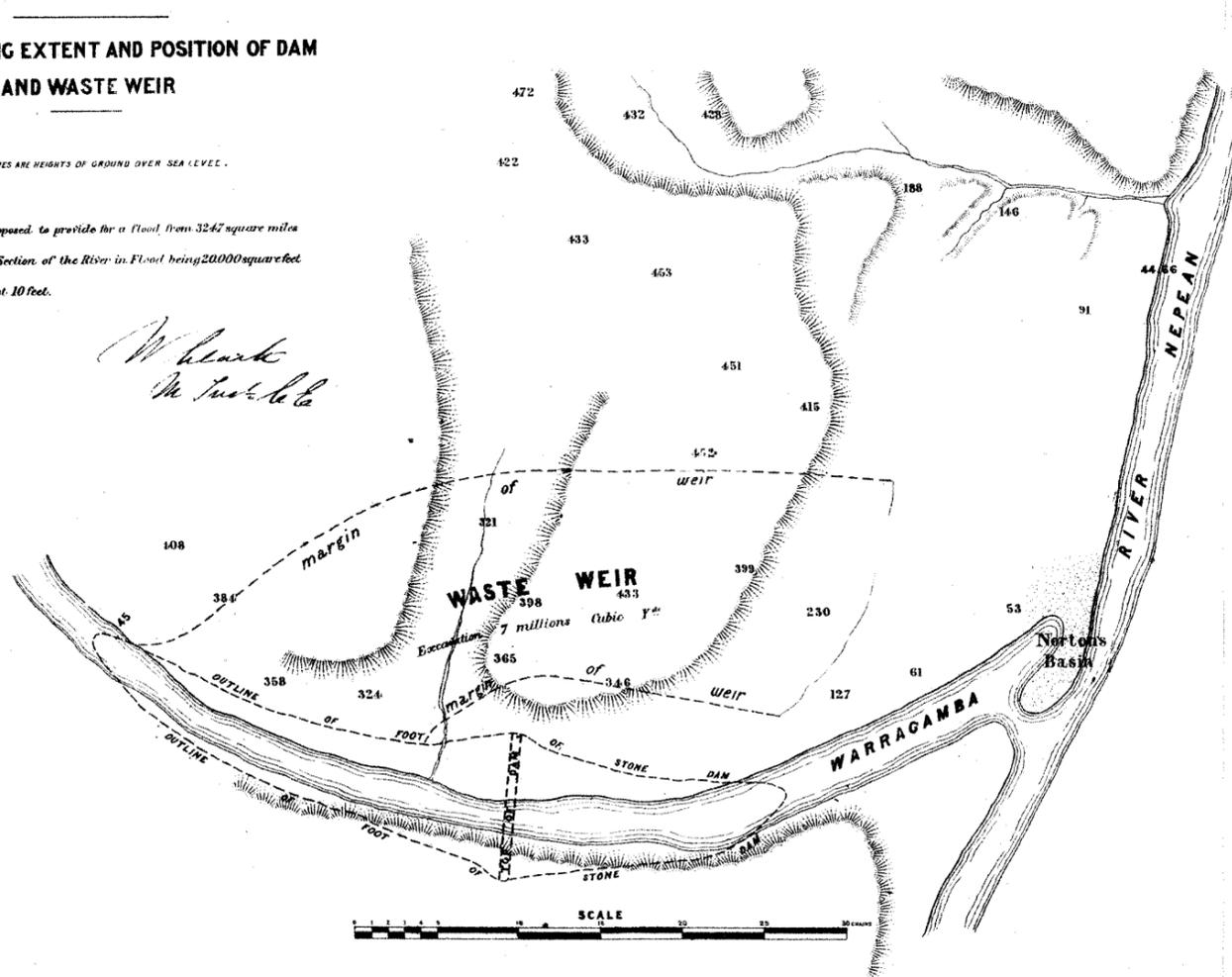
N^o 8
 SYDNEY WATER SUPPLY
 WARRAGAMBA SCHEME

PLAN SHEWING EXTENT AND POSITION OF DAM
 AND WASTE WEIR

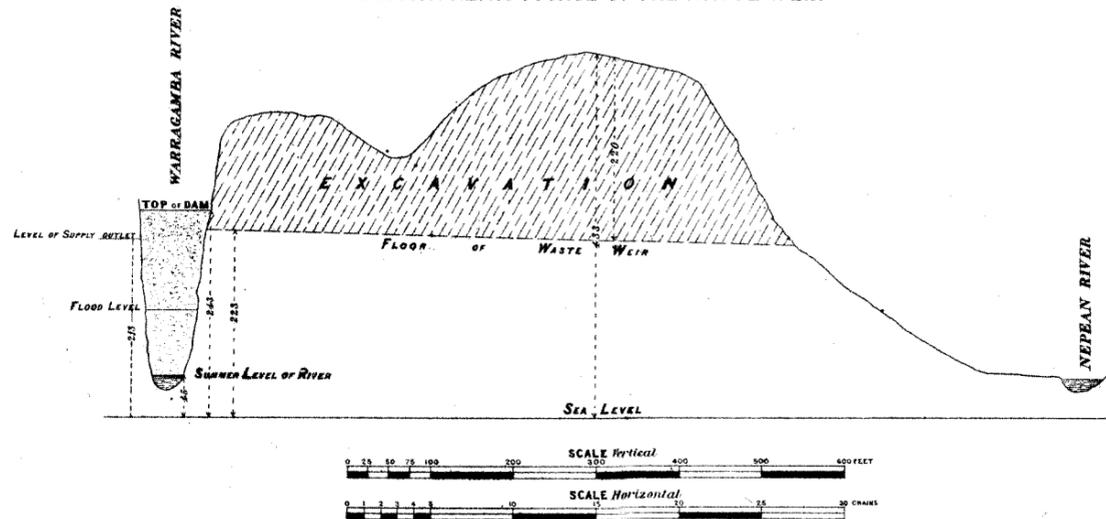
THE FIGURES ARE HEIGHTS OF GROUND OVER SEA LEVEL.

NB. The Waste Weir is supposed to provide for a flood from 3247 square miles
 of drainage area. Section of the River in Flood being 20,000 square feet
 Depth over Weir crest 10 feet.

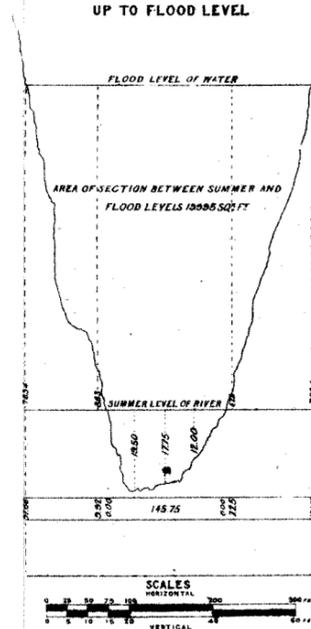
*Whitlock
 In Charge*



SECTION ALONG COURSE OF THE WASTE WEIR



PLAN SHEWING SECTION OF WARRAGAMBA RIVER
 UP TO FLOOD LEVEL

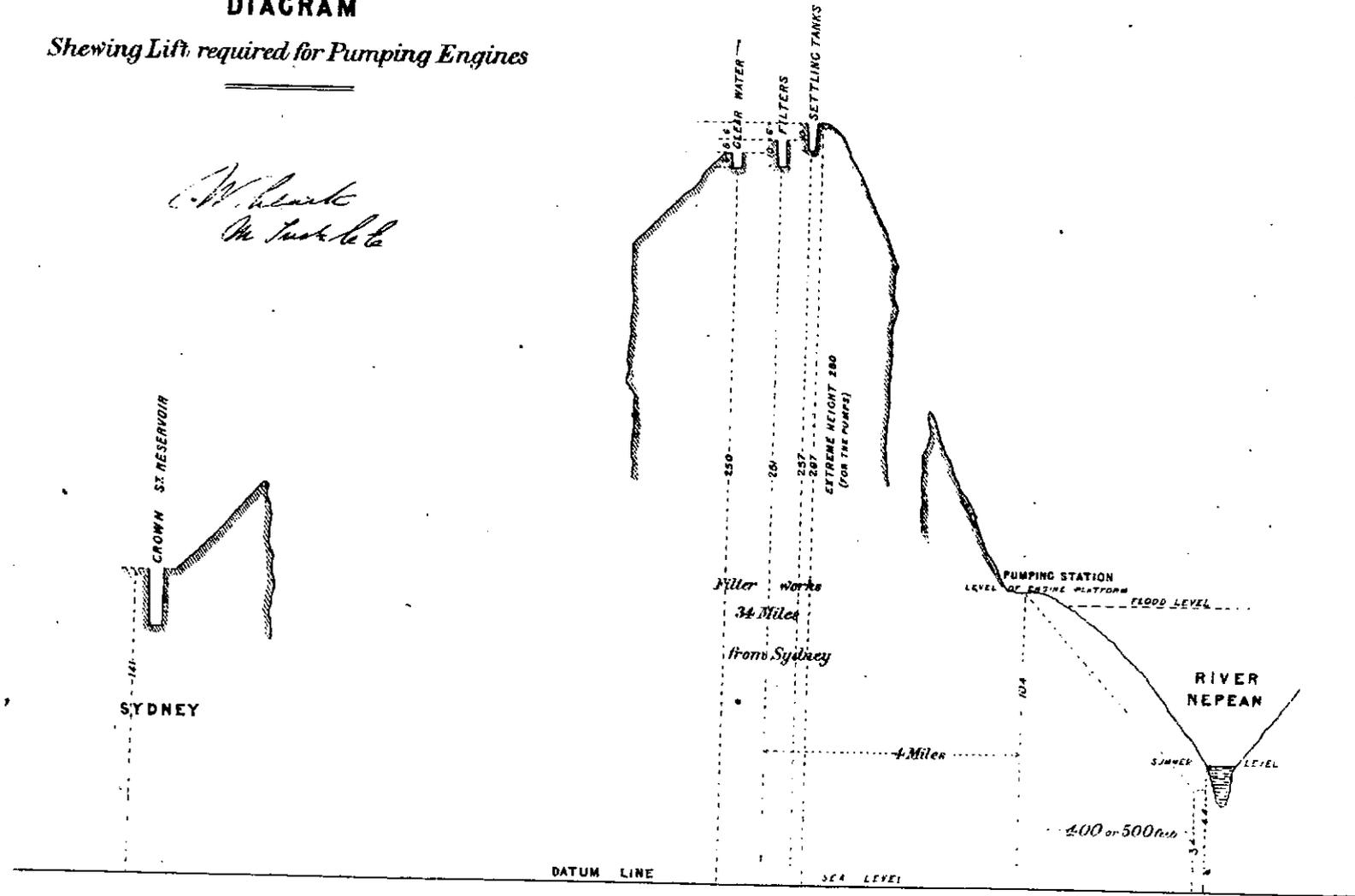


N° 10
LOWER NEPEAN SCHEME

DIAGRAM

Shewing Lift required for Pumping Engines

*C. W. ...
In ...*



(310—)

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

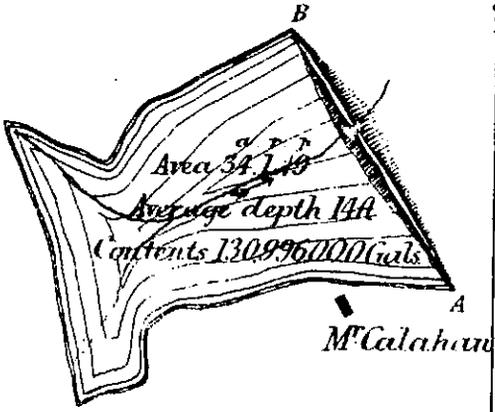
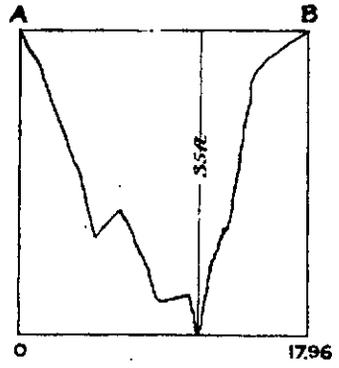
Nº 11.

RESERVOIR
at 30 Miles 30 Chains.



*W. H. ...
... ..*

Section over Site of Dam.



NOTE

DAM. Outer Slope 2 to 1, Inner Slope 3 to 1, Top Width 8 feet.
PUDDLE WALL, 4 feet on Top, Batter in 5 on Sides.
Contents 35104 Cub Yds. of Earth, 5485 Cub Yds. of Puddle.

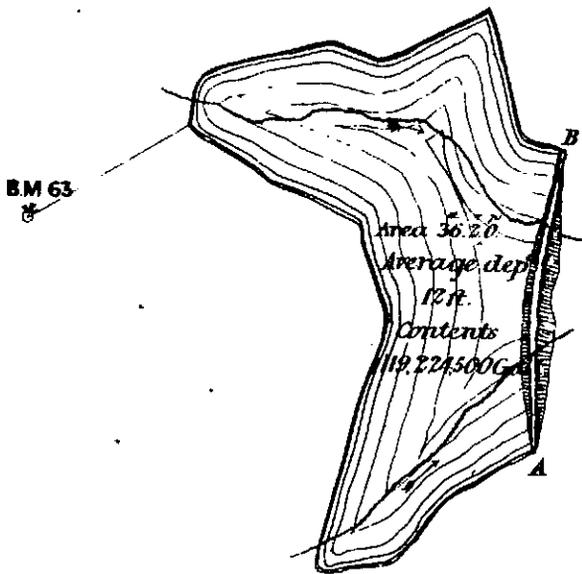


Nº 12.

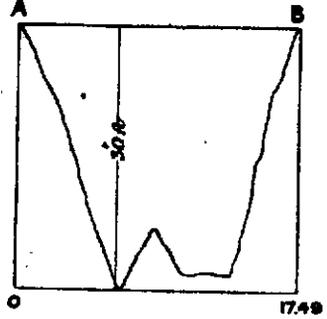
RESERVOIR
at 36 Miles 60 Chains.



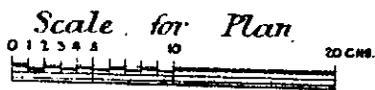
*W. H. ...
... ..*



Section over Site of Dam



NOTE DAM Outer Slope 2 to 1. Inner Slope 3 to 1. Top Width 8 feet.
PUDDLE WALL 4 feet on Top. Batter In 5 on Sides.
Contents 40,072 Cub Yds. of Earth. 6,204 Cub Yds. of Puddle.



1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY WATER SUPPLY.

(LETTER FROM W. CLARK, ESQ., HYDRAULIC ENGINEER.)

Ordered by the Legislative Assembly to be printed, 21 May, 1877.

W. Clark, Esq., to The Colonial Secretary.

Sir,

Sydney, 15 May, 1877.

Herewith I have the honor to present my Report on the Water Supply to Sydney.

The inquiry with which I have been intrusted is, as I have stated therein, upon a subject that for some time past has been the occasion of much anxiety with the public.

In devoting my best energies to the question, I have done so under the impression that the opinion of a stranger was desired to decide between many conflicting views, and give decision to public opinion.

I have therefore had before me during my inquiry the full responsibility attaching to such duty, and I look forward with some anxiety to the result of my labours, in early action being taken in the matter, and to the successful completion of works for an efficient supply of water to a rapidly increasing population, and in a city where such necessary of life is of more than ordinary importance.

The subject has now been very many years under consideration, and has, I apprehend, reached the full limit of discussion that should precede action.

During this period the valuable records of observations taken have enabled me to proceed with a degree of confidence which the Commission at the date of their Report could not have done, and at the same time I may notice that the efforts made to continue the supply from the Botany area have proved so far successful.

The general impression upon my mind, after a long consideration of the subject, leads me fully to sympathize with those who have expressed anxiety as to the sufficiency of the present supply; and although, as I have stated, there is no very immediate cause for serious apprehension as to the failure of the Botany supply, I cannot but have become deeply impressed with the extreme vicissitudes of the Australian climate, and can conceive it quite possible that a drought even more trying than those on actual record may occur in the future, to place the city under circumstances of extreme difficulty.

I would therefore lose no opportunity to second those expressions of opinion that have come before me,—intimating that no further delay should occur in proceeding to carry out some new work for a more abundant supply of water to this city; and I trust the grounds I have given in my Report for selecting the scheme of the Commissioners will prove such as to enable it to be accepted by the public as the one amongst those proposed that ought to be carried out.

In a comparatively new country like Australia, I have felt that great deference is requisite to suggestions of any kind; I have therefore endeavoured to give the fullest consideration to all those which under your instructions have come before me, necessarily with some considerable expenditure of time.

It will doubtless be apparent that in a climate like this—peculiarly its own—it would be unsafe for a stranger to base estimates for practical purposes upon written records of observation only; I have endeavoured therefore to avail myself of every opportunity of personal communication with residents, and by my own observations, as compared with my experience elsewhere, to compare and check conclusions arrived at by recorded data.

It is a subject for remark, that the great number of persons who seem to have interested themselves in this question;—no doubt in a country subject to such serious inconvenience from periodical drought, the extreme value of water under such occasional conditions is fully appreciated. My own long residence in India enables me fully to sympathize with such impressions, and especially with schemes of the character of that proposed by Mr. Woore, where the collateral advantage of supplying a large district with water for irrigation purposes is contemplated, in addition to furnishing the city supply.

While fully admitting the great importance of such collateral object, I have been obliged to bear in mind, that the primary object of my inquiry should be subordinate to no collateral interest whatever; at the same time I would not desire to ignore such advantage, provided that it is in no way liable to come into conflict with the primary object.

In recommending the Commissioners' scheme therefore, I do so with the more confidence, inasmuch as that while it has the capacity of furnishing such collateral advantage, it can do this in its subordinate capacity.

Virtually I may say that the scheme will convey a small river of water (80 million gallons in twenty-four hours) on high ground commanding a large extent of country in the valleys on either side of such elevated position, for a distance of 40 miles;—such volume of water being greatly in excess of any possible requirements of the city,—admits of a portion being made available for the object so strongly urged by Mr. Woore.

It will also, I think, be readily conceded, that in a climate such as this, two essential conditions are requisite in the establishment of an unfailing supply of water to a city; these are—

1st. A large area of watershed from which to collect the rain water.

2nd. A large storage capacity.

The Commissioners' scheme fully satisfies these conditions, and in addition it has the merit of bringing a quantity of 80 million gallons daily, within a comparatively short distance (14 miles) of the city, from which point a relatively small expenditure in the costly form of channel of cast-iron pipes can increase the quantity furnished to the city, successively, up to the limit of the quantity above stated.

I trust I have in the Report made these and my other views intelligible, and that it may have the effect of furthering early and decisive action on this important subject.

I have, &c.,

W. CLARK.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

SYDNEY DRAINAGE.

REPORT

TO THE

GOVERNMENT OF NEW SOUTH WALES

ON

THE INTERCEPTION AND DISPOSAL OF THE DRAINAGE OF THE
CITY OF SYDNEY AND SUBURBS;

BY

W. CLARK,

MEMBER OF THE INSTITUTE OF CIVIL ENGINEERS.

ORDERED BY THE LEGISLATIVE ASSEMBLY TO BE PRINTED.

19 July, 1877.

SYDNEY: CHARLES POTTER, ACTING GOVERNMENT PRINTER.

1877.

* 384—A

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The Principal Under Secretary to W. Clark, Esq., Advising Engineer.

Colonial Secretary's Office,
Sydney, 7 February, 1877.

SIR,

In reply to your letter of the 1st instant, asking for further instructions to guide you in your investigations as to the drainage and sewerage of the City of Sydney, I am directed by the Colonial Secretary to inform you that it is the desire of the Government that your inquiries extend over the subject in general and be not confined to the interception and disposal of the sewage only.

2. I am desired to subjoin the following observations for your particular information :—

- 1st. Your inquiry should extend to such of the Suburbs as may advantageously be comprehended in any scheme for the interception and disposal of the sewage of the City of Sydney.
- 2nd. Your opinion should be given as to the separation or keeping together of the surface water and the sewage, and as to the disposing of these either together or separately.
- 3rd. In making any suggestion that may occur to you, it will be desirable to consider how the existing work may be best turned to account, if it can be so turned to account with advantage.
- 4th. Where no works are in existence, you should of course advise that course of proceeding which may appear the best for the locality, always bearing in mind the probable increase of population on such areas.
- 5th. Due regard should be had in all cases to the efficiency of the works, as well for the surface improvement of the city as for the improvement of its sanitary condition in general; and all this should be combined with a due regard to economy.

3. For the carrying out of these instructions I am to request that you will place yourself in communication with the Sewage and Health Board, of which the Government engineers, Messieurs Moriarty and Bennett, are members, and also with the Mayor of Sydney, who has jurisdiction over the existing works.

4. These authorities will be requested to furnish you with every information in their power, and otherwise to facilitate your inquiries.

5. The authorities of the suburban Municipalitiés will, in case you should in the prosecution of your inquiries find it necessary to communicate with any of them, be asked to give you such information as you may require on your applying for it.

6. In conclusion, I am to say that the Government places full reliance in you that you will from time to time make communication to it, or inquiry of it, in connection with the important matters committed to your charge; and that the Colonial Secretary hopes that no failure may find place through any want of clearness or of completeness in your instructions, the object in view being to obtain the best possible results from your services, whether in connection with water supply or with sewage.

I have, &c.,

HENRY HALLORAN.

REPORT to the Government of New South Wales, on the Drainage of the City of Sydney and Suburbs.

IN conformity with the instructions contained in the foregoing office letter, 77/1,070, dated 7th February, 1877, I have the honor to report the result of my inquiries on the subject of the drainage of the City of Sydney and its suburbs.

To enable me to do this I have received the various Progress Reports of the Sewage and Health Board, and on the 17th May I received the Twelfth and Final Report.

I have been in frequent communication with Mr. Moriarty and Mr. Bennett, members of the Engineering Committee, also with Mr. F. Bell, City Engineer, and Mr. Bradridge, City Surveyor; with these gentlemen I have inspected a large portion of the city, and have derived a great amount of valuable information. I have also had full access to their plans and proposed arrangements.

I have communicated with all the suburban Municipalities and had personal interviews with the Mayor and Aldermen of the following, viz., Marrickville, Redfern, Darlington, Waterloo, Woollahra, and Paddington, in accordance with their expressed wish.

The result of these inquiries has elicited the fact that all the suburbs are more or less wanting drainage, and are subject to inconvenience greater or less according as the population is dense or scattered. In Marrickville, where the houses are at present scattered, no especial difficulty has been experienced. Present sanitary condition.

Speaking generally, there is no drainage whatever in the suburbs beyond the surface gutters in the streets, and the natural creeks, by which the storm water finds its way to an outlet, either into the harbour, or by Cook's River into Botany Bay.

Three only of the Municipalities possess plans and levels of their districts; these are Paddington, Redfern, and Woollahra; these plans are some fifteen or more years old and have not been kept up to date.

The Reports of the Sewage and Health Board show that a very exhaustive inquiry has been conducted, and valuable information elicited on a variety of subjects, amongst other the contamination of the water supply, and the construction and management of cesspits. This inquiry has brought to light facts, so important to the public health, as to have procured Legislative interference, and remedies have been applied in the form of the Water Pollution and Nuisance Prevention Acts.

Of thirteen subjects of inquiry, three have had reference to the water supply of the city and suburbs, four have direct reference to drainage, and the remainder to cases of especial nuisance arising out of noxious trades—the causes of certain forms of disease, cases of which have occurred—the crowded state of areas and dwellings—the nuisance arising from the discharge of the sewers into the harbour, &c., &c.

The perusal of these documents has occupied a considerable amount of time, but the sanitary defects which are clearly brought to light by them impress a reader with the value of the information obtained, and of the inquiry, which the Commission has now concluded.

My

Plans.

My first requisition has been for plans and levels of the City and its suburbs. I find that by section 5 of 17 Vic. No. 34, of 1853,* the Commissioners, constituted under that Act, were directed to cause a plan of the city, &c., to be made—the levels, &c., to be taken, and from time to time revised, and additions made thereto. This section of an existing law is so entirely to the purpose that I attach copy below.

This survey appears to have been made in 1854–5, and the Corporation is in possession of a map drawn to a scale of 40 feet to an inch for the City area. It was revised in 1865, but has not been kept up to date. During the past twelve years the streets and buildings have increased very considerably, and the map is now deficient; moreover, there are no levels shown, and it is therefore wanting in a most important particular for drainage purposes.

I have received from the Sewage and Health Board the plans and sections prepared by the Engineering Committee, and which accompany their Final Report. One of these plans is at 4 chains to the inch, and contains contour levels of the northern area of the City and a portion of the suburbs, at differences of elevation of 10 feet over high-water sea level. The second plan is of the southern portion of the City and suburbs, on a similar scale of 4 chains, containing contour levels of a portion of the area. A third plan at 20 chains to the inch, showing Port Jackson and the entire area of the City and suburbs, with contours at 20, 30, and 50 feet elevation above high-water. All of these are what may be called skeleton plans—*i.e.*, they show only the outlines of the streets and open spaces, and, with exception of a few public edifices, none of the buildings are shown, the scale being too small.

These plans, I am informed, are compilations of other detached plans which I have not seen, but I am assured that they are the best available for the purpose of my inquiry. They have been made for the Sewage and Health Board, and their possession has enabled the Board to advise the Government upon the disposal of the Sewage. The position of the proposed intercepting sewers are thereon given.

These plans therefore are the principal sources of information before me as to the topographical features of the City and Suburbs. I have also generally informed myself of these features of the area by a careful inspection of its more prominent points; and by aid of the Reports, before alluded to, I am enabled to form a general opinion of its immediate requirements for sanitary improvement.

Present drainage.

I find that the City is at present partially drained by brick sewers, discharging into the harbour. These sewers also receive a considerable amount of drainage from pipe sewers, which have extended over a great part of its area, and as I am informed, are calculated to remove 2 inches in depth of rainfall per hour. The City contains 16,924 houses, and at the end of 1876—8,126 of these were connected with the sewers; by these connections the house drainage, *i.e.*, cooking-water, slops, &c., together with the excrementitious matter from 7,000 water-closets, is removed and conveyed into the harbour at Blackwattle Cove, Fort Macquarie, Darling Harbour, Sydney Cove, Farm Cove, Woolloomooloo Bay,—these with Rushcutters' Bay, and Double Bay are what may be termed the northern outlets.

Drainage areas.

The ridge, which commencing at the sea near Ben Buckler, extends nearly in the direction of the Old South Head Road and Park Road to the city boundary at Botany-street; it then crosses the city to the south of the Railway Station, and is continued to the Newtown Road. This ridge thus divides the City and Suburbs into two areas: The one draining to the northern outlets as above described, the other, which may be termed 'the southern water-shed,' is drained by Shea's Creek, emptying itself into Cook's River.

The

Survey of area of City to be made for purposes of sewerage and drainage; and maps thereof indicative of levels &c.;

to be kept in the office of the Commissioners.

* 5. The said Commissioners shall, as soon as conveniently may be, cause to be made or completed, a survey of the area within the limits of the said City, and of such portions of the Suburbs thereof as they may think necessary to include in such survey, for the purposes of sewerage and drainage under this Act, and a map or maps thereof, on such scale or respective scales, and with such indications of levels, and particulars of sewers and underground works, and of the surface, as the said Commissioners shall think necessary or expedient for the purposes of this Act; and the said Commissioners may cause such map, or maps, or any part thereof, to be from time to time copied, engraven, and published, as they may think proper; and the said Commissioners shall from time to time cause such map or maps to be revised, and such additions made thereto as may show the new sewers and drains, and the new streets, roads, houses, or other alterations; and the date of revision shall be expressed therein; and every such map shall be kept in the office of the said Commissioners, and the same or a copy thereof shall be open at all reasonable times to the inspection of the owners or occupiers of any lands or houses within the limits of the said City or of such Suburbs thereof.

The state of the harbour at the outlets of the various sewers admits of no second opinion as to the necessity for some immediate remedy for a daily growing evil; an evil which will become more and more aggravated as the water supply is increased, and as the area drained is extended; while Shea's Creek, which receives the slops, &c., from surface drains, and the fluid filth from some manufactories, is the source of general complaint.

The Registrar General's return of mortality gives unmistakable evidence of the effect of the existing state of things upon human life:

"Estimated Population of Sydney and Suburbs, middle of year 1876.

Sydney	...	...	...	93,269
Suburbs	...	...	...	73,872

Memo. showing increase of Population of Sydney and Suburbs for last five Years.

Sydney.				Suburbs.			
1872	...	...	79,745	1872	...	...	63,160
1873	...	...	83,000	1873	...	...	65,738
1874	...	...	86,213	1874	...	...	68,281
1875	...	...	89,796	1875	...	...	71,119
1876	...	...	93,269	1876	...	...	73,872

Mortality in Sydney and Suburbs, for last five Years.

Sydney.				Suburbs.			
(Ratio per 1,000 living.)				(Ratio per 1,000 living.)			
1872	...	...	22.69	1872	...	...	14.48
1873	...	...	21.68	1873	...	...	15.16
1874	...	...	24.09	1874	...	...	17.56
1875	...	...	29.76	1875	...	...	23.15
1876	...	...	26.77	1876	...	...	22.62

Registrar General's Department,
3 February, 1877."

This would seem to indicate, that fourteen to eighteen per thousand is the inevitable mortality, and that the dangers attendant on city life are fatal to an extent equal to 6.4 per thousand above that in the purer air of the suburbs, while the rate for both the city and suburbs is steadily increasing.

It may also be stated generally that while preventable disease is a loss to the community by the actual loss of life entailed on its working members, the fatal cases indicate but a small portion of the misery and suffering which flow from the causes producing them. In England it is usually estimated that for every death there are twenty-eight cases of preventable sickness, which incapacitate the sufferer for active employment for many weeks, entailing a pecuniary loss, which when estimated in money is an amount calculated to startle the strongest and should induce a willingness to contribute to the cost of remedial measures. (*Vide Appendix*, page 35.)

With these passing remarks I now proceed to consider the measures that have been suggested for drainage improvements.

The city authorities are gradually extending the drainage, having added thereto—

Year.	Lineal yards of brick and stone sewer.	Lineal yards of pipe sewer.	Additional house drains and connections.
In 1873	236	1,091	435
1874	75	612	304
1875	392	1,055	524
1876	832	2,534	396

The total length of brick and stone sewers is 10,678 yards
 „ pipe sewers... .. 48,695 „

59,373 „
 or about 33½ miles.

The total number of house connections... .. 8,126
 „ length of streets is 100 miles.

The

Proposals
for sanitary
improvement.

The recommendations of the Sewage and Health Board are confined to the interception and disposal of the sewage which at present falls into the harbour and into Shea's Creek. To do this they propose to construct a sewer falling into the ocean near Ben Buckler Point, with a level of 10 feet over high-water. The upper end of the sewer is at Parramatta Road, near the University Reserve, at a level of 32.4 feet over high-water; it follows this street to a point near the Benevolent Asylum; thence by a tunnel to Belmore Gardens, along Forbes-street and Wemys-street, to the junction of College-street and Liverpool-street; it then proceeds along the latter street to West-street; from this point it skirts the low ground in Lacrozia Valley to near the tannery at its head in the Municipality of Paddington, crossing in this length the Glenmore Road, Cascade-street, and Point Piper Road.

The tunnel is then continued through the hill to the low land at a point on the Edgecliff Road, near Trelawney-street; thence it proceeds in a straight line under the ridge occupied by the Belle View Road, and crossing the low sandy area at the head of Rose Bay enters the rocky hill which forms the coast line and eventually falls into the ocean $\frac{1}{2}$ a mile north of Ben Buckler.

The length of the sewer is 5 miles; its inclination from the upper end to the corner of Hyde Park, at Oxford-street, is shown on the section to be 1 in 1,056; thence to the sea the inclination is 1 in 2,112.

It is of oviform section at the top end, and as far as Oxford-street increases in size from 5 feet by 3 feet 4 inches to 5 feet 6 inches by 3 feet 8 inches; it there assumes a circular form 5 feet 9 inches in diameter, and gradually increases by increments of 6 inches to 7 feet 6 inches in diameter.

In addition to two branch tunnels from Oxford-street to William-street for intercepting the drainage of Woolloomooloo, it has three principal branches—one crossing Hyde Park, and proceeding under Castlereagh-street and Bridge-street to intercept the system of sewers discharging at Fort Macquarie, where its level is 31.32 feet over high-water; a minor branch leaves this at Castlereagh-street, and proceeds along Foxlow-place, St. Martin's-lane, and George-street to Jamieson-street; thence under private property, and along Harrington-street to Argyle-street, where its level is 34 feet over high-water.

The third branch intercepting sewer leaves the main at Oxford-street, and crossing Hyde Park proceeds along Kent-street to Margaret-street, which it reaches at a level of 32.76 feet over high-water. All these branch sewers are 4 feet 6 inches high by 3 feet wide, and have a fall of 1 in 700.

So arranged, these sewers will intercept all the existing sewers which fall into the harbour, at levels varying between 24 feet at Woolloomooloo, and 34 feet at Margaret-street over high-water. There will be portions of the area drained by the existing sewers, below the above levels, which the intercepting sewers will not carry off, viz., part of Woolloomooloo, part of the area at the head of Darling Harbour, Blackwattle Swamp, and a marginal area along the entire harbour frontage. The General Plan of Sydney and the Suburbs which accompanies this report shows by a dotted red line the 30-foot contour level above high water from Darling Point to the Glebe, and the 40-foot contour through the Glebe and Balmain. The area here referred to may be taken generally as that portion which lies between those levels and the harbour.

The total area is estimated at 5,379 acres; that portion of the above from which the sewage and rainfall would be intercepted being 3,084 acres. From 1,183 acres, comprising portions of Woollahra and Waverley, it is proposed to intercept the sewage only.

The capacity of the intercepting sewers is intended to provide for the discharge of $\frac{1}{2}$ an inch of rainfall for twenty-four hours, together with the sewage at the rate of 1 cubic foot per head of the population per hour.

The population is estimated at forty-seven persons to the acre for the City, and thirty-one for the district of Double Bay, portions of Waverley, and Woollahra, giving at this rate a total of 148,097, and the discharge per minute 7,499 cubic feet.

The estimated cost of this scheme is £256,000.

In

In the southern area there is at present no covered drainage whatever. For this district it is proposed by the Sewage and Health Board to purchase an area of 100 acres of land on the Waterloo Estate, at $\frac{3}{4}$ mile from the Botany Road, over which the sewage is to be disposed of by filtration, having been previously passed through a strainer constructed on the line of Bourke-street. From this point and along this street to Hobbs'-street, in Redfern, a distance of $2\frac{1}{8}$ miles, a brick sewer is to be constructed; its inclination varies from 1 in 1,760 to 1 in 65, and its size from 5 feet circular to 3 feet \times 2 feet, oviform.

The area to be drained is estimated at 1,076 acres, and lies between the ridge before described, page 6, and the hill bounding the present Botany watershed, including portions of the Municipality of Redfern and Waterloo.

The capacity of the sewer is calculated with the intention of accommodating forty-seven persons to the acre, *i.e.*, 50,500 persons at 72 gallons per head, running off in 12 hours or 1 cubic foot per hour, being a total discharge of 50,500 cubic feet per hour, together with 1 inch of rainfall in the twenty-four hours, equal to a total discharge over the area of 1,076 acres of 213,000 cubic feet per hour.

Section drawings of the brick sewer in this portion of the scheme, and also the intercepting sewer for the northern discharge at Ben Buckler are given. The rainfall, here provided for, is double that for the northern scheme in consequence of the absence of the facilities which there exists for disposing of storms.

The ultimate intention is to continue the sewer to Webb's grant. Its present termination, and the spot selected for filtration of the sewage, is occupied by market gardens; the soil is sand, mixed with peat, and is very suitable for the purpose; it is also of sufficient elevation to admit effluent water from the filtration area (which will also be available for market gardens) passing off by Shea's Creek into Cook's River.

The cost of the above work, including the resumption of 100 acres of land, is estimated at £131,000, which includes works provided for the drainage of a portion of—

Sydney at a cost of	...	...	£12,872
Paddington	...	...	2,847
Redfern	...	...	9,248
Waterloo	...	...	9,413
Alexandria	...	...	3,338

These latter are stated to consist entirely of pipe sewers not exceeding 18 inches in diameter.

Mr. Bell the City Engineer's scheme, some particulars of which I received on the 23rd of January last, is similar in its general features to the project of the Sewage and Health Board, already described; its level is 10 feet lower, and the rocky point which forms the southern promontory of Bondi Bay is the place where it falls into the Ocean.

The chief point of its departure from the line adopted by the Sewage and Health Board is, that it is taken along William-street, Woolloomooloo, instead of Liverpool-street, which in the former scheme is drained by two branches in tunnel; the inclination of the sewer is 3 feet per mile; the total length to the point where the present sewers are intercepted do not materially differ from that of the Board's line; but the interception of the existing sewers is at about 10 feet lower elevation, owing to the greater depth at which Mr. Bell proposes to fix the discharging outlet.

This difference of level would enable a larger area of the several districts to be connected with the main sewer, as also admit of its extension along Newtown Road through Newtown, and a more extended accommodation of the adjoining municipalities.

Thomas Woore, Esq., R.N., has also suggested a scheme for the interception of the sewage.

By this scheme also it is intended to discharge the sewage into the sea at a point somewhat south of Ben Buckler, by an iron and masonry sewer.

It commences at the lower end at the sea level, with a tunnel 12 feet wide and 6 feet high; at its top end at Petersham it is 5 feet wide and 6 feet high. The arrangement and other particulars are as follows:—

“From Blackwattle Swamp to the sea is 5 miles in a straight line, which line cuts the heads of Darling Harbour, Rushcutters’ Bay, Double Bay, and Rose Bay. Along this line I propose to construct a capacious sewer, by tunnelling through the sandstone ridges, and erecting a masonry or iron channel on the open ground to carry off the filth of the city and its suburbs. This sewer must necessarily be upon a level, or nearly so; and as the fluid will not spontaneously flow along a level, I propose to force it by the following means:—

“In constructing the channel it should be made smooth, and so formed as to widen sufficiently as it approaches the ocean, that there may be no obstruction to the passage of the fluid from confined area. This may be readily effected in cutting out the tunnels (being in sandstone), by stopping all crevices and irregularities in the strata with cement, and in the open spaces across the head of bays, by placing iron sewers upon masonry foundations.

“In order to force the sewerage to flow along this level, and cause it to discharge freely into the ocean, I would take advantage of the high ground at Ashfield, and on each side, in its vicinity, to construct main drains emptying into it, having considerable fall, that would discharge with force, and, by their action on the sewerage in the level, drive it on towards the sea; and where that power was insufficient, as would probably be the case between Double Bay and the ocean, I would assist the flow by placing twin propeller screws within the iron sewer, worked by small steam engines where required.

“The action of these screws would be threefold:—

“1st. By their rotation they would force the fluid on.

“2nd. By creating a vacancy behind them in the fluid, forward motion would be acquired by the action of gravitation.

“3rd. By their preventing deposit of the slimy matter through their agitating the fluid as it passed them.

“The principal of these main drains would be a continuation of the 5-mile level of $8\frac{1}{2}$ miles in a direct line, descending from the high land at Ashfield, constructed in tunnel which would make the main sewer $8\frac{1}{2}$ miles long in a straight line, discharging into the ocean from the cliff, where the water is 9 fathoms deep—the upper $3\frac{1}{2}$ miles being in fact a column of fluid, 86 feet in height, which may be made to act with considerable pressure upon that in the level below, forcing it to the sea. Into this sewer main drains would also discharge from the heights of Petersham, Norwood, Stanmore, Newtown, Balmain, and Glebe, which may also be made to act as columns of fluid; and, again, by similar main drains discharging from the heights of Redfern, Paddington, Woollahra, and Waverley, on the south, and from Pymont and Sydney proper (from York-street to Rushcutters’ Bay), on the north. Nevertheless, propelling screws would most likely be required to accelerate the flow and agitate the fluid near to the outlet to the ocean, say at Rushcutters’, Double, and Rose Bays, to obtain a sufficiently rapid discharge, and these may be multiplied to any extent that may be found necessary after trial. The section of this iron sewer may be conveniently formed on this figure,  for two reasons:—1. Being oval-shaped, the longest axis

laid horizontally. Twin screws worked within would have the greatest effect upon the fluid, and require less power to drive them, as there would be the least depth to act upon. 2. This form of iron sewer would be the most readily encased within the masonry wharfage of the bays, from not rising to an inconvenient height, and would readily permit storm water to pass over it where designed to do so. It would also afford ready means of placing trap hatches in the upper surface to get at the screws for repair, or to admit of the sediment being saved and taken away by boats or carts for manure, should that be found advantageous. For these reasons I conceive iron sewers in the open spaces would be preferable to masonry. They may be faced with masonry, and metalled on the top to form wharfs.

Should there at any time be a partial scarcity of water, this 5-mile sewer may be effectually flushed by pumping sea water into it at any of the bays. Critics may question whether such twin screws would have the desired effect. It may be observed that nothing of the kind is required in the new Thames Sewer at London, although the fall can be but little. No doubt it has the advantage of the reflux of the tide to clear it; but if a single screw will drive the “Whampoa” or “St. Osyth” round the globe, against the most violent winds and seas, surely several pair will move this painful of dirty water. Therefore, I think there can be no doubt of a favourable result in this respect. The work would be costly, but it may be spread over many years, and there can be no doubt as to its utility.

I propose also that a main sewer should be tunnelled from the neighbourhood of Dawes’ Battery, round the head of the Cove and Woolloomooloo Bay, intercepting the present mains that lead down Pitt, Castlereagh, Phillip, and Macquarie Streets, discharging into the 5-mile level sewer at Rushcutters’ Bay. Other main drains would be required on the east and west sides of Blackwattle Swamp, Darling Harbour, and Woolloomooloo Bay, also Rushcutters’, Double, and Rose Bays, to complete the scheme, but not for many years, so that no sewerage would be allowed to enter the harbour at any point, although flood water would escape where necessary.”

Mr. T. Byrne’s
scheme.

Mr. Byrne has also submitted a scheme, the main features of which are thus described by the proposer:—

“First: I would have a tunnel from a point near the head of Darling Harbour (say foot of Liverpool-street) in a straight line to one of the deep holes between the Light-house and Bondi, the floor of which would be 2 feet below low-water-mark at Darling Harbour, and 30 feet below low-water-mark at the Heads. This tunnel we will call A; well, A should be fitted with a strong sluice at Darling Harbour, to be kept shut down during flood-tide to prevent any of the sewage from entering Darling Harbour from A, and kept shut during ebb-tide (until a time which I will state), for the purpose of keeping the water back

back above a dam to be constructed across Darling Harbour from a convenient point north of A. This dam should be fitted with several sluices to admit the tide during its flood, and shut down at high-water to prevent its escape, and keep the reservoir above the dam full until we are ready to use it.

Second: A tunnel B to start from a point at A (say the south-eastern corner of Hyde Park) and bear away round the University to Petersham, or as far west as may be desired. The floor of B would be low-water-mark, thus giving a drop into A of about 3 feet for the reception of silt and heavy matter.

Third: From A and B there would be branch tunnels north and south, or (obliquely) the northern ones to start from A and B, and run to the lowest point in each of the bays to the waters of Port Jackson (but not connected except by sluices as at Darling Harbour); the southern ones from A and B to the lowest points as indicated by the lie of the surface for the upper drainage.

The floors of all the tunnels except A should be level (that they may be extended as required) and 3 feet below high-water-mark; the roof or crown of all the tunnels should be sufficiently above high-water-mark to receive the storm waters at all stages of the tide.

All the branch tunnels to be fitted with sluices at A and B; to be shut down at high-water (except in very wet weather); to keep the 3 feet of water that is in them back until the water in A and B has receded below their level, when they would be raised and the water would seek its level with a rush, carrying all the sewage in them into A and B; then B could be flushed into A by having dams on Johnston's Bay, Blackwattle Swamp, White Bay, and others, as extended.

The time for B to be flushed into A would be about when the tide had been ebbing four hours and a half, and let run for three-quarters of an hour; at that time the sluices on all the branch tunnels would be shut down preparatory to the opening of the sluice at the Darling Harbour end of A.

Now we have all the sewage of the City in A, and there is three-quarters of an hour's ebb-tide;—I then raise the sluice at the Darling Harbour end of A with a head of 5 feet of water above sea-level, and let it run for one hour, when A will be thoroughly cleansed, the sluice at A shut down, and those in the dam and the branches opened to commence the same operation again. It is not for the purpose of giving a fall to A that I would have it 30 feet below low-water-mark at the Heads, but that it may be out of the influence of easterly storms, and to discharge the sewage at such a depth that it would be carried far away from shore before any light matter could rise to the top to be cast on shore.

I believe that being so constructed would cause all light matter to remain in the tunnel until the sluice was opened, when it would be so thoroughly mixed up and diluted in its passage through the tunnel, and then sent to sea with such a force at such a depth there could not be a trace of it found."

A suggestion has been received from Dr. Belgrave, who recommends Liernur's system for adoption in Sydney. His reasons are thus stated:— Dr. Belgrave's project.

"Sydney having but a small depth of soil the sewers of the city require to be excavated out of the solid rock, an operation involving much time, labour, and expense, so much so that though the City and suburbs contain a population of only about 170,000, but a small area has been drained—the cost has reached nearly a million sterling.

"The extreme labour and cost of the sewerage in the neighbourhood of Port Jackson precludes its construction in streets and localities only partly inhabited."

The notes* which accompany the proposal refer to the advantages which the system in the opinion of the writer offers for the removal of faecal matter, and proceed to say,— * Vide page 28.

"The adoption of the Liernur system for the removal of the house sewage renders necessary some system for the removal of storm-waters and surface drainage."

Some misapprehension appears here as to the objects and capabilities of the scheme recommended. House-drainage has for its object the removal, not only faecal matter but also the daily water supply after use; this the Liernur system does not pretend to do, it supposes the pre-existence of a system of drainage for the removal of these fluids; moreover, if the Liernur system were first constructed it would not lessen either the expense or the absolute necessity of covered drainage.

Whatever be the difficulty and expense to be encountered in the construction of a system of sewage for Sydney it must be borne, and it is therefore unnecessary in this place to discuss the merits, or the additional expense which the adoption of the Liernur system would necessitate.

These are the various suggestions which have been forwarded to me, and it may simplify the matter if I now give some further remarks upon those proposed by Mr. Woore and Mr. Byrne, and in doing so I bear in mind that these are to be received as suggestions as to the direction for further inquiry, rather than as schemes actually to be carried into practice. Remarks upon foregoing projects.

Mr. Woore relies to a great extent on the pressure of the fluid in the upper portions to force forward that which is in the 5 miles of flat sewer, and to assist this screw propellers also are proposed near the outfall.

Sewers when properly designed should not run full; the materials of which they are usually constructed do not admit of any great internal pressure.

Their

Their action is in the nature of a flowing river with a free surface, and not of the character of water-pipes under pressure; the necessity for this is obvious, for if the sewer be full and under pressure the sewage would flow into any house or other place connected with it, as water would flow from a water-tap left open.

To prevent occurrences of this nature, and also to prevent injury to the sewers themselves, it is necessary that they be of sufficient capacity to prevent their running quite full, and this being so the 86 feet of pressure at Petersham, or any elevated portion of the city, can only act by its volume and velocity when flowing down an inclined channel with a free surface, and the velocity with which it would run down to the flat portion can be calculated.

Having arrived at the flat portion the velocity will diminish, owing to the additional friction, and the water will be heaped up within the sewer; it will then establish a regular inclination of the surface to the outfall, and its velocity and discharge will be that due to this inclination, and the same operation will occur in any case of flowing sewage if it be unobstructed.

A flat sewer 5 miles in length could not, I think, under the circumstances be trusted to remove completely all the matters which will find access to it; it would silt up, and to meet this difficulty the screw propellers are suggested.

Regarding this form of screw propulsion, by screws fixed in the sewer, as shown on the drawing accompanying this scheme, I am not quite able to follow the proposer. The screw propeller of a ship is submerged—here the conditions are different—the depth of immersion will of course vary with the quantity flowing down the stream. When the least quantity is coming down, as during the hours of night, it will be that the propulsion is most required, and in this sewer it will then be but a few inches in depth, and the screw propeller would then be unsuitable; there are other practical difficulties in the plan proposed.

Regarding the shape of the sewer, it is desirable to secure the greatest possible velocity when the flow is at its minimum; this is usually accomplished by concentrating the flow in a narrow channel, but in this proposal the sewer is spread out flat, or nearly so, and is the reverse of the recognized practice.

Mr. Byrne's proposal is virtually to make a tunnel about 5 miles in length which will be constantly full of water. Into this tunnel so filled the sewage is to fall, and will then be pent up until near the end of the ebb tide, when by releasing a quantity of water from a reservoir formed by an embankment crossing Darling Harbour it is intended to flush out the submerged sewer. The sudden release of a head of water through a sewer 5 miles long will undoubtedly cause a current in the hitherto stagnant sewer, but the velocity with which the water will reach the distant outlet with a surface fall of about 15 inches per mile may be roughly taken at about 2 feet per second, which velocity, acting only through a limited period, three-quarters of an hour as proposed or even a longer period, would be wholly insufficient under such circumstances to give satisfactory results.

Great as the expense of any project for the interception of the city sewage must be, that of accomplishing Mr. Byrne's object would be the greatest. I think, moreover, the admixture within the sewer of sewage with salt water, and the retention of it in a state of stagnation for some 18 hours of the day is most undesirable, and would be productive of great nuisance.

The prime object of all the schemes is to prevent the further pollution of the harbour by intercepting the sewage at the head of the various bays where it is at present chiefly discharged; the proposal of the Sewage and Health Board alone contemplates the discharge of a portion of it in the direction of Cook's River.

General considerations.

In the consideration of the subject generally the first point which presents itself is the fact that so far as the lowest portions of the area to be drained are concerned, they lie at or near to the uniform level of the sea; the area to be dealt with in fact begins and ends at the sea level, and the natural course of its drainage is into the harbour.

If taken in any other possible direction whatever than to the harbour, in order to give the requisite inclination it is necessary that the upper ends of the sewer shall be at or near to the harbour; thus, in the scheme of the Sewage and Health Board, as in that of Mr. Bell, the branch sewers are extended with an ascending gradient to the various points where they intercept the existing sewers before they fall into the harbour.

The

The only other practicable direction is that which would convey the entire sewage by tunnelling through the ridge (described at page 6), and constructing an outfall sewer leading towards Botany Bay,

This could be done as suggested in the Report of the Engineering Committee—paragraph 23, page 15, Report Sewage and Health Board—either by a tunnel about $1\frac{1}{4}$ mile long, from Belmore Gardens (as shown on the plan furnished to me) to the crossing of Bourke-street, in the Botany Road, or by a shorter tunnel about $\frac{1}{2}$ mile long, from the west end of Raglan-street, Redfern, to a point near the junction of Wells-street with Abercrombie-street, on the south side of Cleveland-street, between the points N-O, shown in dotted red lines on the general plan No. 1, which accompanies this Report.

Such an arrangement would be in fact, to drain the same area of the city and portions of the suburbs, by an intercepting sewer falling in an opposite direction from that proposed by the Sewage and Health Board. The length of tunnel would be shorter, but the total length of the arrangement when extended to Webb's grant, where the sewage must eventually be dealt with, would be somewhat increased; there would be no reduction in distance between the outfall and any one of the chief points to which the intercepting system is required to extend. Botany Bay is too shallow a basin to receive the sewage without causing great nuisance, and the necessity for some process of dealing with the sewage either by irrigation or otherwise would be imperative.

I have inspected the districts of Alexandria and Botany where a considerable extent of land is occupied by market gardeners; it is of a sandy and peaty character, well adapted to sewage irrigation. The inquiries I have made, and the estimate I have formed of the value of land by the rental of that now under cultivation, lead to the conclusion that the sewage will ultimately require to be taken beyond the area now proposed for utilizing it to the more distant locality of Webb's grant, and West Botany, where the character of the soil is also suitable; and I believe from casual inspection that a sufficient area of land at an elevation below 10 feet over sea level is available, but I have no levels of the locality whereby this can be determined.

These are the chief subjects for consideration in deciding on the point of outfall. It has to be determined whether the sewage shall be wasted in the sea, or shall be purified on land before being allowed to run off into Botany Bay.

It is unnecessary for me here to repeat the evidence which is given in the Report of the Sewage and Health Board on this important point. No process that I am aware of for converting the sewage into manure has been a financial success; and in Sydney where labour is expensive it is less likely to be so than in most other places. I thoroughly believe in the possibility of dealing with sewage by irrigation, and I am of opinion that in most cases, if properly managed, it can be so disposed of with an increased production of wholesome food for men and cattle. I am, however, unable to point to any instance where this is accomplished without some loss to the community interested, and where, an alternative of discharging the sewage at once, into deep water, without nuisance, presents itself, I should have no hesitation in adopting it. I therefore agree with the decision of the Sewage and Health Board to discharge the sewage into the ocean.

Regarding the southern portion of the city and suburbs, the sewage of which the Board propose shall be utilized, I also agree in principle. The experience which may thus be obtained will be valuable to the Colony. There are not many cases where the ultimate disposal of this matter in the sea can be effected, and in the case of all inland towns the pollution of the rivers should be prevented. The experience here gained of utilization will to them be most valuable.

Having now determined that the general direction of the intercepting sewer shall be to the sea, its point of discharge, level, inclination, and capacity have to be considered.

The place which has been selected by the Committee of the Sewage and Health Board for the point of discharge of the intercepting sewer into the ocean is about half a mile north of the Ben Buckler Point, a bluff rock with a precipitous face to the sea and rising out of deep water. That recommended by Mr. Bell is the rocky point south of Bondi Bay. He proposes to terminate the sewer by two branches—

branches—one to each side of the point. This suggestion is made to overcome the difficulty which will be experienced during the prevalence of storms, one aperture being open while the other may be supposed closed by the volume of the waves beating against it. I have inspected the locality, and after watching the action of the waves on this point, I am of opinion that there would be some danger of the sewage being driven into the bays on either side, and that the Ben Buckler position is to be preferred. This latter point I have also inspected from the sea on a quiet day, when a float thrown overboard drifted a little seaward and to the north. It is $3\frac{1}{2}$ miles from the mouth of the harbour, a distance too great to permit of apprehension of any nuisance arising thereto.

Level of outlet.

In order that the existing system of sewers should be intercepted at the lowest possible levels, and that the low marginal area excluded near the harbour may be reduced to the smallest possible dimensions, it is evidently desirable that the intercepting sewer be kept at the lowest elevation possible.

Similarly with the inclination given, whatever the rate it is evident that in the length of 5 miles of sewer a very considerable raising of the upper end will occur; the actual inclination absolutely necessary to give the requisite discharge without any excess of fall is the one sought. Thus both level of outlet and inclination of the sewer have an important bearing on the area to be drained.

Regarding the level of the outfall the opinion of Mr. Moriarty is of the greatest value. His duties render him familiar with the action of the sea on the coast range. That it is most violent, even with a moderate breeze, I have personally noticed.

In the Final Report of the Sewage and Health Board, page 16, the Committee state:—

Twelfth and Final Report, 16 May, 1877, page 16.

"34. Reverting to the northern outfall sewer, a very difficult question presents itself for consideration, namely, the height at which the outlet should stand above high-water-mark. While on the one hand it is of course desirable to keep it as low as possible, so as to take the drainage of the greatest extent of the low-lying portions of the city; on the other hand, looking to the probable effect of the waves during gales of wind, it is desirable to keep the sewer so high as to be above the risk of having them driven with overwhelming force into it. It is well-known that the oscillatory waves of the ocean become converted into waves of translation on meeting the resistance of the shore, and it is to be feared that if the outlet were fixed at so low a level as to be within reach of their full force, so large a body of water would be thrown into it during storms as to seriously interfere with the discharge of the sewer. During southerly, south-easterly, or easterly gales the waves on the coast attain to enormous magnitude, and strike the coast-line and the cliffs with extraordinary force. In view of the risk of injury to the outfall works from this cause, we have felt that it would not be safe to fix the invert of the tunnel at a lower level than 10 feet above high-water-mark. We should have preferred to keep it higher, but to do so would throw the sewer at its upper end to an inconvenient height for intercepting the Hay-street and Abercrombie-street systems of sewers; we have therefore agreed to take 10 feet above high tide as the lowest safe level for the intercepting sewer at its outfall.

35. Even at a height of 10 feet there can be no doubt that in ordinary gales the waves would break into the sewer with considerable violence, but their action might be greatly diminished by the formation within it, at a convenient distance, of an expanding basin, where the waves would be partially broken and dispersed, and by the construction of valves in suitable positions."

I so far concur in the recommendation of the Board that the outlet should be somewhat above sea-level, for I am of opinion that it is better to arrange for the largest area which can be safely included in the intercepting scheme than, by a small addition thereto, to endanger the action of the entire system.

A difference of 1 or 2 feet, *i.e.*, whether the sewer is 8 or 10 feet over high water, makes, I think, very little difference.

Inclination of intercepting sewer.

One of the first impressions on a visit to Sydney is the facility with which it can be drained, and so far as the surface water of storms is concerned this is true; the inclinations of the streets are so steep, the undulations of the surface so considerable, and the harbour so near to all parts of the area, that the rapid discharge of all surface waters is secured; in fact it is too rapid, and the scouring of the metalled roads and sandy surfaces in open places gives rise to a considerable difficulty where they are received into a system of covered sewers, by the amount of silt which is thus conveyed into them. Thus the outlet for Woolloomooloo drainage and some others are choked with sand and debris when they reach the lower levels.

So steep are the inclinations of the sewers generally that what in most cities would be considered excellent gradients, are here, by comparison, considered inefficient.

Mr.

Mr. Davis's evidence on the condition of the existing sewers, p. 22 of the 6th Progress Report of the S. and H. Board, is valuable. He thus describes the Macquarie-street sewer, from Bent-street to King-street; after ascending a part of the sewer with an inclination of 1 in 40, he says of the above portion which is 3 feet 6 inches high :—

"The gradient changes here and becomes very flat; between Bent and Hunter Streets there is a sediment of coarse gravel and sand from 6 to 8 inches deep, and backs up the sewage from the Legislative Chamber to the Mint, from 10 to 12 inches deep. Most of this sewage matter comes from the Infirmary. This part of the sewer requires to be flushed often as there is no inflow of water at its head to carry away the large flow of sewage that enters at this part."

The inclination of this sewer at the part referred to is 1 in 164, and if the sewage were received into a 9-inch pipe without the admission of the road surface water it would be carried away perfectly.

Again, he thus speaks of the main sewer discharging into the harbour at Fort Macquarie, which has an inclination of 1 in 352, an excellent fall in such a situation, for it is there above the level of high water :—

"In front of the junctions of Macquarie, Phillip, and Elizabeth streets the invert is damaged by the great force of water which rushes down these steep gradients, and at the outlet of each a bank of street metal, gravel, and sand, varying from 6 to 9 inches in depth, has been formed, but no sewage matter."

In the same sewer, Elizabeth-street to Bridge-street, where the inclination is the same, he says :—

"In this part there is a deposit of fine sand 6 inches in thickness. On the whole the tunnel is in good condition, but the invert is damaged and the centre brickwork worn away."

Again, speaking of the same sewer, where the fall is 1 in 100, he says :—

"In front of the Exchange there is a flat piece of bottom, along which there is a deposit of street metal, sand, and sewage matter, 9 inches deep; this deposit is formed principally by the material washed down Pitt and Bridge streets during wet weather."

There are many similar cases, indicating that notwithstanding the rapid velocity of the water during the period of storms, which is sufficient to damage the brickwork by the rapid removal of the stones and hard substances which find their way into the sewer, yet deposit occurs.

The cause of this is, I believe, the want of uniformity in the flow at different parts of the sewer, and the immense quantity of hard and heavy matter, such as road metal, which is received into them at different times. Four of the street sewers joining the main alluded to enter it with inclinations respectively of 1 in 17, 1 in 4, 1 in 12, and 1 in 20½—the receiving sewer being 1 in 352. The usual precaution to construct the entering sewer with a curve, I am assured by the City Engineer, is here adopted. Notwithstanding this, the velocity of the entering current is so great that it retards the current in the latter, and deposit immediately takes place of the heavy matter which may be passing down the main to the outlet, which matter would pass on were it not thus obstructed. Vide fig. A.
plan No. 6.

I have referred thus at length to this subject, as it is of great importance when deciding upon the inclination to be given, for it will at once be seen that if deposit occurs in existing sewers with a fall of 1 in 352, it is still more likely to occur with a fall of 1 in 2,112, as proposed to be given to the intercepting sewer by the Sewage and Health Board.

At the changes of size in this sewer the increased vertical dimensions is to be given by dropping the invert, and practically the inclination is thus brought up to 1 in 1,941, or 2.72 feet per mile,—the length of the sewer with this inclination being 4 miles 24 chains.

Where one stream A falls into another B in a uniform channel the additional quantity raises the surface at the point of junction in B retarding its flow, and deposit is there liable to occur. To prevent this theoretically, the channel B should be enlarged, and where it can be done, the surest means is by lowering the invert; however small the drop may be it tends to this effect, and it may generally be accomplished to the extent of a few inches, by reducing the inclination for a sufficient length below the junction.

The substances which are difficult not only to exclude, but also to keep moving in the sewers, consist almost exclusively of road detritus, which come in during storms; during the dry times the ordinary flow of house drainage brings very little solid matter into the sewers.

Owing to the great scour of the road surfaces in Sydney, this matter is considerably in excess of the usual quantity, and it is very important to the action of the proposed intercepting sewer that every precaution should be taken to reduce it as much as possible.

Present
sewers to be
utilized.

The large extent of drainage work already in existence renders it absolutely necessary that it should be utilized in any new arrangement, and some greater care should be taken to prevent the entrance of this solid matter by protecting all the inlets by gullies or catch-pits and traps; it can be removed therefrom at the cost of a few shillings per cube yard, but to extract it from the sewers by manual labour would cost about four times as much.

In the proposed intercepting sewer, and for the reasons I have above-mentioned, I think the fall should be somewhat greater than is usual, and that the velocity of $2\frac{1}{2}$ feet per second should be obtained when the sewage is running with its maximum daily flow during the dry weather period.

At page 8 it is stated that for the northern area the sewer proposed is calculated to convey 7,499 cubic feet per minute.

The population per acre there taken is the average of London; Sydney having already, according to the Report of the Registrar General, an average of 35.8 persons to the acre, while the Suburbs are taken at 31 per acre, this is sufficient, and even a considerable increase in the daily water supply, makes but a comparatively small addition to the sewage as compared with the rainfall.

It is not however the entire rainfall which has to be provided for in the intercepting sewer, but a portion only, the surplus being discharged at the present outlets of the existing sewers.

Proposal to
intercept the
entire rainfall.

It has been proposed that the entire rainfall over the city area should be intercepted and not be permitted to go into the harbour, but take the course that is provided for the sewage, thereby preventing not only the nuisance due to its mixture with salt water, but the silting up of the harbour also; it is necessary, therefore, to inquire what would be the character of the works necessary to accomplish this.

In order to assist in the determination of the quantity to be dealt with under this assumption, I have abstracted the following particulars of heavy and continuous rains as given by H. C. Russell, Esq., Government Astronomer, in his recently published work on the "Climate of New South Wales."

1869—on 10th February,	2.355 inches fell in	2 hours.
11th	" .7	" 30 minutes.
"	" .7	" 8 "
12th	" 3.0	" 12 hours.

1873—The heaviest fall recorded in Sydney, was on 25th February, 8.9 inches in $8\frac{1}{2}$ hours.
" 2.2 " 1 hour.

Heaviest fall of rain in Australia was at Newcastle, on the 18th March, 1871, when 10.61 inches fell in $2\frac{1}{2}$ hours.

In Sydney, the following heavy rains have also been recorded—

1841—29th April...	... ..	20 inches in 1 day.
1843—13th August	... ..	5.5 "
1844—15th October	... ..	20 "
1845—April	... ..	9.3 in last week.
1860—28th and 29th April	... ..	12.6.
1861—3rd and 4th April	... ..	12.4.
1867—12th April	... ..	5.6 in 1 day.

Continuous heavy falls of rain—

	inches.	inches.	inches.
1868—February, in three days ...	2.94	6.18	1.2.
1873— " " ...	2.175	8.9	4.93.
1867— " " ...	4.026	3.38	0.96.
1870—March, " " ...	0.860	3.38	0.96.
1860—April, " " ...	1.385	0.16	0.423.
1861— " " ...	2.63	0.023	1.109.
1867— " " ...	5.645	0.583	0.016.

An

An abstract of the quantity of rain falling in Sydney during the past eighteen years, 1858 to 1875, gives the following, in twenty-four hours—

Rain has fallen to a depth of 2 inches and not exceeding 3 inches,	36	times.
" 3 " 4 " 24 "		
" 4 " 5 " 5 "		
" 5 " 6 " 4 "		
" 6 " 7 " 2 "		
" 7 " 8 " 1 "		
" 8 inches " " 1 "		
Rain has therefore exceeded 2 inches in twenty-four hours	73	"
Or, on an average of per annum	4	"
It has exceeded 3 inches	49	"
Or on an average of per annum	2	"

It is not however the rainfall in periods of twenty-four hours that is to be considered so much as heavy storms of short duration; thus between 3 h. and 6 m. and 3 h. 51 m. p.m. on the 12th of May last, or in 45 minutes, .70 of an inch of rain fell. From 5 h. 50 m. to 7 h. 52 m. on the same day—a period of two hours, the rainfall was 1.32 inches, making with the previous storm, 2.02 inches, while the rain measured for the twenty-four hours, was 2.638 inches; on this occasion a sewer was burst in the Blackwattle Swamp.

A very heavy storm also occurred on the 5th May last, and measurements were taken in seven different sewers between Pitt-street and Macquarie-street, which showed flood-marks indicating that quantities of water had passed through them, which theoretically calculated, proved to be at velocities varying from 305 to 984 feet per minute, and quantities equivalent to the discharge of from 0.45 to 1.59 inch per hour over the area drained. It is quite possible that this quantity ran for a very short period—probably a few minutes only, but it is precisely at these times that injury to the sewers would take place, and in the proposed intercepting sewer some means of protection should be provided.

Taking a portion of the whole area, district No. 5, page 37, which including the Glebe extends to Woolloomooloo and its vicinity, contains an area of 1,787 acres, which this sewer will intercept; and calculating the rainfall at $\frac{1}{2}$ an inch per hour, and the sewage at 47 cube feet per acre, I find that the diameter of the tunnel when running full bore to take this quantity must be 15 feet 9 inches; but as it has been seen above that even this quantity is occasionally exceeded, and some portion must, on the occurrence of excessive storms, find its way into the harbour.

Even excluding the surface water entirely from the lower portion of the district to be drained, Rushcutters' Bay, Paddington, &c., which are unsewered at present, it is evident that a sewer somewhat larger than 16 feet diameter would be necessary where a sewer 7' 3" x 6' 3" is proposed. Similarly an increase would require to be made to all the other main and branch sewers in districts Nos. 1 to 5 in the table, page 34.

If sewers of these large dimensions be adopted to receive, as they must, also the minimum flow of the dry weather, a different form must be given to the channel to concentrate its flow and secure the proper action. (Plan No. 6, Fig. B.) This would introduce some further difficulty by increasing the height to be given to the larger sewer, and would also very considerably add to the cost. Moreover, it would necessitate the dealing with a larger quantity of heavy deposit in the intercepting sewer, which would be more easily done if allowed to escape into the harbour and afterwards dredged; for I am of opinion that the deposit is more easily and cheaply dealt with by dredging—proper apparatus being provided for the purpose—than in any other way; the sewage at all other times being diverted from the harbour, the deposit would then not be offensive or injurious.

This deposit might be removed at a cost of about 1s. per yard from silt-pits, such as constructed at Blackwattle Swamp, when no cartage of the material has to be done; by dredging it would cost less than one-half that amount. All these points considered, I am of opinion that it will not be desirable to encounter the cost of the excessively large works above described.

As a portion only of the storm waters can be received into the intercepting sewer, it becomes a matter of judgment how much this shall be, and what proportion must be discharged by the present channels. The Sewage and Health Board have decided upon $\frac{1}{2}$ an inch in 24 hours from the area to be included.

Quantity of drainage provided for by the intercepting sewer.

Under these circumstances, when the sewage commences to flow into the harbour it will be mixed as a minimum with about an equal quantity of storm water (but in most cases largely in excess of this quantity); I think the $\frac{1}{2}$ inch of rain is sufficient to receive into the intercepting sewer. The one point to observe, however, is the danger there will be of getting the maximum quantity of the heavy matter, with the small quantity of rain water; this will be further noticed when I come to speak of details.

Separation of
road surface
water from
house drain-
age.

The area to be drained, as shown in the table, page 37, is 6.66 square miles. That portion within the city boundary already drained has sewers, which for the most part are capable of receiving 2 inches of rain per hour; to these, considerations of expense necessitate that no change can be made, they must continue to carry the entire storm waters and the sewage; but in the further extension of the subsidiary sewers I am quite of opinion that the water from road surfaces and open spaces should be excluded, and made to flow down the street gutters to the natural outlets; if this be done a very considerable difficulty will be avoided, as well as the cost of constructing and cleansing the street gullies.

To give the required discharge for the area shown in the table, Nos. 1 to 9, the sewer as arranged by the Sewage and Health Board will run nearly full, no margin is allowed for extending the use of the intercepting sewer for the removal of the sewage beyond the districts there mentioned.

If however the sewage only be received from districts beyond the area given in the table, and the entire surface water excluded, as is proposed for 1,183 acres comprised in portions of Woollahra and Waverley (District No. 9), a very large additional area of Petersham, Leichhardt, and Balmain, may derive benefit from the intercepting sewer, into which the sewage from the higher levels could be discharged direct, and that from the lower levels pumped, if it be found desirable to do so; but this will necessitate additional size to the intercepting sewer.

In addition to the house drainage and surface water, there will also be a considerable quantity of sub-soil water to be carried off, as is found in the case of the Lachlan Tunnel, where at several places along its length water is found to enter and add to the town supply; the same will occur with the proposed intercepting sewer, and by adding to the quantity will in the dry time assist the flow in it, this quantity is of course very uncertain in amount.

Under all these considerations, I propose to increase the size of the sewer, to receive an additional quantity of 1,248 cubic feet per minute at its upper end in Parramatta-street, which will be equal to the dry weather drainage from an additional population of 75,000 persons in the above locality, at 72 gallons per head in twelve hours.

The flow of sewage is subject to so many varying conditions both as to quality and quantity passing through the same channel, that the ordinary mode of calculations does not at all times present a sure guide; there is a point, however, in all cases where the average velocity maintained will keep the sewer clear of deposit; beyond the inclination which will give that velocity there is on the one hand loss of area to be drained, and on the other there is the permanent difficulty, expense, and trouble attendant upon the keeping of such sewer in clean and proper order.

In most cases the outfall sewers of large cities may be kept clear of deposit when the inclination is about 3 feet per mile. Two instances are in my experience, one where 2 feet 3 inches fall per mile has given much trouble, and occasioned considerable expense; the other with 3 feet fall per mile just keeps itself clean. In both cases the heavier matters, such as pieces of road metal, &c., are kept out of the outfall channel.

Inclination of
intercepting
sewer.

In Sydney, however, considering what I have before said, I should advise that a slightly increased fall (say 3 feet 6 inches per mile) be given to the sewer for that portion, which, as recommended by the Drainage Committee, is to have an inclination of 1 in 1,941, or 2 feet 9 inches per mile.

The difference in the total fall of this portion, 4 miles 24 chains in length, will be about 3 feet, which I would divide between the upper and lower end of the work as suggested by the Sewage and Health Board.

As

As shown on the table, page 37, out of the entire area, the drainage of which the proposed sewer will intercept, viz. :—

	Acres. 5,379
It is proposed to intercept the surface water from	3,084
The remaining acreage in portions of Woollahra and Waverley	1,183
	4,267
	1,112

leaving 1,112 acres of area, the drainage of which will be excluded from the intercepting sewer in consequence of its lowness of level. Of this 1,112 acres, 730 represents the portions of Woolloomooloo, Darling Harbour, Blackwattle Bay, and the marginal area of harbour frontage; the sewage from this area must continue as at present to pass into the harbour; those portions of the areas of Blackwattle, Rushcutter and Double Bays, not already built upon, I would advise the Government to resume and devote as open spaces to purposes of recreation.

Regarding the surface drainage from the 1,183 acres of Woollahra and Waverley which the Sewage and Health Board propose to exclude from the intercepting sewer, the question arises whether this may in the future become of sufficient importance to warrant the present execution of a larger work for its reception; I am of opinion that there is no necessity to provide for any of the surface water from a district so entirely of a rural character.

Entire exclusion of surface water from a portion of the area.

In the case of Woolloomooloo and Darling Harbour (where the area is already well covered with buildings), should the inconvenience be found of sufficient importance, a small pumping system must be adopted for the dry weather drainage, while the surface water will pass off by the existing channels.

In the foregoing remarks, on the northern area, a large system of sewers already in operation and their probable extension has been considered in connection with a new and important work of improvement; here we have an area which will be entirely independent of the above, and where there are at present no drainage works whatever. The principles upon which the works for this area should be constructed must now be considered.

Southern area.

The Sewage and Health Board propose that a capacity for 1 inch of rain per 24 hours shall be added to the sewage quantity. It is not stated whether any portion of the road surface water is to be received.

As before mentioned, if the surface water be entirely excluded from the sewers and made to travel over the surface to the natural outlets, all difficulty as to deposit in the sewers is removed, so very little comparatively is the quantity of heavy matter which is contained in house drainage; there would then, however, be the difficulty and inconvenience of flooded back yards, which, in many cases, could not be easily drained into street gullies, or other channels, and which would require especial channels for its removal, involving an extra expense. This portion of the surface water might be admitted to and removed by the house drains without any material increase of expense beyond the cost of a trapped inlet, and with benefit to the inhabitants.

One advantage of the entire separation of the rainfall from the house drainage (including faecal matter) is that the sewage is then so much more valuable, and is consequently so much more easily disposed of.

Great as this advantage undoubtedly is, the comfort and health of the inhabitants within the city is of even greater importance, and I am of opinion that the modified system of admitting the surface water from the back yards of premises which has the effect of scouring out the house-drains, and from which comparatively little loose matter is taken, is the better practice,—it being a regulation, which must be enforced by inspection, that all inlets to the house drains shall be trapped, and have a sufficient cesspit to intercept solid matter, and shall be limited to the admission of rain water from roofed and paved surfaces only.

The surface water of roads and streets must then be made to run down the gutters. Works for crossing the streets and otherwise where necessary must be constructed, as well as at the lower levels where it collects in large quantities culverts must be built for the especial conveyance of these storm waters to the harbour, creeks, or whatever is the natural outlet for them.

Regarding

Proportion of
roofed and
paved
surfaces.

Regarding the quantity to be admitted, I find by examination of plans of portions of the City and of Redfern, where the blocks may be said to be fairly occupied by buildings, that the portions which may be considered as *roofed and paved surfaces*, including back yards, &c., from which the surface water should be rapidly removed; that the proportion of such area to the whole is 35 to 48 per cent.; the roads, streets, and unpaved parts forming the remainder.

Some particulars of rainfall during the past eighteen years are given at page 16.

After careful consideration of these data I would propose that in the extension of the drainage works to the southern area, the capacity of the sewers should be equal to 40 per cent. of 3 inches per day, or one-twentieth of an inch per hour. This is a little in excess of the quantity which has been proposed by the Sewage and Health Board.

Plan and
levels of the
district
insufficient.

The contour levels at differences of 10 feet in elevation of a portion of the southern district, and also a section of Bourke-street as far as the proposed sewage farm, accompanies the Report of the Sewage and Health Board; but the levels do not extend to Webb's grant and West Botany, where it is probable in the future the sewage must be taken for utilization. In the absence of further levels and a plan at a larger scale, it is impossible to lay out the subsidiary drainage in any part of this area. Neither would it be safe to undertake the outfall works until the subsidiary works are designed, and especially as there is at present no information as to the levels and extent of the land for utilizing the sewage at Botany.

The levels not only of all the streets, but of the yards and back premises within every block bounded by streets is necessary to select the best possible position for the sewer works; it will then frequently be found that the street is not the best place for the sewer, but that when put in at the back of the houses it is at once the best and most economical position. This I shall have occasion to allude to hereafter, and also to the deficiency of the plans and levels of the city and its suburbs for the purposes of drainage.

While therefore I agree generally with the views of the Sewage and Health Board as to the drainage of the southern area, I would defer the designing and construction of these works until a better and more complete survey than is at present in existence, be available for the purpose; and I am of opinion that no time should be lost in commencing this survey, as the public health is considerably endangered by the inefficiency of the present system of storing fœcal matter in cesspits.

Conclusions.

I have now arrived at the following conclusions:—

The following are the only practical plans for preventing the pollution of the harbour by the sewage of Sydney:—

First,—By an intercepting sewer commencing on the southern margin of the city, and discharging into the ocean near Ben Buckler.

Another, by commencing at the northern suburbs of the city, and conducting the sewage through a tunnel falling in an opposite direction to the above, and piercing the ridge at Redfern, between Cleveland-street and Raglan-street, and conducting it towards Botany Bay.

A third plan, as recommended by the Sewage and Health Board, is a modification of the above; by adopting the first plan for the northern area, including the city proper and a portion of the suburbs; and draining the southern area separately towards Botany Bay; and generally I agree with the Board.

Level and
inclination of
intercepting
sewer.

On the general plan No. 1, I have shown the position which I would recommend for the intercepting sewer, and the table, page 37, gives the sizes and inclination, together with the area drained and discharges therefrom. These differ but little from the proposal of the Sewage and Health Board; the work in some places is slightly increased, and provision is made for overflows and flushing.

I have also gone into the question of cost, and in doing so I have provided for the flow of the additional quantity (1,248 cubic feet per minute) as alluded to at page 18. I have also thought it desirable in those parts of the sand-stone rock which are of doubtful hardness, to provide a somewhat thicker lining than is shown on

on the plan of the Sewage and Health Board; this is increased to 9 inches of brick-work, or cement concrete for about one-third the height of the channel. This necessitates additional excavation. The cross sections of the sewers I propose are shown on plan No. 6.

With these additions, and including storm overflows, flushing outlets, &c., and the connection of the intercepting sewer, with the existing works in the city, the cost of the work will amount to £287,000. There are, however, many items, such as the cost of land, compensation for passing through private properties, together with some works for surface drainage that I am unable to bring into estimate.

In the foregoing portion of this Report I have dwelt at length upon some of the points connected with the work, viz., as to the area, the drainage of which is to be intercepted; and the working of the sewer under the conditions in which it will be placed. These are the most important. The former is dependent on the level of the outlet above the sea, and the inclination to be given; the latter is chiefly dependent on the means which can be devised for keeping out the solid matter brought down by the existing sewers at the time of storms.

The further extending of the sewers in the city and suburbs has also been noticed, and that it should be capable of receiving the house drainage and one-twentieth of an inch of rain per hour only over the area drained, while all the remaining quantity of surface-water, including that from the streets, shall be made to flow away over the surface.

That existing sewers should be connected with the intercepting sewer in such a manner as to limit the quantity admitted at each inlet to that which is due to the area it drains.

I have moreover stated that the existing plans of the city and suburbs are insufficient to enable an engineer to proceed with confidence in the devising of a general scheme of drainage, and until such plans are made I do not advise either the city or suburbs to proceed with any expensive work beyond the intercepting sewer; for without such plans and levels I am certain that the money spent on the works will not be spent to best advantage.

Insufficiency
of existing
plans.

I may also add here that in carrying out of both the works for water supply and drainage, the existing Acts are deficient in some important provisions, which would be necessary when such works come to be carried out.

The various subjects, of which this is a brief summary, must now be further noticed. Some of them are matters of detail, others of a more general character. Of the former I propose first to notice the outlet of the intercepting sewer at the ocean.

To overcome the difficulty of the sea breaking into the tunnel Mr. Bell proposes to have two outlets, one of which in the differing directions of the wind would probably be open when the other was obstructed. Mr. Woore proposes a "porteullis," the effect of which would no doubt be to prevent the in-rush at times of storms of a large volume of water, but it would impede the outlet also.

Outlet of
intercepting
sewer.

I have already at page 13 given the views of the Drainage Committee. I have discussed this point with Mr. Moriarty, whose opinion is of great value; and it is to the effect that work of the simplest nature possible at this point is most suitable. (*Vide* plan 6, fig. C.)

It is a fact that waves of enormous size and power break upon the face of the rock at the place where the outlet must be made; the sea water would then be projected forward into any exposed aperture, and upwards when no such aperture exists. To overcome this difficulty of entering seas into a horizontal tunnel, it is proposed to form an expanding basin 30 feet or more in diameter, as at B, plan No. 8, and a self-acting valve, fig. V, No. 8; both of these are very desirable.

In order further to meet this difficulty Mr. Moriarty suggests an iron trunk in front of the outlet, as shown in the diagram above referred to. When the waves mount upward this would become, for a brief interval, a force in the nature of hydrostatic pressure, tending to force the water upward in the trunk. This is unavoidable unless some mechanical arrangement be devised to prevent it, but the rough

rough buffeting to which any valve or other contrivance would be exposed would render its adoption undesirable, and Mr. Moriarty's suggestion would in principle be more effectual.

I think, however, that the smaller the aperture exposed to this buffeting of the waves, the less would be their prejudicial effect; and that several small apertures is better than one large one. Moreover, it is desirable, if possible, that any arrangement upon this principle should be within the sandstone rock, rather than on its exposed face.

Regarding the elevation (10 feet over sea) at which it is proposed to fix the outlet, though in very moderate weather it may be sufficient to keep out the sea, on the occurrence of storms when the main difficulty arises, 1 or 2 feet higher or lower will make very little difference in the effect produced, and I propose, in consequence of the increased inclination I have suggested at page 18, to commence the tunnel at a level of 8 feet.

The arrangement which I would propose is shown on plan 8. The valve V is shown at a distance of about 200 feet from the face of the rock: by a drop of 1 foot it will fall into the expanding basin B, about 100 feet from C, which is a gallery 160 feet long and 15 feet wide, at right angles to the direction of the sewer. A canal, 8 feet wide, would be formed in this with a fall of 1 in 40 feet, to either end, of 1 foot; from this canal four tunnels, one at either end, and two others, each 40 feet distant from them, would be driven to within 30 feet of the sea-face, and from thence in a sloping direction to low-water spring tides. This would admit of the sewer at the valve V being 8 feet over high-water. Each of the tunnels to the sea would be protected by a penstock to be closed in calm weather for any cleansing or examination that might be necessary, and the galleries or outlets could, at a future time, be increased, as might be found desirable.

A further effect might be obtained by driving blind tunnels into the rock opposite the outlets by which the entering water could be received, and its exit facilitated; these are shown by dotted lines on the plan.

Overflow and
flushing out-
lets.

As a necessary precaution, which has to be observed in constructing the intercepting sewer, considering that a portion only of the total drainage is to be received by it, it is desirable that some provision be made by which, when filled, and an upward pressure begins to be exerted, the portions which are not in rock tunnel should be protected. This may be done at several places where low land is crossed, as at the point 32 chains distant from the outlet; again, at 'Double Bay, and Rusheutters' Bay, and Lacrozia Valley. And provision should be made by which, when occasion requires it, the sewer could be flushed out at these places where a natural creek occurs, and land at a low elevation; an arrangement for this is shown on plan No. 4.

In all these places where the land is but a few feet above sea level, and too low to afford healthy sites for houses without pumping the drainage and sub-soil water, I would recommend that the further erection of buildings should cease, that the land be resumed by the Government, and laid out for public use as places of recreation; moreover, that in each of these cases an open channel be formed through them for carrying off the surface waters of the district, which has here its natural outlet.

The channel which would carry off the surface water might assume the form of a paved roadway with slightly raised margin, where the wash would be considerable; in other places they might be shallow turfed channels, which would not be unsightly, even when containing running surface water on the occurrence of storms.

The sand and street debris, which would probably require to be removed, could then be dealt with in the cheapest way.

A sketch of the channels, &c., here intended, is given on plan No. 6; their precise dimensions can only be determined when the works for the various districts to be drained are laid out.

Points of
interception
of existing
sewers.

I have mentioned at page 18 the difficulties which may be expected to arise from the large quantity of heavy matter which comes down the sewer, and the necessity for some arrangement to prevent, as far as possible, this heavy matter from entering the intercepting sewer.

In the case of the sewer leading to Blackwattle Bay, which burst on the 12th May last, it was found just below the place where the disruption took place, that a
bank

bank had been formed in the sewer consisting of several heavy stones 15 in. x 6 in., whole bricks, &c., washed in from the open end, which had not been protected by a grating, the work being only recently completed. This material had been washed down a sewer having an inclination of 1 in 249.

It is necessary to consider occurrences of this sort with reference to the intercepting sewer, and the arrangements to guard against them; the existing sewers having, for the most part, considerable inclinations, while that of the intercepting sewer more nearly approaches the horizontal. It is also necessary that the communication between the proposed intercepting sewer and the existing sewers shall at all times be perfectly free and unobstructed, when the rainfall over the area drained does not exceed half an inch per day.

To do this an obstruction must be made to the discharge of the dry weather drainage through the existing sewer (*vide* plan No. 9); where P is the present sewer with the intercepting sewer passing under it, C the connecting branch sewer, O the obstruction to cause the sewage to enter at C.

If O be an immovable obstruction the heavy matter which enters during the times of rain will be arrested and fill up the space in front of it, and will force the greater part of the deposit into the intercepting sewer.

It is therefore necessary that some means should be devised for removing the obstruction, when the quantity flowing down the sewer is in excess of that which the intercepting sewer is designed to carry.

There are no doubt several ways of arranging this, but any mechanical means will require frequent examination, and side entrances should be provided for this purpose.

Fig. A, No. 9, shows one method: It represents a stop board fixed on a centre E, placed at about one-third of the depth of the sewage in the dry time; when in excess of that quantity the board will turn over into a horizontal position, and permit the passage of the sewage along the course of the existing sewer; having then a free flow to the harbour it will take with it the greater part of the solid matter brought down by the storm water. The stop board must be made a little heavier at its lower portion, and will thereby have a tendency to close as the level of the water falls in the sewer, resuming its vertical position again ultimately.

A further arrangement would be necessary to partially close the aperture C, a simple shutter just dipping into the surface of the maximum flow in the dry period will accomplish this; its effect will be to restrict the flow in the wet periods, and force the greater part of the stream towards the present outlet for those waters.

These are minor matters in themselves, but of great importance in regard to the proper action of the intercepting sewer, for it is evident that if this channel receives more than its due proportion at its higher levels, there will not be room for what is due from the area lower down.

It is intended to ensure so far as possible a regulation of the proper inflow by the adjustment of the sewer inlets to the work which the intercepting sewer is required to perform, and the exclusion of heavy substances.

The size of the connecting sewer will also be a subject of calculation in each case, but the above suggests itself to me as the most simple way of accomplishing the end desired. *Vide* plan No. 9, interception of Castlereagh-street sewer.

The channels for the discharge of surface waters are intimately connected with the arrangement and form of the street surfaces, and these in Sydney appear to be susceptible of considerable improvement. The street gutters, where the inclination is considerable, are the best means for the removal of surface water, and when its volume becomes so large that inconvenience may arise from its presence in the streets, then some especial channel should be provided for its discharge. The adoption of this plan will obviate many difficulties in connection with the removal of sewage, and will economise the cost of the works necessary thereto.

Surface water channels.

In cities where there is but little fall in the length of the streets by which the water can travel to an outlet, some additional provision is necessary; but when, as in Sydney, the declivities are so considerable, this to a very great extent is unnecessary.

Some

Form of road surface.

Some curvature is necessary of the road surface in order to discharge the water in wet weather; except for this reason, the road surface would be better nearly flat; then the entire width would be available for vehicular traffic, the wear more even over the surface, and its durability greater.

In Sydney the curvature given to the road surface is generally excessive, and a considerable width at the margin, where the gutters are formed, is entirely useless for wheeled traffic, thus in effect limiting the width of the streets already somewhat narrow.

The extra rise in the crown of the road has moreover the effect of causing the foot-paths and houses to appear as in a hole, very considerably detracting from the appearance of the buildings and streets, whatever the architectural features may be.

All that is necessary is that the centre of the street should be so raised that when worn down so as to require repair the middle shall be not actually a hollow.

In many of the Sydney streets I observe that the principal rise is near the margin, while the centre is flat, and on the occurrence of rain a channel of water is seen running down the centre; in such cases the extra height is of no value whatever, and the road surface is exposed to unnecessary scour.

Form of gutter.

To form the gutter, the kerbstone should be a margin, and a paved portion varying from 2 to 4 feet in width, with a slope of about 1 in 10, will form the gutter and carry off the water from a large area with such inclinations as are here obtainable.

In the Appendix, page 36, a table is given, in which is calculated the quantities which gutters of varying width and inclination will discharge, the areas they will drain at the rate of $\frac{1}{4}$ inch rainfall per hour.

Advantage of excluding storm water from the sewers.

The adoption of some regulation of this nature, and the laying of the kerb of the footpath to about the level of the crown of the road, would greatly improve the appearance of the streets, and avoid some of the excessive scour to which they are subject; it would also diminish to some extent the quantity of road detritus, which is so difficult to deal with in the sewers, and I think result in some economy in maintaining the street surface in proper order.

The usual proportion of each footpath to the width of the street is one-fifth of the total width. In Sydney they are generally much narrower. The actual cost of the footpath area is in all cases less than that of the road, and it is therefore a matter of economy, as well as an improvement, to adopt a somewhat wider footpath, where the wheeled traffic is not great. Plan No. 3, shows the alteration in the form of road surface I recommend.

The expense entailed in making or altering roads is always a serious one, and not to be undertaken without due consideration, and it is only just to state that Mr. Bradridge, the City Surveyor, is fully alive to the points I have here mentioned. I have done so, however, with the hope that it may support his views when desiring to make improvements.

Special arrangements, covered way, &c.

In some of the business streets, where any considerable quantity of water in the gutter would be specially objectionable, it may be desirable to provide a covered subway on each side of the street; and where this is the case, the arrangement shown on Plan 5, Fig. A, is an excellent one, as providing separately for the sewage and the storm water, and also for the gas and water pipes; there are probably several of the more important streets in Sydney where this arrangement would be desirable, as it would prevent the necessity for the opening of the streets, and the obstruction caused thereby to traffic, serving the same purpose as the covered ways now constructed under the modern streets of London.

In other places where the storm water to be carried away is in such great quantity as to necessitate a large channel, it may be desirable to provide an open one in the shape of a broad shallow ditch lined with masonry to conduct it, giving up the necessary strip of land to this especial purpose; but it is only when the drainage of the district is fully laid out that particulars of these channels can be determined.

Next in importance to the perfect removal of all fluid or solid matter which may find access into the sewers, is the regular change of its gaseous contents. In Sydney this has not received sufficient attention.

It

It is a regulation with the municipality, that not only the street gully-pits but the house drains shall be trapped near their inlet to the sewer.* According to these regulations, therefore, there are no means of changing the atmosphere within the sewers, and every house drain connected with it, which by any chance has a defective trap, is at once the channel by which the sewer gas can escape. Ventilation of
the sewers.

In practice it is well known that traps cannot be depended on as an efficient means of preventing this, and the only safety is in free ventilation of the sewers with the outer atmosphere.

To accomplish this the obelisk in Hyde Park was erected; but the effect of this is confined to the nearest point where by any chance there happens to be an untrapped inlet to the sewer. The obelisk moreover is connected with one of the systems only; the others have not even this protection.

Flap-traps at the ends of the house drains are very seldom absolutely air-tight, they also check the flow of the sewage into the sewer. Water-traps are considered better than the flap-traps for this reason, especially at the lower part of the house drain where the water is more likely to be frequently changed, for if it remains stagnant for any length of time the water becomes saturated with the sewage gas and it then readily passes through.

In the smaller houses the kitchen sink is the only point of connection with the drain, which is within the house.

The principal sufferers from sewer gas are those who dwell in the best houses, many of which have several baths, lavatories, and water-closets, these being connected directly with the house drain. Few people who use the bath or lavatory stay to put the waste-plug in place, and when the water has ceased to run the waste-pipe forms a direct channel to conduct the sewer gas into the house. The stack pipes also, which carry the rain water from the roof to the house drain, if terminating anywhere near a bedroom window are not unfrequently a source of nuisance, and from these combined causes, undoubtedly many cases of the most serious forms of sickness occur. Sewer gases.

The remedy for all this is ventilation. On plan No. 7 is a section of a ventilating-pit in connection with a man-hole shaft, intended to be fixed in the centre of a street; one of these at the corner of a street, where two or three sewers can be ventilated; and others at distances of about 500 feet apart for brick sewers, and 700 feet for pipe sewers, would efficiently ventilate the public sewers. The basket for charcoal can also be adopted if desired; but unless changed after a few months it is likely to lose its efficiency, and then is only an obstruction to the air, without producing the intended purifying effect.

The house drains should not only be trapped, but they should also be ventilated by a small pipe extending to the highest level of the house, with an open aperture not near a window.

All drain pipes from baths and lavatories, sinks and stack pipes, should be cut off a few inches above the surface of the ground; there the water should be received into a small pit-trap covered with a grating so as to exclude heavy matter from entering the drain pipe.

The soil pipe from the closet is the only one which should have a direct communication with the house drain. This pipe should be placed outside the house and continued up to the highest point of roof or chimney, and if the closet be of good construction, and well ventilated, there will be little danger of sewer gas entering the houses as it now frequently does. While the arrangements for public and private drainage should undoubtedly be as complete as possible, it is not to be expected that perfect action will continue uninterruptedly, without some attention, not only on the part of the authorities to the public portion of the works, but also by the owners and occupiers of houses to their private drainage. It is a perfectly simple matter, and if owners and occupiers would see that these few points are attended to, there would be no danger whatever from sewer gases.

Another

* In some cases the outlets into the harbour are closed also.

Exclusion of heavy matter from existing sewers.

Another subject in connection with the existing sewers appears to require attention: It is evident from the report of Mr. Davis on the condition of existing sewers, that large quantities of heavy matter, such as road-metal, &c., finds access to the sewers, and in many places to the injury of the invert of the sewer—the inner ring of brickwork in some cases being worn through.

The great inclination of the sewer, and facility with which rubbish of all kinds is washed away, rather leads to the practice of thus disposing of substances which should be carried away in the scavenger's cart. This practice is most objectionable, and in connection with the proposed intercepting sewer it will be absolutely necessary to adopt some means for preventing such matter obtaining access.

Much of the difficulty occurs at the street gully gratings, and other places where storm water is admitted. On the occurrence of a storm the water in the gutters carries with it all the floating, and much of the loose heavy matter from the street surface to the nearest inlet. The grating speedily becomes choked, and the rain-water prevented from entering flows over the street. To overcome this it is a practice to remove the grating, letting the rubbish with the water enter the gully-pit; in other places where the iron foot bridges cross the gutter they are made to protect an open aperture; the gully-pit then receives the solid matter, and owing to the violent agitation caused by the water entering the pit, much of the solid matter finds its way into the sewers.

It is difficult to remedy this effectually; the only means is to increase the depth of the pits so as to be not less than 8 or 9 feet below the grating; I would recommend this in future constructions. In plan 5, fig. B, I have shown one view of a gully-pit in which an inner cast-iron grating is placed; through this all fluid must pass upwards to enter the connecting pipe; this affords some protection to the sewer by stopping the larger and heavier matter from being carried forward with the entering fluid.

All open ends of sewers should be protected by catchpits and gratings from the admission of solid rubbish.

Plans.

I have alluded to the necessity for further plans of the city at page 20, and I would advise that the Government undertake the survey of the entire area of the city and suburbs; that the scale to which it is drawn be that of the city plan, viz., 40 feet to 1 inch. On such a scale can be shown, not only the levels of the streets, but also levels of the interior of the blocks bounded by them; also of the backyards and cellar floors. This is especially necessary in an area where the undulation of the surface is so great. It will then be found that in many cases (where no road surface drainage is admitted) that in some streets a sewer will not be required, while the position given to it, viz., through the back premises, will increase the efficiency and greatly economise the cost of house drains.

On this plan the position of all the house drains can be shown, and if kept up, as it should be, by an officer whose especial duty it is to put on all extensions of streets, building, and drainage, an inspection of this plan by any owner or occupier will enable him to see what drainage, &c., is provided for his premises.

The operation of the present Act requires the position of all new drains to be approved by the City Surveyor, who keeps a plan of the same. What is above recommended is therefore only an extension of the present system, only requiring the necessary Staff to be provided to do the work.

The value of such a plan in the sale and transfer of property will be readily understood by owners and others interested.

In addition to the 40-foot scale plan (which should be divided into sheets of convenient size) a general skeleton plan of the whole, showing the position of public and back streets, open spaces, sites of public buildings, should be prepared; a scale of 8 inches to the mile is well adapted for the purpose.

The possession of such plans will enable the Engineer to design a complete scheme of sanitary works suitable for the present city of Sydney, and its future extensions, not necessarily for entire and immediate execution, but a scheme to be carried into effect from time to time as required, and which, for want of such necessary information it is impossible for me now to do.

As

As an illustration of the value of the plans and levels which I recommend, I ^{Back} have selected a portion of the Borough of Redfern, plan No. 2. This is on a scale of ^{drainage.} 100 feet to 1 inch, and too small to show distinctly all the drains, inlets, &c. I have had the necessary levels taken through the back premises, and assuming that the point A is the proper outlet, it will be seen that the entire block may be drained by means of a sewer in one only of the principal streets.

The position of the privies* is shown in every case. The red lines show the house drains and street sewers. The drains to sinks, yard gullies, &c., are not shown, but on a 40-ft. scale plan they could be distinctly indicated.

It will be at once seen that in no case, in these blocks of houses, is it necessary to carry a drain under a dwelling-house, which is always objectionable; and that by this arrangement of *back drainage* not only is this advantage attained, but the house drains are reduced to about one-half the length that would be necessary with main sewers in the front; the cost is also reduced, but in a greater proportion, as the expense of removing and renewing house floors, where houses are in a continuous row, is avoided. A diagram illustrating this is given in plan No. 2.

In carrying out pipe-drainage work, not only for public sewers but for house drains also, I consider it necessary to lay the pipes in a bed of concrete, in order that they may be preserved at an uninterruptedly uniform slope, and not suffer derangement from either soft material below or filling above them. All pipe sewers and drains should have their lower half of the joint made with cement; they should be laid in straight lines, and when a change of direction or junction becomes necessary a small pit—'lamp-hole'—should be built, and if this be carried up to near the surface, the action of the sewer can be from time to time readily inspected. When a long length as of several hundred feet are so laid, it is convenient to construct a 'man-hole' at intervals of about 200 feet; the position of any obstruction which may have occurred in the sewer can then be ascertained and removed, without the expense and trouble of opening the ground, and breaking into the sewer. (*Vide* plan No. 7.)

On reading through the Acts of the Legislature at present in force, it appears ^{Legislation.} to me that some further powers are required to be given to the authority under whom works for water supply and drainage to the city, &c., are to be executed.

No power is given by any of these Acts, so far as I have been able to ascertain, to the City Corporation to enter upon private lands for the purpose of construction or repair of sanitary works. The Municipalities Act, 31 Vic. No. 12, of 1867, section 119, gives power to make sewers through private lands, but not under buildings. As it is quite impossible to carry out works for drainage and water supply in the exact line of the public thoroughfares, I would recommend that in any revision of the present Acts a clause be inserted similar to the 45th and four following sections of Act 11 and 12 Vic., cap. 63, for Promoting the Public Health; which refer to the construction and management of sewers and drains, and the interpretation clauses of the terms "lands" "street" "sewer" and "drain" should also be included.

In the case of back drainage, as shown on plan No. 2, when several premises are drained by one pipe, power to drain any such groups of houses, and to recover the cost thereof under the provisions of the 90th and 91st sections of the same Act, is also necessary.

I have visited several of the Suburban Municipalities, and have been informed ^{New streets.} upon some particulars of their operation. One of the anomalies appears to be, that though the Acts under which the suburbs are administered evidently intend that persons making new streets should "*form and make*" them, yet, practically, the making of the street, *i.e.*, the ballasting and metalling of the surface, and provision of kerb and channelling, is done by the Municipality. The income of the Municipalities in some cases does not exceed £700 per annum, and in only one case does it exceed £3,000 per annum, from which sum the cost of maintaining existing roads, scavenging, &c., has to be defrayed. The cost of ballasting and metalling to a

* It is presumed that when the drainage is completed these will become water closets.

a road is from 25s. to 30s. per lineal yard. The cost of 500 yards of new road would in some cases absorb the whole of funds of the year, leaving no means whatever for road repairs and current sanitary duties.

The usual course of proceeding is indicated in the sections Nos. 69 and 70.

Copy of all the sections of the Public Health Act of England, above alluded to, are given in the Appendix pages 33 and 34.

The Proposal of T. B. Belgrave, Esq., M.D. to introduce the Liernur System of Sewerage, and also a system for street watering.

I have yet to notice a communication from T. B. Belgrave, Esq., M.D., forwarded to me for consideration, to which, as not affecting the question of the drainage of the city, at page 11, I only made a passing allusion. The proposal is to adopt a plan of removing fœcal matter—known as the Liernur system.

Notes on the Sewerage and Street Watering of Sydney, by T. B. Belgrave, M.D. (Edin.)

Sewers in solid rock.

SYDNEY having but a small depth of soil, the sewers of the city require to be excavated out of the *solid rock*, an operation involving much time, labour, and expense; so much so, that though the city and suburbs contain a population of only about 170,000, and but a small area has been drained, the cost has already reached nearly a million sterling.

The extreme labour and cost of the sewerage in the neighbourhood of Port Jackson precludes its construction in streets and localities only partly inhabited.

Repairs to Sewers.

Except where (?) subways have been constructed, repairs to sewers are tedious, inconvenient, and costly, the superficial earth consisting of the hardened rocky debris of the original excavations.

Radical defect in all *vis à tergo* water-carrying sewage systems.

All systems of drainage whose carrying force is water, have one fundamental defect, viz.—that arising from the displacement of the gaseous contents of the drains and pipes by its equivalent in bulk of the water poured down the water-closet pipes, which gaseous contents ascending in spite of syphons and traps into the houses, may produce their specific effects in germinating zymotic disease among the inmates of the dwellings. Captain Liernur's *vis à frouté* or "Pneumatic system," obviously precludes this potent source of zymotic disease.

Singular suitability of Captain Liernur's system to Sydney; and to growing cities.

It is probable that the pneumatic system of sewerage devised by Captain Liernur is particularly indicated in a rocky locality, and an irregularly constructed city like Sydney—on the grounds of less cost in original construction—as compared with the present system; greater facility in laying down the pipes, in discovering damages, in making repairs, and in keeping all clean.

From the peculiarity of its parts or blocks being susceptible of independent action, the pneumatic system is singularly suitable to *growing cities*; and is in fact capable of indefinite extension.

Modern systems of water drainage presuppose compliance with two essential conditions, viz.: 1st. The complete removal of the sewage matter. 2nd. That it should not contaminate the neighbouring atmosphere or waters.

To accomplish these conditions a main drain is practically essential—to bring the sewage to a controllable focus, and to prevent its escape through accident or design. The practical effect of the preceding condition is to limit drainage areas and greatly enhance the cost of the water system.

An illustration of this is furnished at the present moment in London, where a system of main drainage running in the lower part of the Thames Valley having been completed at an expense of *twenty millions* sterling is found on its completion to be inadequate to drain the entire city, though it was equal to the task when it was designed, and also during a few years later.

To meet, therefore, the necessities of the north and north-western parts of London, which are not at present systematically drained, the Government propose to form a new drainage area and construct an independent system of Main Sewage along the "Valley of the Brent"—a contingency that does not appear to have been foreseen, and which will entail a further enormous outlay.

The adoption of the Liernur system for the removal of the *house* sewage renders necessary some system for the removal of *storm waters* and *surface drainage*, which, as regards Sydney, should be studied in connection with the form or construction of the streets and means for laying the dust; bearing in mind that the city being on a rock, and the roads consequently inelastic (as is not the case on a clayey soil), the reverberation from traffic is a sensible inconvenience even in the less frequented thoroughfares.

Watering the Streets of Sydney.

The conditions obtaining in Sydney render this subject one of much greater difficulty than in cities in England.

They are—the almost constant existence of gusty wind; the much greater heat of the climate; and the construction of many of the roads from friable sandstone. The two first conditions render very frequent, even hourly, watering necessary during a greater part of the year. The want of an adequate system for watering the streets gives rise to an enormous destruction of shop and household property, entailing great pecuniary loss on the inhabitants, and practically renders a considerable part of the City uninhabitable except at a great cost in material and well-being.

To meet these conditions, the writer suggests that the streets should be made of the opposite shape to that at present obtaining, that is to say, instead of being *convex*, with a gutter on either side, they should be *slightly concave*, or have a little inclination towards the *middle* of the road, which would thus act as a gutter or open drain.

If

If perforated pipes were placed on the road aspect of the curb stones, parallel with the pavement, the streets could be watered as frequently as might be necessary with a minimum of labour, the water trickling down the slightly inclined roads to the central gutter.

This plan would be inexpensive, easily kept in order; its adoption would cleanse the streets without cutting them up, as obtains under the present inadequate system.

The automatic system of watering the streets would be found extremely well adapted to thoroughfares fitted with the new compound wood pavement.

Conclusions formed from the preceding considerations.

1. That in consequence of the rocky character of the ground on which Sydney is built, the consequent unusual cost of sewerage works in it, the necessity for separating the sewage from storm waters, and other circumstances of an economical and hygienic character, the "Pneumatic System" of Captain Liernur, or a modification of it, offers evident advantages, and ought certainly to be tried in parts of the City and Suburbs at present quite destitute of drainage.

2. That the automatic system of watering the streets deserves a trial on a limited scale in Sydney.

3. That the composite wood pavement should be tried in some popular thoroughfare in Sydney, *with* and *without* connection with the automatic system of watering the streets.

That it would be in the highest degree unwise to continue to construct the sewerage and the roadways, and to water the streets of Sydney, on the old plans, without even limited practical trials of the new, or receiving reliable official reports of their success in those cities in Europe where they have been tried

4. That the slightly inclined form of the roads suggested would obviate the difficulty increasingly felt in Sydney by the high *crest* given to so many of the roads under the present system.

About two and a half years ago I had an interview with Captain Liernur, and had the benefit of his explanation of the system for the removal of fœcal matter by his Pneumatic System.

Regarding the process, it may at once be granted, that it is possible to remove fœcal matter in the way proposed, but as it appears to me at an unnecessary expense, however perfect the system may be.

The water supply to a City which now usually varies in amount from thirty to eighty gallons per day per head of the population, according as it is more or less used wastefully, has to be removed in the form of house drainage, as constantly as it is supplied; this is one of the purposes of a system of sewers.

Captain Liernur's system assumes that the city is already provided with a system of covered sewers to remove the water supply, amounting, as I have mentioned above, to thirty gallons and upwards per head from the city.

The introduction of the Liernur system cannot lessen either the necessity for nor the expense of a system of sewers for this purpose. What he proposes, is to remove by independent means a portion of the sewage, which can be conveyed away in and with the house drainage. As I understand him, his contention is, that the value of the fœcal matter, when collected separately, is so great that it will, after passing through a process of manufacture, sell at a rate which, if not profitable, will at least pay some interest on the capital expended, in addition to defraying working expenses.

Two years ago this process had not been determined upon, and I am not aware whether up to this time it has been, or whether any of the economical results thus anticipated have been realized. I was at that time able to point out to Captain Liernur where a quantity of night-soil amounting to sixty tons and upwards daily and ready collected could be had gratis, if he could convert it into a marketable commodity without nuisance, at Bombay and Calcutta, and Madras, besides many other places where fœcal matter is thus collected, and at considerable expense and nuisance discharged into the sea or streams, or buried.

The question of economical application of this matter, though occupying much scientific attention, is not yet determined. Under all these circumstances it appears to me most unwise to enter upon such a system for removal of fœcal matter until this financial result is attained, if its removal can otherwise be accomplished.

But further than this, I am of opinion, that having sewers properly constructed, that is to say, a system which conveys away at once and perfectly all fluid matter discharged into them, it makes but little difference whether fœcal matter be added thereto or not. The quantity of this matter for Sydney and suburbs is about 116 tons per day, of which one-fifth, or 23 tons is solid, while the present water supply of four million gallons daily amounts to nearly 1,800 tons; it is for the removal of this additional 116 tons—not more than one half of which could be collected—

collected—that the supplementary system of Capt. Leimur is here recommended. In the construction of the system of sewers not the slightest difference to their capacity could be made, consequently the expense would be the same with as without its adoption.

It is wholly impossible to exclude *all faecal* matter from a system of house sewers, the bedroom slops will, if not entirely, yet chiefly be removed by them. In Paris the system of separate removal of this matter is in operation; and, having passed through about four miles of the sewers in that city, I am able to say, by comparison with other cities where it does pass away with the fluid sewage, that very little if any difference could be detected between the sewage of Paris and that of the other places.

It is not intended by this to convey the idea that the Paris sewers are not efficient; they are large, and intended to afford means of access to the gas and water pipes which are suspended in them, without necessitating disturbance of the street surface, and they perform their office efficiently.

What is wanted in a system of sewers to prevent the evils which are supposed by some to be inherent to the water carriage system, is that the fluid matter shall be in constant motion, '*never stagnant*'; that it shall be discharged into the sewers while it is fresh, and shall not stagnate on its way to the outfall, which in ordinary cases it must reach in two or three hours, and before decomposition has commenced.

If the sewers be ventilated, as they should be, with the rapidly defusive properties of the gases, no evil will result.

Regarding the illustration which Dr. Belgrave has adduced, the main drainage of London, costing £4,100,000, and which he states is now insufficient; it is quite certain that the Liernur system would not have rendered the main drainage unnecessary; the river could not have been the receptacle for all the filth—minus the faecal matter; the Liernur system would not have removed the 120 million gallons of water supply, omitting entirely the surface drainage.

Even if adopted, the Liernur system would not have prevented the necessity for extending the main drainage, and itself would have required extension also as the metropolitan area has grown.

Seeing then that the system of drainage is indispensable, is it necessary or desirable to expend an additional sum of probably £300,000 to take away the faecal matter only? I am decidedly of opinion that it is not necessary, quite apart from other objectionable features that may be urged against the system.

Street
watering.

I have seen streets in cities on the Continent of Europe of the form here suggested where the centre is hollow with a shallow gutter in the middle. The object there appears the allowing of a filthy stream to run at a distance from the footpath. As a channel in exceptional cases for the removal of large quantities of rain water it might be adopted. It is here, however, recommended as affording facilities for surface watering in dry weather.

The appearance of streets so formed is certainly very inferior to that of the slightly rounded surface usually given, and on that account appears to be undesirable.

In the application of the water to run from the sides of the street and cover the surface to the centre it will be seen that the sides of the street must receive much more than the centre portion;—moreover to water the street perfectly by this means the surface must be even, without the little hills and hollows which, even in a well-made road, are more or less inevitable; the water would fill the hollow places, and unless used in larger quantity than is desirable would not cover the hills.

Where, as in Sydney, the streets are steep declivities in their length, it would be next to impossible to cover them this way, with a sprinkling of water such as is sufficient to lay the dust.

A light shower does this more effectually and perfectly than any artificial means can do, and the best arrangements for the purpose are those which most nearly resemble a light shower, either the *hose and jet* or the *water-cart*.

When the water is under pressure, as in Sydney, the hose and jet properly managed is undoubtedly the best means, and in manual labour the most economical.

Watering

Watering from the sides, as here recommended, would necessitate the turning on of the water from the pipes, by which it would be effected. This would engage a man's time, and he must wait while it is being done, as it could only be applicable to a certain portion of the street at a time; it would therefore not be economical in manual labour. Moreover, the laying down of the pipes to carry out this idea would be a heavy expense, and one which I think should not be incurred for the reasons given.

I have now referred to all the various points in the letter of instructions, placed at the head of this Report.

The means for relieving the harbour from pollution—the principles upon which the extension of new works of drainage to further portions of the city and suburbs—together with some necessary precautions to be taken in connection with the use of existing sewers and house drains—have been considered.

In doing this I have of necessity gone into matters of detail, and I have done so because the success of all drainage works depends upon attention to details; it matters little how perfect the public portions of the work may be if the private drainage is imperfect, and *vice versa*.

Drainage works, unlike those for the supply of water, do not make their imperfections at once apparent; when a burst pipe or leaky tap occurs with water under pressure, it is at once seen and remedied; a house drain, on the contrary, may leak for years, it may be partially choked or work inefficiently, and sickness may be the direct result, but the true cause unperceived.

Unfortunately, too, it is often the case that inferior workmen are set to do work of this nature, and its importance generally is not understood. I have therefore thought it desirable to point out the very simple rules which experience has proved to be necessary, with a hope that attention may thereby be drawn to this important matter.

I have also considered it desirable to direct especial attention to the means which should be adopted, in connection with the new intercepting sewer, whereby the danger of silting up may be avoided; this depends entirely upon the success of the means which may be adopted, by direct and unobstructed channels, to dispose of the solid matter with the surface water in time of storms, and to prevent as far as possible its admission into the sewer.

The new sewers which I have seen in Sydney are well constructed; the officers of the Municipality are intelligent, and worthy of the confidence of the public; excellent material is procurable, though somewhat high in price, and labour is expensive; there is every reason why drainage work of a superior character should be constructed.

The necessity for these works will be understood when it is considered that a large mass—many thousand tons of fœcal matter—is constantly stored, while the greater part of the fluid filth is as constantly evaporated in the midst of a dense population, where no drainage exists; and that the result where it does exist, is to pollute the magnificent harbour.

Few cities possess so beautiful a site and so many natural advantages, which should conduce not only to the prosperity but also to the health of its population; but it is evident from the Reports of the Registrar General that its mortality is far too high, and that a large proportion is due to preventible diseases.

I learn from the Registrar General that the percentage of zymotic disease for the past five months in Sydney and Suburbs is as follows:—

	Sydney.	Suburbs.
January	27·09	31·40
February	23·49	26·32
March	23·12	24·14
April	25·64	37·80
May	14·13	23·86

Whatever the origin of this class of disease, it is admitted by all that their localization and continued existence are mainly due to impurities of air and water, and result from defective drainage; and to carry out the proposed works of improvement requires, as I have pointed out, some further legislation.

It

It also requires money. These works are usually constructed by means of loans, obtained on security of the rates paid by the districts benefited, and redeemable in periods varying from thirty to fifty years.

There is, doubtless, here as elsewhere, an objection to rates; but it is certain that without some means of raising the required capital the necessary works of drainage must remain in abeyance.

People willingly pay for temporary benefits, such as *water supply by the bucket*, but when it is "laid on" to the house, and paid for in the form of a rate, however pure and abundant the supply may be, the form of payment is a tax, and therefore objectionable.

Similarly with drainage works, people pay willingly for the cleansing of their cesspits, to remove a palpable nuisance; and it may be desirable in concluding this Report to estimate what this amounts to, in the City of Sydney.

The number of houses in Sydney is	...	...	...	...	...	...	...	...	16,924
There are of water-closets	...	...	...	...	...	...	...	...	7,000
Difference...	...	...	...	...	...	...	...	...	9,924

It is evident, therefore, that there are about 9,924 houses, with cess-pits, necessitating storage of filth and its occasional removal.

From inquiries I have made, the cost of cleansing these receptacles twice in the year is from £2 to £2 10s.; taking it at the lower figure, a sum of about £20,000 is expended annually on an operation which would be unnecessary if proper sanitary works existed. The above sum represents the interest at 5 per cent. on a capital amount of £400,000, and for which I believe the entire drainage works of the city could be completed, *i.e.*, exclusive of the proposed intercepting sewer for the northern outfall; while the cost of the cess-pits is from £6 to £10,—a sum sufficient in most cases to pay the cost of the House Drainage Works.

The same observation applies to the suburbs, but I am not in possession of full information in regard to number of houses, &c. The cost, however, is equally great to each occupant, and the capitalized expenditure for this purpose, if paid in the form of a rate, would probably be sufficient to cover the cost of the drainage of the more thickly populated portions, when a general scheme for the drainage of the whole area is provided.

W. CLARK,

Member Institution of Civil Engineers.

19th June, 1877.

APPENDIX.

Extracts from an Act for promoting the Public Health 11 & 12 Vict. c. 63.

* * * * *

The word "Lands" and the word "Premises" shall include messuages, buildings, lands, and hereditaments of any tenure. "Lands"
"Premises."

The word "Street" shall apply to and include any highway (not being a turnpike road), and any road, public bridge (not being a county bridge), lane, footway, square, court, alley, passage, whether a thoroughfare or not, and the parts of any such highway, road, bridge, lane, footway, square, court, alley, or passage within the limits of any district. "Street."

The word "House" shall include schools, factories, and other buildings in which more than twenty persons are employed at one time : "House."

The word "Drain" shall mean and include any drain of and used for the drainage of one building only, or premises within the same curtilage, and made merely for the purpose of communicating therefrom, with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed : "Drain."

The word "Sewer" shall mean and include sewers and drains of every description, except drains to which the word "drain" interpreted as aforesaid applies : "Sewer."

* * * * *

45. And be it enacted, That the Local Board of Health shall from time to time repair the sewers vested in them by this Act, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act; and the said Local Board may carry any such sewers through, across, or under any turnpike road, or any street or place laid out as or intended for a street, or under any cellar or vault which may be, under the pavement or carriageway of any street; and after reasonable notice in writing in that behalf (if upon the report of the Surveyor it should appear to be necessary), into, through, or under any lands whatsoever; and the said Local Board may from time to time enlarge, lessen, alter, arch over, or otherwise improve all or any of the sewers vested in them by this Act, and discontinue, close up, or destroy such of them as they may deem to have become unnecessary: Provided always, that the discontinuance, closing up, or destruction of any sewer shall be so done as not to create a nuisance; and if by reason thereof any person is deprived of the lawful use of any sewer the said Local Board shall provide some other sewer as effectual for his use as the one of which he is so deprived. Making alteration, and discontinuance of sewers vested in Local Board.

46. And be it enacted, That the Local Board of Health shall cause the sewers vested in them by this Act to be constructed, covered, and kept so as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of clearing, cleansing, and emptying the same they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary, and may cause all or any of such sewers to communicate with and be emptied into such places as may be fit and necessary, or to cause the sewage and refuse therefrom to be collected for sale for any purpose whatsoever, but so as not to create a nuisance. As to cleansing and emptying sewers, &c., by Local Board.

47. And be it enacted, That it shall not be lawful to cause any sewer or drain to communicate with or to be emptied into any sewer of the Local Board of Health, nor to cause any building to be newly erected over any such last-mentioned sewer, nor to cause any vault, arch, or cellar to be newly built or constructed under the carriageway of any street, without the written consent of the said Local Board first had and obtained; and whosoever offends against this enactment shall forfeit to the said Local Board the sum of five pounds, and a further penalty of forty shillings for every day during which the offence is continued after notice in writing from them in this behalf; and if any sewer, drain, building, vault, arch, or cellar be made, erected, or constructed contrary to this enactment, the said Local Board may cause the same to be altered, pulled down, or otherwise dealt with as they may think fit, and the expenses incurred by them in so doing shall be repaid to them by the offender, and be recoverable from him in the summary manner hereinafter provided. Penalty for making unauthorized sewers, and building over sewers and under streets.

48. And be it enacted, That any owner or occupier of premises adjoining or near to but beyond the limits of any district may cause any sewer or drain of or from such premises to communicate with any sewer of the Local Board of Health upon such terms and conditions as shall be agreed upon between such owner and occupier and such Local Board, or, in case of dispute, as shall be settled by arbitration in the manner provided by this Act. Use of sewers by persons beyond district.

49. And be it enacted, That it shall not be lawful newly to erect any house, or to rebuild any house which may have been pulled down to or below the floor commonly called the ground floor, or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, No new house to be built without drains, &c.

of such size and materials, and at such level, and with such fall as upon the report of the surveyor shall appear to be necessary and sufficient for the proper and effectual drainage of the same and its appurtenances; and if the sea, or a sewer of the Local Board of Health, or a sewer which they are entitled to use, be within one hundred feet of any part of the site of the house to be built or rebuilt, the drain or drains so to be constructed shall lead from and communicate with such one of those means of drainage as the said Local Board shall direct, or if no such means of drainage be within that distance, then the last-mentioned drain or drains shall communicate with and be emptied into such covered cesspool or other place, not being under any house, and not being within such distance from any house, as the said Local Board shall direct; and whosoever erects or rebuilds any house or constructs any drain contrary to this enactment shall be liable for every such offence to a penalty not exceeding fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt; and if at any time, upon the report of the surveyor, it appear to the said Local Board that any house, whether built before or after the time when this Act is applied to the district in which it is situate, is without any drain, or without such a drain or drains communicating with the sea or a sewer as is or are sufficient for the proper and effectual drainage of the same and its appurtenances, and if the sea, or a sewer of the said Local Board, or a sewer which they are entitled to use, be within one hundred feet of any part of such house, they shall cause notice in writing to be given to the owner or occupier of such house, requiring him forthwith, or within such reasonable time as shall be specified therein, to construct and lay down, in connection with such house and one of those means of drainage, one or more covered drain or drains, of such materials and size, at such level, and with such fall as upon the last-mentioned report shall appear to be necessary; and if such notice be not complied with the said Local Board may, if they shall think fit, do the works mentioned or referred to therein, and the expenses incurred by them in so doing shall be recoverable by them from the owner in a summary manner, or, by order of the said Local Board, shall be declared to be private improvement expenses, and be recoverable as such in manner hereinafter provided.

Local Board may, upon report of surveyor that any house is without a drain, cause one to be constructed, &c.

* * * * *

Power to compel paving, &c., of private streets.

69. And be it enacted that in case any present or future street, or any part thereof (not being a highway), be not sewered, levelled, paved, flagged, and channelled to the satisfaction of the Local Board of Health, such Board may, by notice in writing to the respective owners or occupiers of the premises fronting, adjoining, or abutting upon such parts thereof as may require to be sewered, levelled, paved, flagged, or channelled, require them to sever, level, pave, flag, or channel the same within a time to be specified in such notice; and if such notice be not complied with, the said Local Board may, if they shall think fit, execute the works mentioned or referred to therein; and the expenses incurred by them in so doing shall be paid by the owners in default, according to the frontage of their respective premises, and in such proportion as shall be settled by the surveyor, or in case of dispute as shall be settled by arbitration (having regard to all the circumstances of the case) in the manner provided by this Act; and such expenses may be recovered from the last-mentioned owners in a summary manner, or the same may be declared by order of the said Local Board to be private improvement expenses, and be recoverable as such in the manner hereinafter provided.

Certain streets not highways to be deemed such, and repaired by Local Board.

70. And be it enacted, That if any present or future street, not being a highway, at the time when this Act is applied to the district in which it is situate, be sewered, levelled, paved, flagged and channelled to the satisfaction of the Local Board of Health, the said Local Board may, if they shall think fit, by notice in writing put up in any part of the street, declare the same to be a highway, and thereupon the same shall become a highway, and be from time to time repaired by them out of the rates levied in that behalf under the authority of this Act; and every such notice shall be entered amongst the proceedings of the said Local Board: Provided always, that no street shall become a highway as last aforesaid if within one month after notice in writing shall have been put up as last aforesaid the proprietor of such street, or the person representing or entitled to represent such proprietor, shall by notice in writing to the said Local Board object thereto.

* * * * *

Private improvement rates.

90. And be it enacted, That whenever the Local Board of Health have incurred or become liable to any expenses which by this Act or by the said Local Board shall be declared to be private improvement expenses, the said Local Board may, if they shall think fit, make and levy upon the occupier of the premises in respect of which the expenses shall have been incurred, except in the cases hereinafter provided, in addition to all other rates, a rate or rates, to be called private improvement rates, of such amount as will be sufficient to discharge such expenses, together with interest thereon at a rate not exceeding five pounds in the hundred, in such period not exceeding thirty years as the said Local Board shall in each case determine: Provided always, that whenever any premises in respect of which any private improvement rate is made become unoccupied before the expiration of the period for which the rate was made, or before the same is fully paid off, such rate shall become a charge upon and be paid by the owner of the premises so long as the same continue to be unoccupied.

Proportion of private improvement rate may be deducted from rent.

91. And be it enacted, That if the occupier by whom any private improvement rate is paid holds the premises in respect of which the rate is made at a rent not less than the rack rent he shall be entitled to deduct three-fourths of the amount paid by him on account of such rate from the rent payable by him to his landlord, and if he holds at a rent less than the rack rent he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the rate as his rent bears to the rack rent: and if the landlord from whose rent any deduction is made under the provisions last aforesaid is himself liable to the payment of rent for the premises in respect of which the deduction is made, and holds the same for a term of which less than twenty years is unexpired, but not otherwise, he may deduct from the rent so payable by him such proportion of the sum deducted from the rent payable to him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord (holding for a term of which less than twenty years is unexpired) of the same premises both receiving and liable to pay rent in respect thereof: Provided always, that nothing herein contained shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Extract

*Extract from a Report to Government on the Drainage of Madras by W. Clark,
dated Fort St. George, 7th April, 1875.*

* * * * *

Medical statisticians know that for every life saved there is a large number of cases (28 may be taken as under the mark) of serious sickness prevented, with all their concomitants of privation and misery; and the heavier portion of this burden falls on the poor.

In a community like Madras, with its 397,552 inhabitants, if the mortality can be reduced from 33 to 23 per 1,000, as there is no doubt whatever it may be, this would amount to no less a number than 3,970 lives, and in the proportion I have mentioned no less than 114,160 cases of sickness per annum would be avoided.

It would be a great mistake to suppose that the community does not pay for this, not only in the physical suffering but in loss of money.

If we take 10 years as the period which is lost by a life cut off prematurely by preventable sickness and its value at rupees two per month only, and the cases of serious and unnecessary sickness as incapacitating the suffering for a period of two months from employment, we shall then have as

	Rs.
Value of life lost	$3970 \times 10 \times 12 \times 2 = 9,52,800$
and by sickness	$111,160 \times 2 \times 2 = 4,44,640$
	<hr style="width: 10%; margin: 0 auto;"/>
Loss per annum—total rupees.....	13,97,440

It is not pretended that these figures are strictly accurate as applied to Madras; they are believed to be rather under than over the actual amount.

TABLE of Discharges from Street Surface Channels and area drained by them, at depths of 5 and 9 inches :—

Calculated for $\frac{1}{4}$ inch Rainfall per hour.

Depth in inches. Sectional Area.		5 inches. 1.2343 feet.			9 inches. 3.137 feet.		
Inclination.	Fall in feet per mile.	Velocity. Feet per minute.	Discharge. C. feet per minute.	Area drained, in acres.	Velocity. Feet per minute.	Discharge. C. feet per minute.	Area drained, in acres.
1 in 10	528	948	1,219	80	1,139	3,629	240
15	352	774	994	65	929	2,962	190
20	264	670.9	861	55	805	2,565	160
30	176	547	703	48	657	2,095	130
40	132	474	609	40	569	1,814	120
60	88	387	497	32	464	1,481	100
80	66	335	421	28	402	1,283	85
100	52.8	300	385	25	360	1,147	75
125	42.24	368	344	23	322	1,027	70
150	35.2	245	314	21	293.9	936.8	63
175	30.17	226.8	291	19	272	867	57
200	26.4	212	272	17	254.5	811	55
225	23.46	200	256	16	240	764.8	51
250	21.12	189.7	243	15	227.7	725.6	48
300	14.2	173.2	222	14	207.8	662.4	45
400	13.2	150	192	13	180	573.7	35

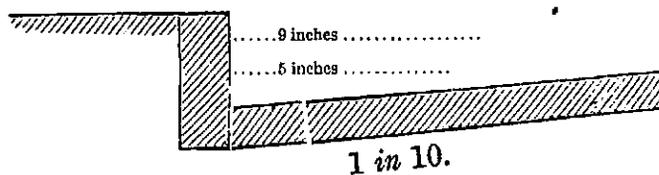


TABLE showing the drainage areas of Sydney and Suburbs, with velocity and discharge in lineal and cubic feet per minute, calculated at rainfall of $\frac{1}{4}$ an inch per day, and 47 cubic feet of sewage per acre per hour.

District drained.	Area of Districts.				Estimated drainage.	Mean Inclination.	Proposed size of Sewer.	Calculated Velocity and Discharge.			
	Rainfall.		Sewage.					Cubic feet per minute. Totals.	Velocity in feet per minute.	Discharge, cubic feet per minute.	Velocity in feet per minute.
	Area taken to 30 feet contour.	Discharge per minute.	Area taken to H.-W. mark.	Discharge per minute.							
	Acres.	Feet.	Acres.	Feet.	1,248	1 in 1,056 or 5 ft. per mile.					
1 West of Glebe, &c. ... ..	.....	.....	.....	.....	1,248	1 in 1,056 or 5 ft. per mile.					
1 The Glebe, &c.	514	648	769	602	2,496	"	ft. in. oviform ft. in. 5.2 x 4.0	running 4 ft. deep 197	2,491	running 1 ft. 9 in. deep 155.4	644.7
2 Pyrmont and portions of Redfern, &c.	438	552	438	343	3,389	"	ft. in. oviform ft. in. 6.2 x 4.9	running 4 ft. 3 in. deep 211	3,706		
3 Belmore Park, &c.	248	312	493	386	4,086	"	ft. in. oval ft. in. 6.6 x 5.6	running 4 ft. 9 in. deep 194	4,437		
4 Between Darling Harbour and the Domain	372	469	421	330	4,883	3 ft. 6 in. per mile.	ft. in. oval ft. in. 7.0 x 6.0	running 5 ft. deep 188	4,905		
5 Woolloomooloo	215	271	287	225	5,378	"	ft. in. oval ft. in. 7.3 x 6.3	running 5 ft. deep 205	5,562	running 2 ft. 6 in. deep 169.8	1,943
6 Rushcutters' Bay... ..	249	313	358	280	5,971	"	ft. in. oval ft. in. 7.6 x 6.3	running 5 ft. 3 in. deep 206	5,888		
7 Paddington	385	485	385	302	6,756	"	ft. in. oval ft. in. 7.6 x 6.6	running 5 ft. 6 in. deep 209	6,456		
8 Double Bay	663	835	762	394	7,935	"					
9 Portions of Woollahra & Waverley	3,084 1,183	.....	1,466	757	8,747	"	ft. in. oval ft. in. 8.6 x 7.6	running 6 ft. deep 224	8,822	running 3 ft. 3 in. deep 190.2	3,501
Branch Sewers ... ..	.....	.....	.....	3,619	.....	1 in 700	ft. in. ft. 4.6 x 3 and ft. in. ft. in. 3.6 x 2.4	.....	.....

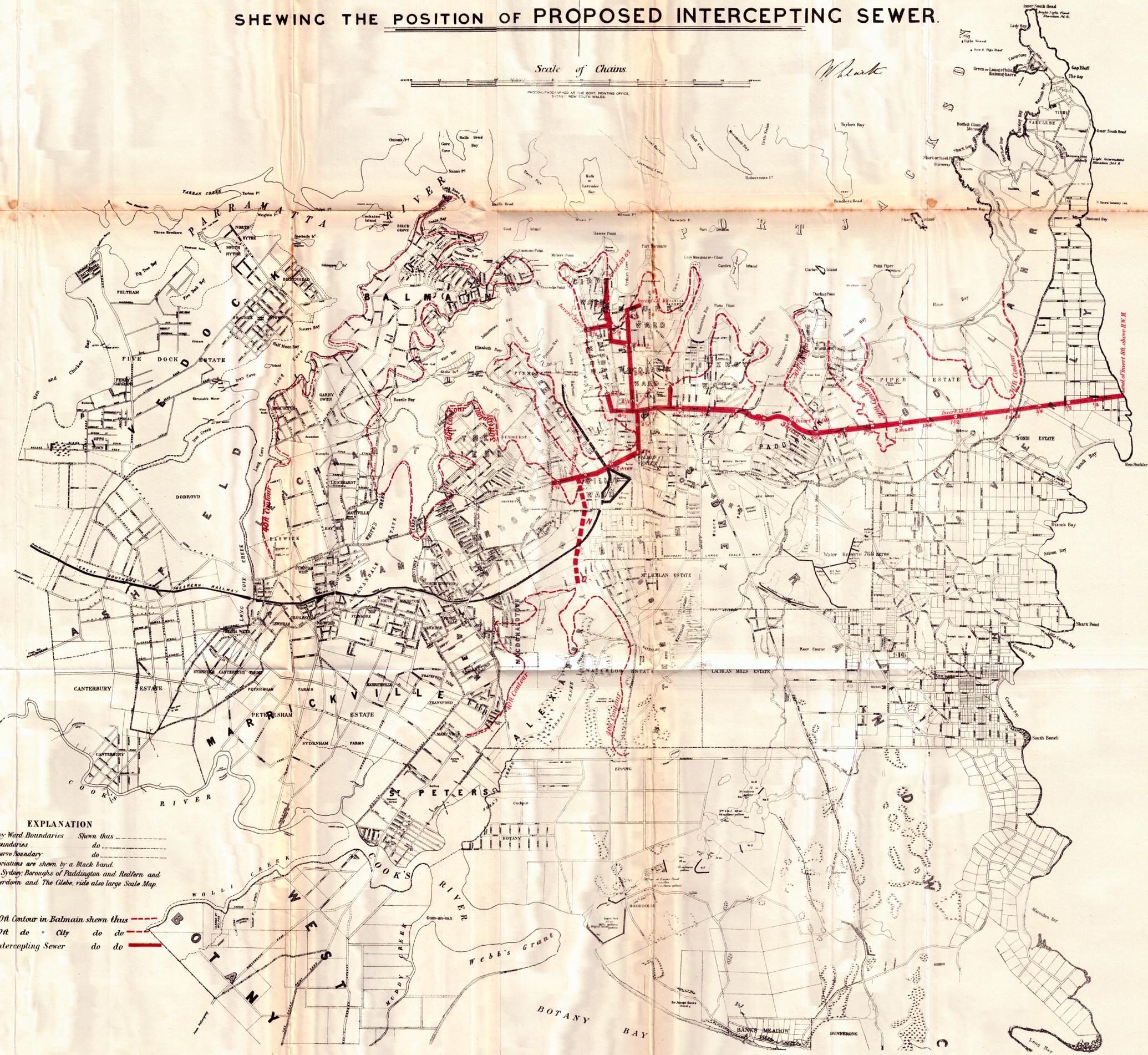
N.B.—Districts Nos. 8 and 9 are calculated at 31 cubic feet of sewage per acre per hour.

PLAN OF SYDNEY AND SUBURBS.

SHOWING THE POSITION OF PROPOSED INTERCEPTING SEWER.

Scale of Chains

Whitcomb



EXPLANATION
 City of Sydney Ward Boundaries Shown thus
 Municipality Boundaries do do
 Upper Water Reserve Boundary do do
 Railway Appropriations are shown by a Black band.
 For the City of Sydney, Boroughs of Paddington and Redfern and parts of Camperdown and The Glebe, vide also large Scale Map.

NOTE
 40ft Contour in Balmain shown thus
 30ft do " City do do
 Intercepting Sewer do do



Plan

Part of REDFERN shewing SYSTEM of BACK DRAINAGE.

Scale of Feet

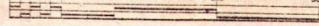
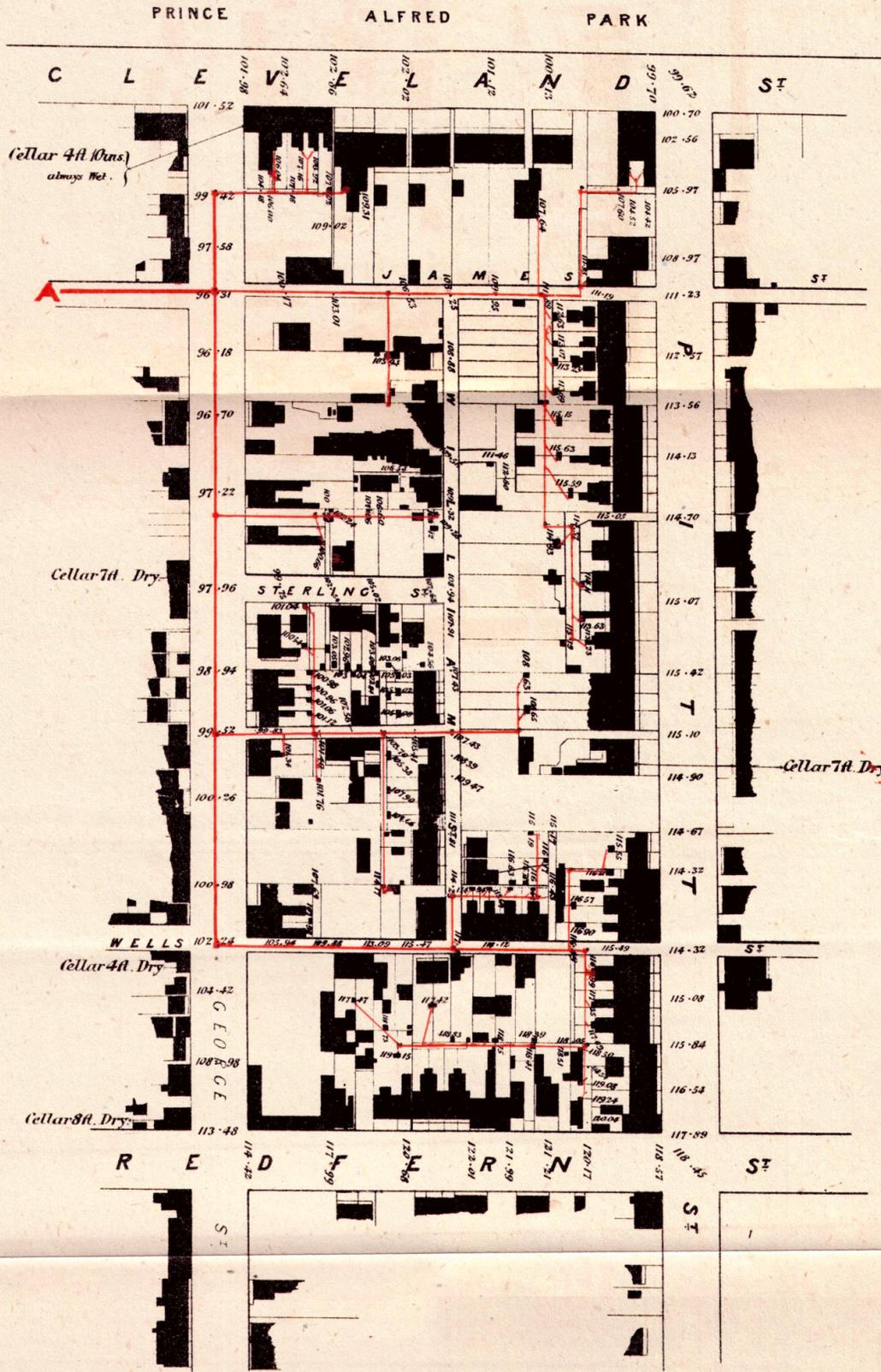


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

Wharfe

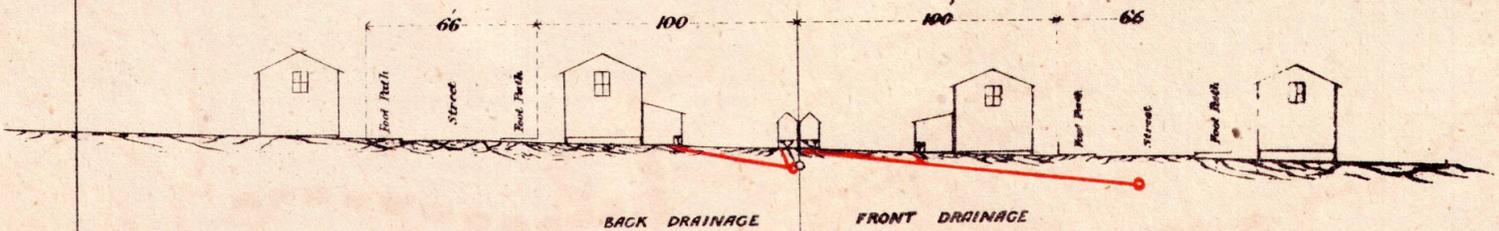
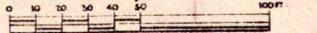


Figures in Black are heights above H.W.M.

SECTION DIAGRAM

CONTRASTING BACK AND FRONT DRAINAGE

Scale of Feet



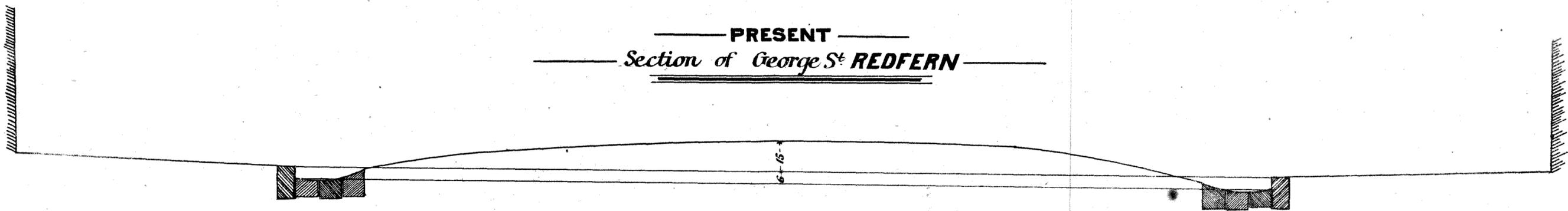
CROSS SECTIONS
OF
ROAD SURFACES as at PRESENT and PROPOSED

W. Clark



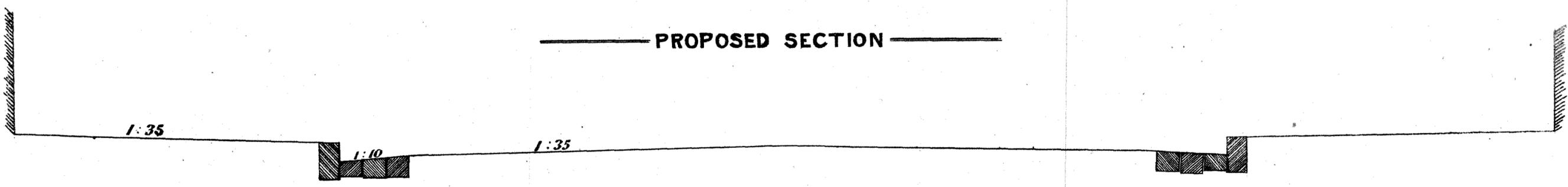
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

PRESENT
Section of George St REDFERN



NOTE		
Width of Foot Paths	12 Feet	
do Gutters	3 do.	
do Roadway	36 do.	

PROPOSED SECTION



NOTE		
Width of Foot Paths	14 feet.	
do Gutters	3 do.	
do Roadway	32 do.	

OVERFLOW AND FLUSHING OUTLET

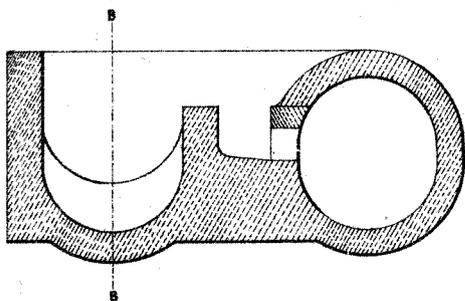
Nº4.

FOR
INTERCEPTING SEWER.

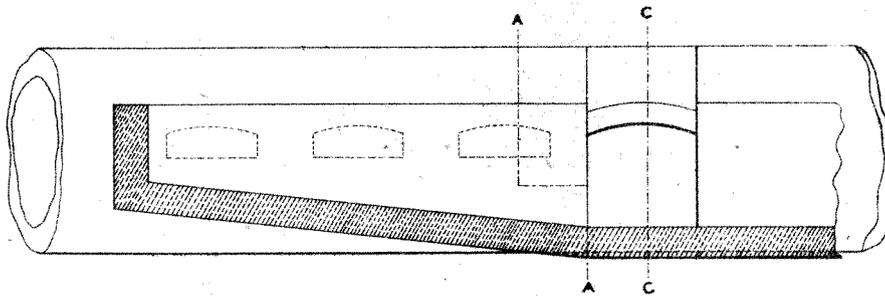
Scale of Feet
0 1 2 3 4 5 6 7 8 9 10

Wheat

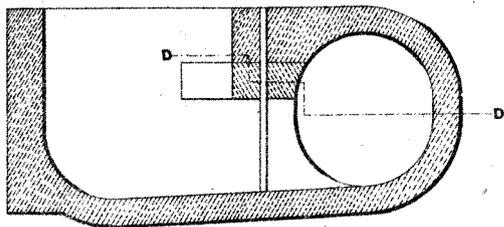
SECTION ON LINE. A.A.



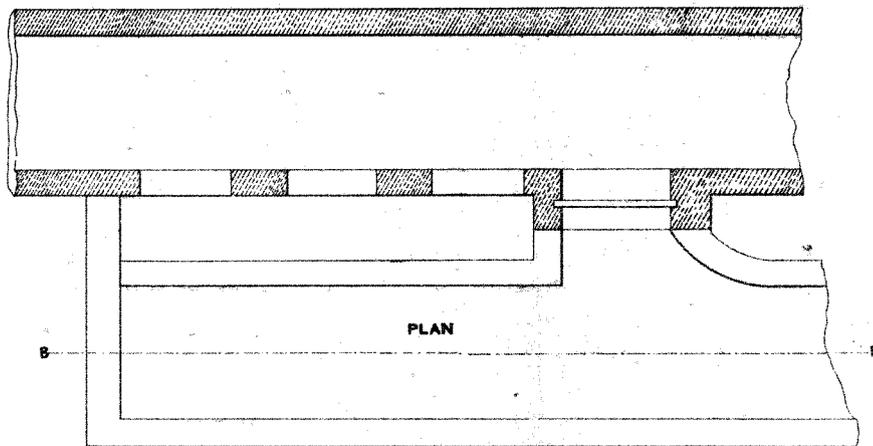
SECTION ON LINE. B.B.



SECTION ON LINE. C.C.



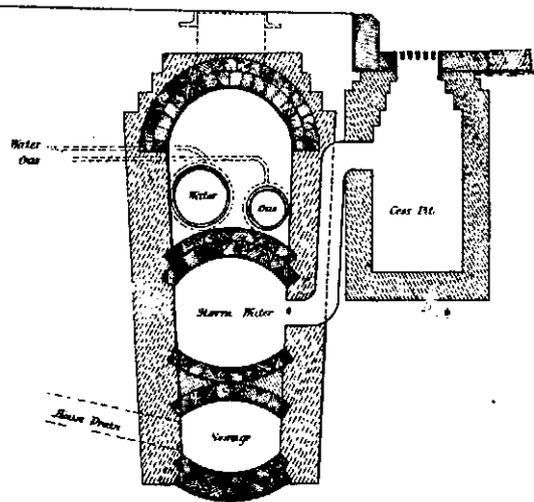
SECTION ON LINE. D.D.



COMBINED COVERED WAY
for
SEWAGE, STORM WATER, GAS, and WATER PIPES.



Fig A.

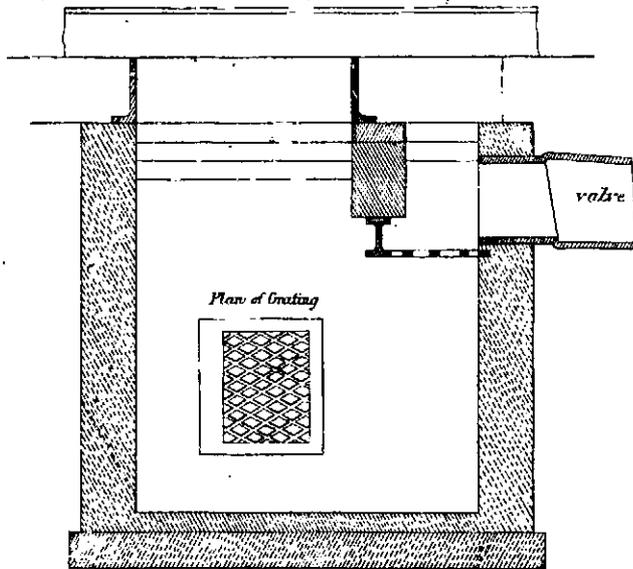


W. White

SECTION of PRESENT GULLY.
with
PROTECTING UNDERCRATING



Fig B



SYDNEY DRAINAGE.

No 9.

JUNCTION OF CASTLEREACH STREET SEWER

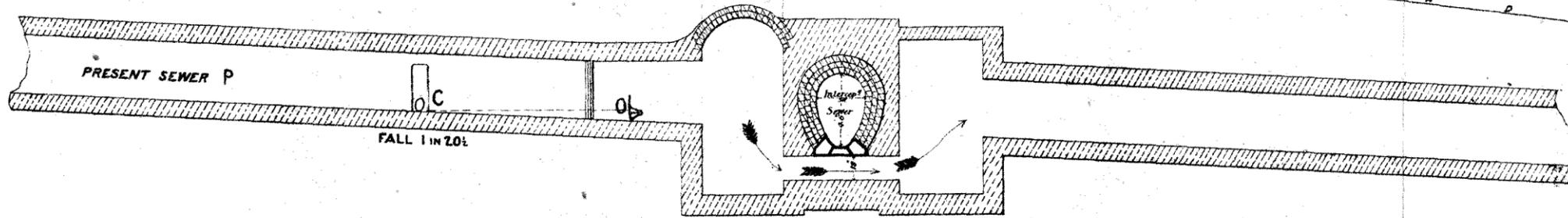
WITH

PROPOSED INTERCEPTING SEWER.

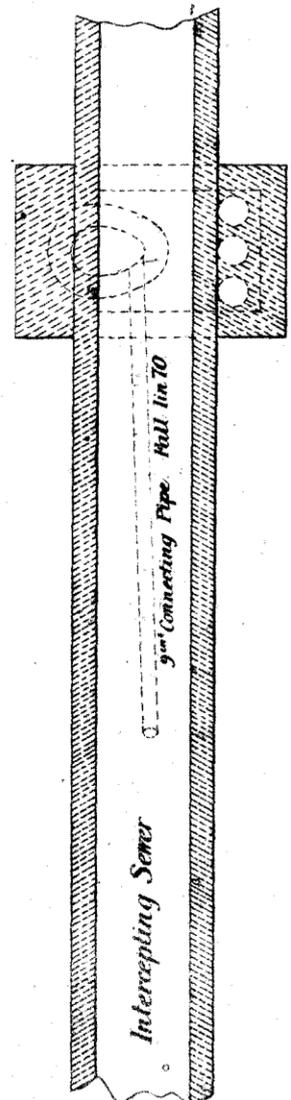
Scale of Feet

*Whark
M. J. L. C.*

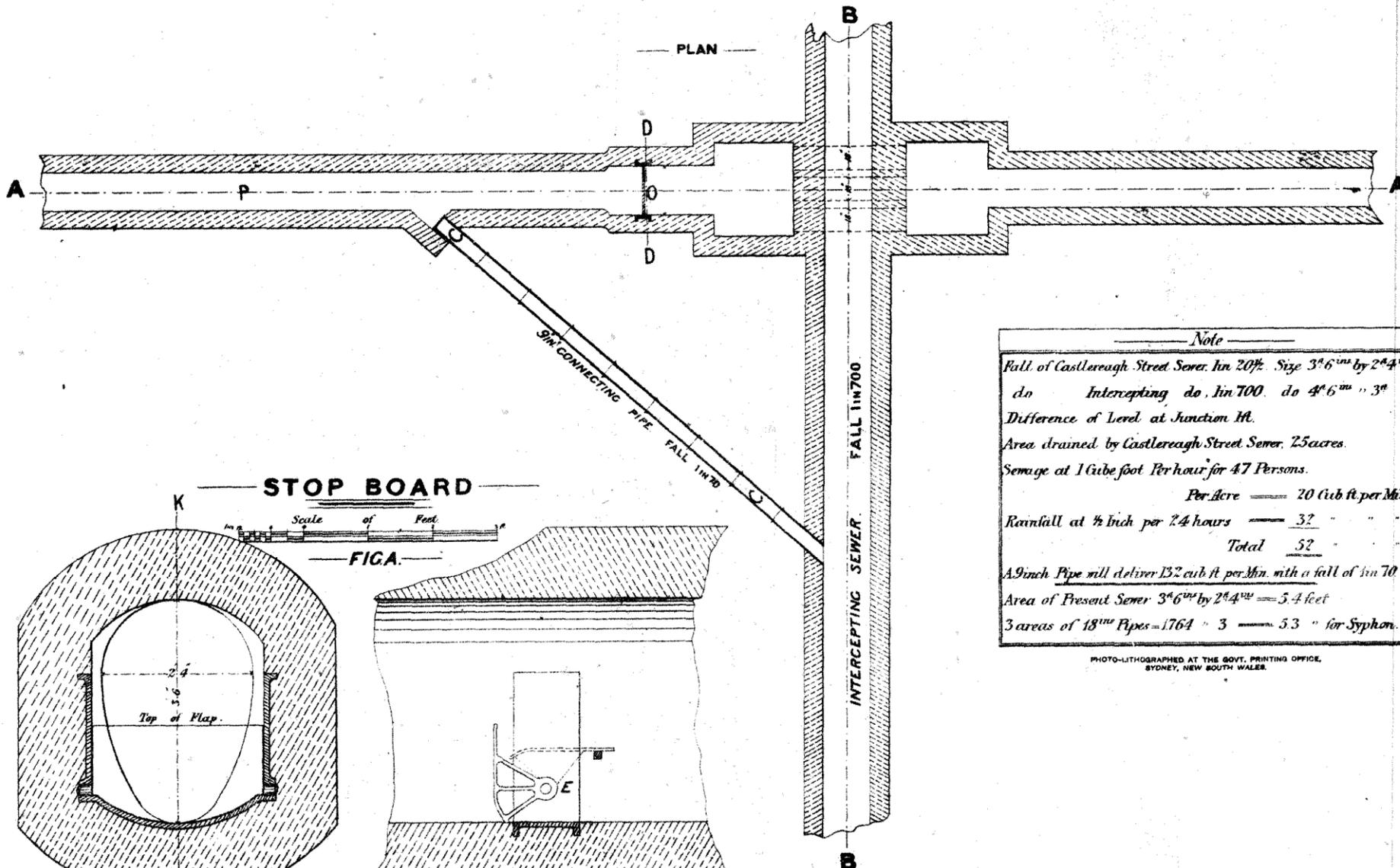
SECTION ON LINE A.A.



SECTION ON LINE B.B.



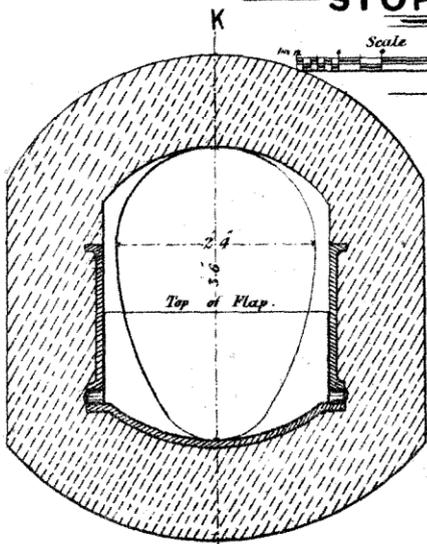
PLAN



STOP BOARD

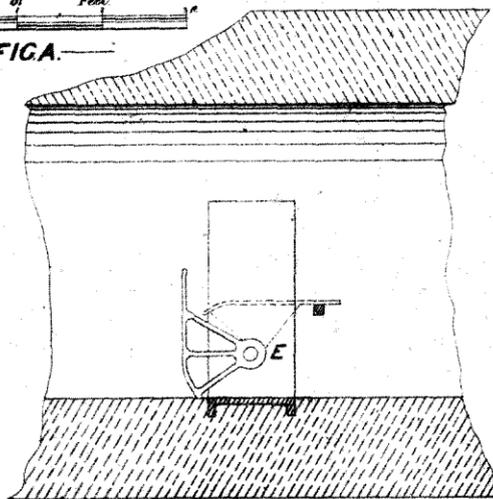
Scale of Feet

F.I.C.A.



SECTION ON LINE D.D.

SECTION ON LINE K.K.



Note

Fall of Castlereagh Street Sewer. In 20% Size 3⁶/₁₆ by 2⁴/₁₆

do Intercepting do. In 700. do 4⁶/₁₆ by 3⁶/₁₆

Difference of Level at Junction H.

Area drained by Castlereagh Street Sewer. 25 acres.

Sewage at 1 Cube foot Per hour for 47 Persons.

Per Acre — 20 Cub ft. per Min.

Rainfall at 1/2 inch per 24 hours — 32 " "

Total — 52 "

A 9 inch Pipe will deliver 152 cub ft. per Min. with a fall of 1 in 70

Area of Present Sewer 3⁶/₁₆ by 2⁴/₁₆ = 5.4 feet

3 areas of 18¹/₁₆ Pipes = 1764 " 3 = 5.3 " for Syphon.

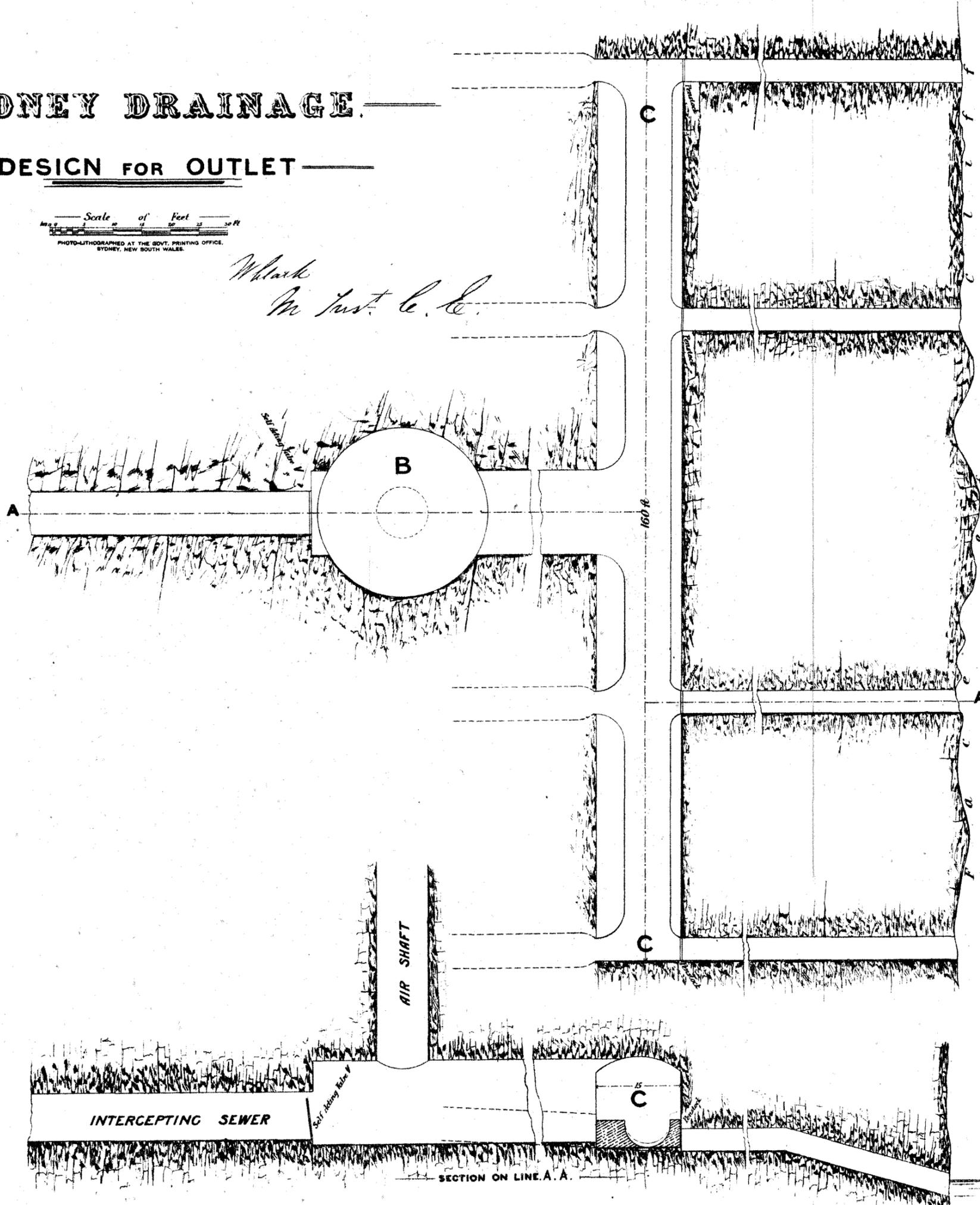
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

— SYDNEY DRAINAGE. —

— DESIGN FOR OUTLET —

Scale of Feet
0 10 20 30 40
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

*W. Black
In Trust. C. C.*



No 8

N
A
E
C
O

SYDNEY DRAINAGE.

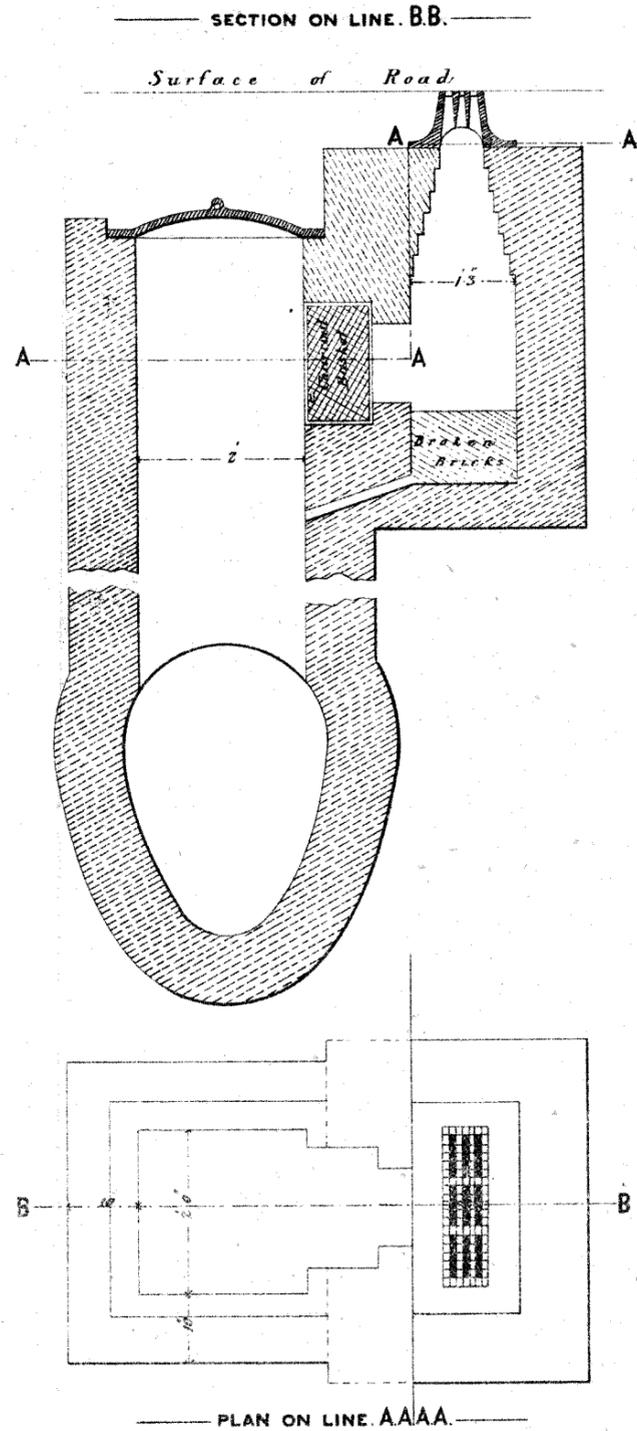
No 7.



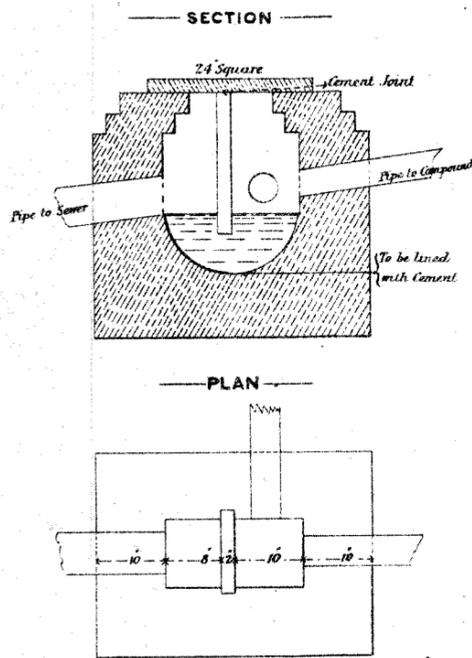
PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

W. Clark
M. Inst. C. E.

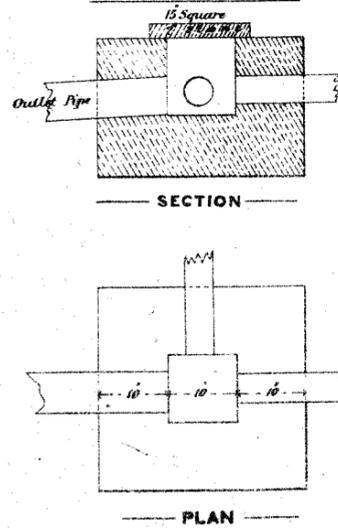
VENTILATING PIT & GRID



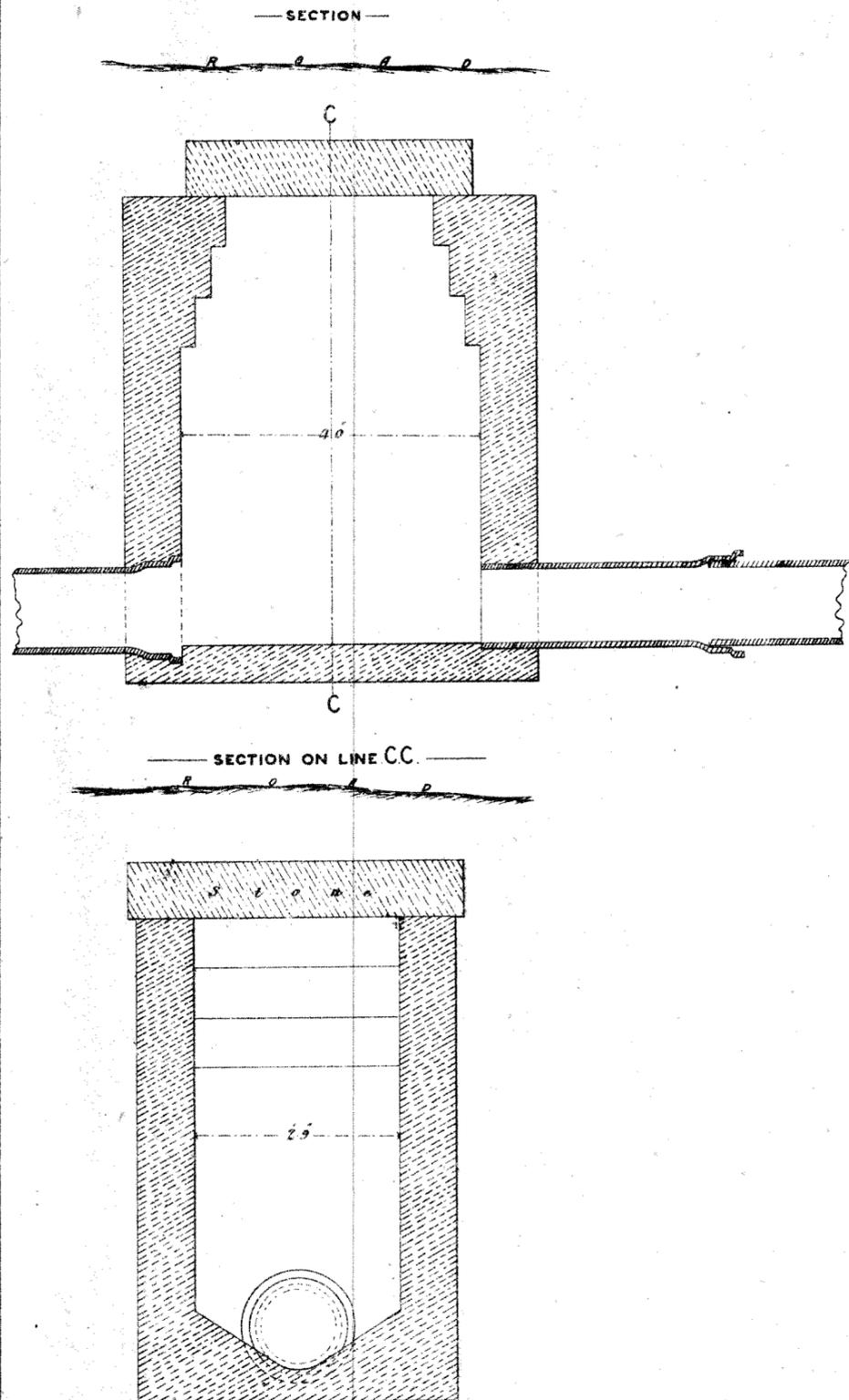
PIT TRAP



JUNCTION PIT



MAN HOLE TO PIPE SEWER



— SYDNEY DRAINAGE. —

Nº 6.

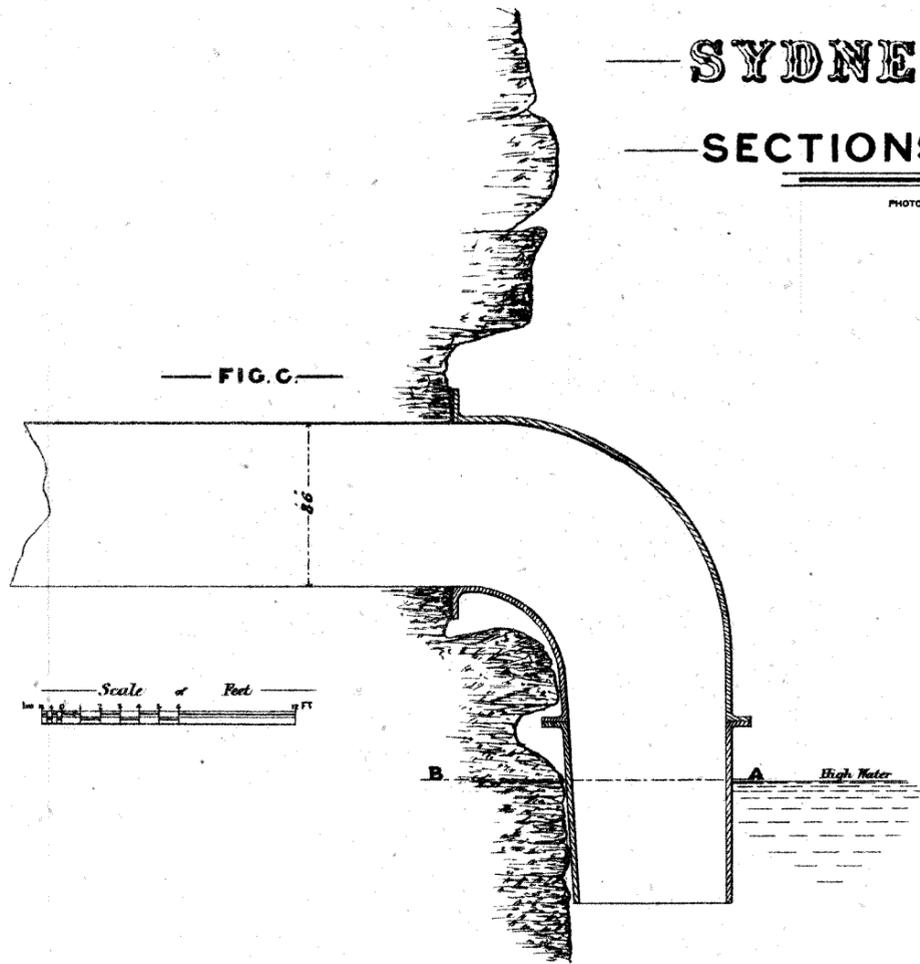
— SECTIONS OF SEWERS. &c. —

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

Wheat

M. Inst. C. E.

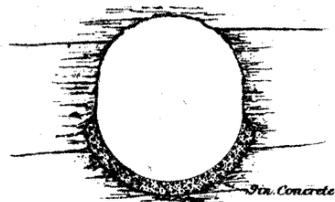
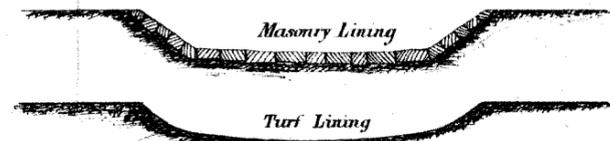
— FIG. C. —



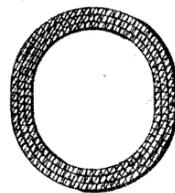
— SECTION ON LINE. A.B. —



SURFACE CHANNELS.

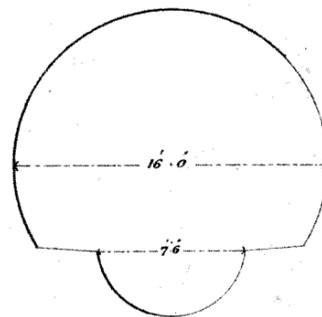


TUNNEL IN ROCK

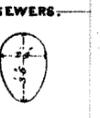
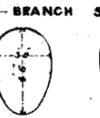
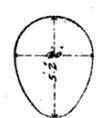
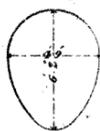
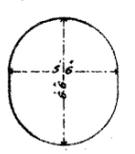
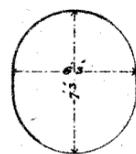
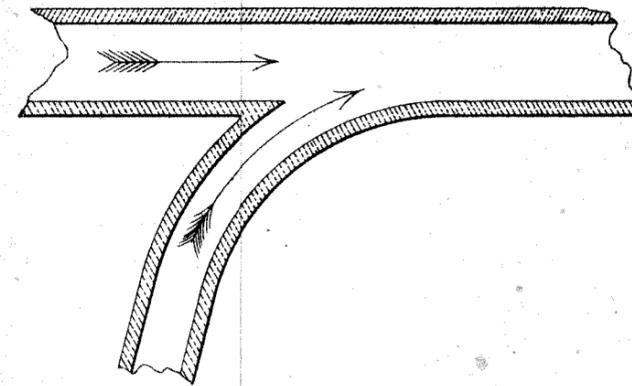


SEWER IN BRICKWORK

— FIG. B. —



— FIG. A. —



BRANCH SEWERS.

1876-7.

NEW SOUTH WALES.

SYDNEY DRAINAGE.

(LETTER FROM MR. CLARK, COVERING REPORT.)

Presented to Parliament by Command.

Mr. W. Clark to The Colonial Secretary.

Sir,

Sydney, 17 July, 1877.

In conformity with the instructions contained in your office letter (No. 77/1,070), I have the honor herewith to forward my report on the interception of the sewage of Sydney for preventing the pollution of the harbour, together with the principles which should guide the authorities in the further extension of the drainage works in the city and suburbs.

I have dwelt at length on some of the conditions which will require careful attention to secure the successful action of the work for intercepting the sewage, and I have directed attention to the difficulty in dealing with the large quantity of surface detritus, which should as far as practicable be kept out of the proposed intercepting sewer though admitted to the existing sewers.

That there is urgent necessity for the execution of this intercepting work is evident in the condition of the harbour near the present sewer outlets, and I would commend the subject for the immediate consideration of the Government.

For the want of sufficient plans and levels of the city and suburbs, I have been unable to deal with the extension of the drainage works, further than to point out the general principles on which they should be arranged.

The separation of the surface drainage of streets and open spaces from the house drainage will not only avoid the difficulty of dealing with large quantities of solid matter in the sewers, but will also, with the inclination available, so far reduce the sizes of the sewers as to bring them within the dimensions of the stoneware pipes now successfully made in the Colony.

The necessity for the expensive brick sewers being avoided, except to a trifling extent, will bring the cost of the drainage works within the means of the municipalities if the cost of emptying cesspools under the present system be handed over to them; thus the system of storing filth in large quantities in the midst of a dense population, and the nuisance attending its removal by carts, will be avoided.

I have explained and illustrated the system of back drainage, which is especially suited to Sydney, insuring not only the greatest economy in construction of sewers and drains, but also their greatest efficiency.

The necessity for improvements in the ventilation of existing sewers has also been explained; also, the desirability of devoting certain areas of low elevation, as at Rushcutters' Bay, Blackwattle Swamp, &c., &c., and not yet built upon, to purposes of public recreation.

Having some considerable experience in the working of Municipal Acts, and the construction of works for water supply and drainage under these authorities, I would here endorse the recommendations of the Sewage and Health Board, that the execution and management of these for Sydney and suburbs should be entrusted to a separate and independent Central Board of Works or Commission, — such Board to consist of a paid chairman and officers qualified to direct and superintend the works.

The chairman should be assisted by an equal number of nominees of the Government and representatives of the Municipalities, and that these members should be paid for their attendances.

The total number of Commissioners not to exceed seven (7).

The nominees of the Government to be permanent, the representatives of the Municipalities to be elected for three (3) years and retire by rotation. That immediate steps be taken by the Government to make the necessary surveys and levels of the city and suburbs, and when obtained that the Board be empowered to carry out the works and assess each Municipality in the cost of the general plans and works, according to the benefit derived.

The direction and formation of all new streets, the levels of lowest floors of houses, &c., &c., to be subject to the approval of the Central Board.

I regret that owing to the general insufficiency of the plans of the various districts with which I have had to deal, my inquiry has been extended over a longer period than it need otherwise have been.

Having now completed the work for which I have visited the Colony, I am desirous of conveying to all the gentlemen with whom I have come in contact, Government officers and others, my best thanks for the courtesy, attention, and assistance I have received.

To the Surveyor General, under whose guidance I inspected the localities connected with the various water supply schemes, my thanks are especially due, also to Messrs. Moriarty and Bennett, Chief Engineers in Government Departments, and Messrs. Bell and Bradridge of the City Corporation, I am greatly indebted for their readiness and kindly desire at all times to furnish me with such information as I have required.

Also, to those gentlemen whose suggestions and schemes for water supply and drainage have come before me for examination; it has been impossible that all should be adopted, but it has been my desire to weigh fairly the merits of the various suggestions in the interest of the Government and the public, without reference to the sources from which the suggestions have emanated, and with confidence I now leave these important subjects and my Report thereon in the hands of the Government.

I have, &c.,
W. CLARK.

1876-7.

NEW SOUTH WALES.

WATER SUPPLY, &c., OF NEWCASTLE, MAITLAND, AND
BATHURST.

(REPORT FROM HYDRAULIC ENGINEER RESPECTING.)

Presented to Parliament by Command.

To the Honorable Sir Henry Parkes,
Colonial Secretary.

Sir,

Sydney, 14 July, 1877.

In conformity with your instructions, conveyed in Mr. Halloran's letters of the 25th June and 4th July, that I should visit the towns of Newcastle, Maitland, and Bathurst, with a view to advising the Government on the subject of Water Supply, and with reference to Maitland that I should have an "eye to the best means of protecting the place from floods," I now have the honor to report that I have visited all the towns in question.

I arrived at Newcastle on the 26th June, and on the 27th accompanied the Mayor and other authorities to inspect a source of supply near Red Head; and on the 28th I inspected the town, after which I went on to Maitland, and had an interview with the authorities on my arrival.

On the following day I accompanied the same gentlemen to the point on the Hunter River whence it is proposed to obtain the water supply by pumping, and we also went to other places in the district which they desired to point out to me with reference to the question of floods.

On Monday, 2nd July, at their request I accompanied them by river from Maitland to Morpeth, and went on to Newcastle. On arrival I had an interview with the Mayor, and with him visited several of the important mining townships where water is required. On returning to Newcastle I instructed Mr. Surveyor Fuller as to the plans and levels which will be required to enable me to advise further on the subject.

I returned to Sydney on the 3rd instant, and had the honor of an interview with yourself.

On the 4th instant I left for Bathurst; on arrival had an interview with the Mayor and Aldermen of that city. The following day the Winburndale Creek, as a source of supply, was examined. On the 6th instant the Vale Creek was inspected with the same object. On the 7th instant the city of Bathurst was inspected and the Macquarie River, with a view to obtain a supply by pumping from that source. On the 9th instant the Fish River and Campbell's River were visited, and barometric levels taken. On the 10th instant a further examination of the Winburndale Creek was made, which, as a gravitation scheme, promises to be the best. On 11th instant returned to Sydney, and reported my arrival to Mr. Halloran.

I have thus finished the cursory examination of the localities named, according to your instructions, and am now enabled to report to you.

There

There can be no doubt as to the absolute necessity of a water supply for domestic purposes to all the places I have visited. The present source of supply, wells chiefly, are not only scant, but there is evidence that they are impure, by the prevalence of diseases so engendered.

Regarding Newcastle, from information already obtained from Mr. Surveyor Fuller under my instructions, it appears there is considerable doubt if that city can be supplied from the Red Head locality; and in that case, owing to the extensive mining operations in the district, the only available source of supply will be the river Hunter above Maitland. If this should prove to be so, the plan will be to combine Newcastle and the mining townships with Morpeth, Maitland, and any other townships on the route in one comprehensive scheme, and I purpose leaving Sydney on Monday next to make further examination. Levels &c. are now being taken by Mr. Fuller to enable me to do this.

At Bathurst levels and surveys are now in progress, and will, I hope, be finished and ready for me on my next visit.

The subject of the floods in the Hunter Valley has been exhaustively treated by a Commission. It is one that cannot be dealt with satisfactorily without a very extended inquiry. Judging by the data already obtained, the conclusion of the Commission appears to be correct. To meet the views of the authorities however, other data are required, the obtaining of which would occupy much time, more in fact than under the circumstances I should feel justified in devoting to it. Without therefore abandoning the subject, which shall have my best attention while engaged on the scheme for Water Supply, I would here state that I do not propose to go especially into the subject, but if at the end of my visit to the district I can advise the Government further, from any additional information I may obtain, I shall do so.

On the subject of Water Supply to the various towns I have now under consideration, an important point is, how the capital for the necessary works and interest thereon is to be obtained, and the amount which it will be possible to obtain. The general impression is that the Government will assist the towns by lending the requisite capital at a low rate of interest, and in the form of an endowment for a certain number of years enable them to pay a portion of the interest, the town paying the remainder.

It is of considerable importance to know how far these expectations are well founded, because the water supply may be *great* or *small* according to the available means, the expense bearing a very close proportion to the quantity of water distributed. Twenty (20) gallons per head is a sufficient supply for washing, drinking, and culinary requirements, but insufficient for extensive manufacturing purposes, the irrigation of gardens, &c., &c., when fifty (50) and even eighty (80) gallons per head is occasionally distributed. A consideration of this subject, in connection with the present and probable increase of the population in each town, is necessary to fix the quantity for which the works shall be arranged in each place. Any views which the Government may have on this matter I shall be glad to be favoured with. In the meantime I shall proceed with the inquiry, and if not otherwise instructed I will include this point of daily supply also in my final Report to the Government.

On the subject of my visit to Orange, I have already addressed you on the 10th instant.

I have, &c.,
W. CLARK.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

WATER SUPPLY TO PARRAMATTA.

(REPORT FROM HYDRAULIC ENGINEER.)

Ordered by the Legislative Assembly to be printed, 10 October, 1877.

W. Clark, Esq., to The Colonial Secretary.

Sir,

Sydney, 5 October, 1877.

I have the honor to acknowledge the receipt of Mr. Halloran's letter of the 11th August, forwarding copy of a letter from C. J. Byrnes, Esquire, Mayor of Parramatta, and other papers, herewith returned, on the subject of the Water Supply to that town; and I am requested to give an opinion whether it would be the interest of that Borough to utilize the water now conserved by the masonry dam at the North Rocks.

I have ascertained that the distance of the dam from the town is $2\frac{1}{2}$ miles, and that the lowest available level of the water in the dam is 12 feet above the rails at the station.

The distance of the conduit in the Nepean scheme from the same point in the town is $3\frac{3}{4}$ miles, and the available fall is 120 feet.

In this case I should compare the cost of a 14-inch pipe $2\frac{1}{2}$ miles long with that of a 9-inch pipe $3\frac{1}{4}$ miles long, and I find it to be in favour of the longer and smaller pipe by about £900.

The cost of distributing the water through the town would also be somewhat greater, owing to the deficiency of pressure in the case of the North Rocks low level scheme, and I believe it is insufficient to supply a considerable portion of the town area.

The comparison, however, does not end here, for the water in the conduit from the Nepean would probably be charged to the Municipality of Parramatta at not less than 6d. per 1,000 gallons.

Assuming, then, that the water behind the dam at North Rocks would be obtainable free of cost, it remains to be ascertained at what cost the water can be taken from the dam, filtered, forced to a higher level, and distributed in the town of Parramatta, under a pressure equal to that which will be available from the Nepean scheme.

The cost of the works for this purpose will probably be about £8,000.

The interest on this sum at 5 per cent. is, per day ...	£1	1	10
Fuel and wages, say ... ..	...	1	5 0

£2 6 10

which considered as the cost of 150,000 gallons of water per day will give 4d. per 1,000 gallons, or 2d. cheaper than the Municipality should be called on to pay for the water from the Nepean.

The probable further cost of the pipes for distributing the water will not exceed 3d. per 1,000 gallons, which should, according to my view, be sold to consumers at one shilling, and would leave a surplus to pay off loans for constructing the work, for extending the supply, or for any other municipal purpose which may be deemed desirable.

I am of opinion, therefore, that the water from the North Rocks, which appears to be of excellent quality, should be made available for the supply of Parramatta.

I have, &c.,
W. CLARK.

1876-7.

NEW SOUTH WALES.

SUPPLY OF WATER FOR THE TOWN OF ORANGE.

REPORT

TO THE

GOVERNMENT OF NEW SOUTH WALES

ON A

SUPPLY OF WATER FOR THE TOWN OF ORANGE:

BY

W. CLARK,

MEMBER INSTITUTE OF CIVIL ENGINEERS.

Presented to Parliament by Command.

SYDNEY: CHARLES POTTER, ACTING GOVERNMENT PRINTER.

1877.

REPORT to the Government of New South Wales on a supply of Water for the Town of Orange.

To the Honorable the Colonial Secretary
of New South Wales.

Sir,

Having been honored with instructions to advise the Government on the subject of a Water Supply to the town of Orange and its vicinity, I proceeded there on the 20th of August last.

The population of Orange extends beyond the square mile of area which comprises the actual township, and at the present time is estimated at from 3,000 to 3,500 persons, and is daily increasing. The houses number about 550, but these are insufficient: many people reside in tents.

The water supply is derived from private wells; the town has no drainage, and there can be little doubt as to the result: it is simply a question of time when the wells will become contaminated, and the authorities are very anxious to anticipate the evils resulting from this state of things by the provision of a pure and permanent supply of water, to be distributed through the town by pipes, and to retain the work under their own control for the benefit of the people.

The most pressing want is water for domestic purposes; but I am assured that the establishment of various industries is contingent on the provision of water. It is necessary, however, to consider that the payment of interest on the capital and working expenses by a community who are entirely unaccustomed to pay for water would be attended with some difficulty if the works are unnecessarily large and expensive. It would seem, therefore, desirable that the scheme should be limited to a present liberal supply for domestic purposes, and be capable of expansion as the demand increases, and the people learn by experience that the water is not only abundant and pure, but that it is cheaper than the water derived from wells by the absence of the manual labour necessary to draw it therefrom.

Twenty gallons per day is an abundant supply for purely domestic purposes. $3,500 \times 20 = 70,000$ gallons per day, would therefore be a sufficient supply where there is no waste, for the present population; but, from the consideration above alluded to, I propose that the work should be capable of providing a population of 6,000 persons with 30 gallons per head, or a total quantity of 180,000 gallons per day, and the means of increasing upon this in the future.

The first source of supply to which my attention was directed was Meadow or Molong Creek, which has its rise in the Canoblas Mountains; these are of great altitude—4,000 feet and upwards above sea level,—and from this cause attract an unusual amount of rain.

The Government Astronomer, in his "Climate of New South Wales," shows that the district of Orange is an exception to the usual decrease of rainfall, as the distance from the coast increases; thus the average rainfall of Orange in the five years during which observations have been taken is 41.052 inches, the distance from the coast being 124 miles, while Bathurst, at a distance of 95 miles, has a rainfall of 25.03 inches only, which is the average of 14 years.

In

In the county of Wellington and parish of Towac, at a place called Devil's Hole, the Meadow Creek passes through a narrow gorge of considerable depth and well suited to the construction of a dam. Mr. Fisher, the District Surveyor, several years since called attention to this place as suitable for the purpose now under consideration, and recommended that it should be reserved. Since then Mr. George Plowman has acquired the right by selection of 210 acres of land, and has recently erected a saw-mill thereon; with this exception, the entire area drained by the creek, comprising 1,600 acres, is vacant Crown land.

At my suggestion various trial sections have been taken at this place, and others lower down the creek; the most advantageous site, however, appears to be that shown on the plan No. 1, where a dam 325 feet long at the top, 55 feet at the bottom, and 62.5 feet high, will impound an area of 21 acres of water at a level of 6 feet below its top. The upper 40 feet of this will give a cubic capacity of 97 to 100 millions of gallons, considerably more than one year's supply, after allowing for evaporation.

The one noticeable feature is the smallness of the catchment area, two and a half square miles; it is however to be remarked that the lofty mountain side and its precipitous character, entirely uncultivated, doubtless insures an unusual amount of rainfall and its rapid discharge. At the time of my visit the creek was a strong running stream, probably five or six times the amount necessary to supply Orange with 180,000 gallons per day, and this was after an unusually dry period with no recent rain to assist the flow.

On the 26th July last, after a long period of dry weather, Mr. Fisher estimated the flow at 300,000 gallons per day. More recent observations enable him to estimate the flow at $1\frac{1}{2}$ million gallons per day. The stream usually runs 3 feet 6 inches wide, $2\frac{1}{2}$ inches deep, and with a velocity of 4 feet per second at the point where the observations have been taken. On the 20th September half an inch of rain fell between 5 and 9 o'clock in the morning; in the evening the stream was running 3 feet 6 inches wide and 1 foot deep, with a greatly increased velocity. These observations are, of course, rough, but they go to show that the flow is immediately affected by the rain, and if sufficient storage be provided a very large proportion of the rain will be available for supply.

It is, however, very desirable that a proper rain gauge and weir should be established, where daily observations of the flow can be taken near the site of the proposed dam.

The level of the ground at the point where the dam will be constructed is 315 feet above the highest point in the town of Orange.

The means of carrying the water to the town would be by a race having a fall of 10 feet per mile for a distance of $5\frac{3}{4}$ miles, when it reaches a point $2\frac{1}{4}$ miles distant from the town boundary, and at an elevation of 250 feet above the town. From this point an 8-inch pipe would discharge the daily quantity of 180,000 gallons in a little over 4 hours.

At this point, near the farm occupied by Mr. Hicks, a suitable place for a reservoir and filter is found. The construction of a dam 15 feet high to top water level, and about 7 chains long, will impound an area of 2 acres of water with a cubic capacity equal to 3 million gallons (Plan No. 10.)

The basin is composed of rock to the surface, and as far as a superficial examination enabled me to judge, appeared to be well suited to the purpose.

With so large an area, and about 14 days supply, it is probable that no filtering or other cleansing process would be required if suitable catch drains be provided for intercepting the rain-water from the race and tank, so as to preserve the water at all times in the same condition as when it escapes from the storage reservoir. The expense of filters and a service reservoir would thus be avoided; the tank above described would receive the water from the race, and the head of the pipe for conveying it would be always fully supplied during any short period when repairs to the race may be required. This level will be 270 feet above the highest point in the town of Orange.

Below

Below the position where this dam will be constructed the country falls rapidly to Orange, affording ample facility for scouring out the dam from deposited mud, and also for the construction of filters, should experience prove them to be necessary.

My attention was also drawn by Mr. W. B. Wade, engineer in the Railway Department, to another source of supply in the Gosling Creek, at a point distant $2\frac{3}{4}$ miles from the town boundary.

This creek also has its rise in the Canoblas Mountains, at a point distant from the railway of about a mile up stream; it carries the drainage of an area, estimated by Mr. Fisher, the District Surveyor, at 6 square miles, which is capable of being extended to 8 miles, by diverting Brandy's Creek into it. The area drained is for the greater part cultivated, and nearly all of it is alienated.

At the point above mentioned, near the house of Mr. Munro, Mr. Wade estimates that a dam 20 feet high would impound an area of 30 acres of water, with a capacity of 65 million gallons in the upper 8 feet of depth. The stream, on the occasion of my visit, was nearly as large as that I had observed on the previous day in Meadow Creek.

Mr. Wade pointed out that a second dam can be constructed higher up the stream to increase the storage; both creeks are, in fact, susceptible of an increased storage by such means.

The settling tanks and filters, with the service reservoirs, could be fixed at a point distant from the dam of 62 chains, and at an elevation of 54 feet above the highest levels in the town.

The distance from the dam to the town boundary ($2\frac{3}{4}$ miles) would require to be covered by a 12" iron pipe.

The most important consideration in connection with these suggestions is that of the permanence of the supply.

From inquiries made on the spot I ascertained that the Gosling Creek usually ceases to run during several months in the summer season. There are no records of the flow of either creek or of their condition during periods of drought.

In order to obtain the best information on this important matter, I addressed a letter to the Mayor of Orange, Thomas Dalton, Esq., which, with the reply received thereto, is given in the Appendix, page 9.

It appears from the opinions there given that though the Meadow Creek drains an area but one-half that of the Gosling Creek, yet it is considered to be the more permanent source.

I think, however, that without a storage reservoir of ample capacity, neither the one nor the other could be considered quite safe in long periods of drought.

The available contents of the Meadow Creek Reservoir is	97 million gallons.	
The annual evaporation from 21 acres	... .. 17	„
Leaving available for supply	... .. 80	„
The Gosling Creek Reservoir, from a storage of	... 65	„
By a similar calculation will lose	... 24	„
Leaving as available...	... 41	„

There would, however, doubtless be some considerable loss of water in the open race in the first case; and the nearer proximity of the Gosling Creek would, if adopted, be attended with some economy, probably to the extent of £2,000 to £3,000; but in consideration of the character of the catchment area, wholly uncultivated, the greater promise of permanence, the larger storage capacity of the Meadow Creek scheme, and the higher pressure obtainable, I am of opinion that it is the source which should be adopted for supplying Orange with water.

I have, therefore, gone carefully into the consideration of the cost of the necessary works, which may be briefly described as follows:—

A dam of the dimensions described on page 4, containing 60,000 cubic yards of earthwork; a waste-weir, capable of discharging 1" per hour of rainfall over the entire catchment area. Plan and section of these are given, drawings Nos. 3, 4, 5, 6, and 7. Inlet and outlet pipe and culvert through the dam, 3 feet 6 inches in diameter, capable of carrying off the water of the creek on the occurrence of heavy showers during the construction of the dam, with arrangement for adjusting the flow to the requirement of the supply.

A race $5\frac{3}{4}$ miles long, consisting of a simple earthen channel, which, with an inclination of 10 feet per mile when running 6 inches of depth, will convey, theoretically, 800,000 gallons per day. Section of the race is given in plan No. 7. Land averaging half a chain in width, and fenced in on either side, is included in the estimate.

Plan No. 10 shows the arrangement of the settling tank acting also as a service reservoir, having a pipe with a movable end, supported by a float to draw the water from a few inches below the surface. The object of this arrangement is to obtain water in the clearest possible condition.

From the service reservoir the water is taken in an iron pipe 8 inches in diameter for the supply of the town; the distance is 2 miles 63 chains to Summer-street, where the pipes for distribution may be said to commence.

The very considerable pressure which will be available, and the abundant storage provided, will be of great value on the occasion of fires, when jets of water to command the highest buildings will be obtainable if pipes of suitable dimensions be adopted; and motive power for small machines could also be obtained.

In carrying out these works some care and ingenuity will be required to secure efficiency, safety, and economy.

The dam is the most important feature in the scheme, the soil in the district is decomposed basaltic rock, with a surface layer of red clayey soil, well suited to the execution of such a work and to ensure the bottom of the reservoir being watertight.

The precipitous side of the gorge where the bank will join upon it must be cleared of all loose soil and material and the puddle bank throughout carried into the solid rock, which will probably be found near to the surface.

The waste weir will be large and the material excavated therefrom will go into the dam below it; and it is probable that it will be to a considerable extent cut in the solid rock, which is desirable, but until trial holes are made this cannot be determined.

The rock failing to appear it will be necessary to provide a solid masonry wall from the end of the dam to the hill, with a puddle and pitched surface for the approach and tail of the waste weir. The basaltic stone of the district is suitable for this purpose and for pitching the slope of the dam.

Clay for puddle is procurable at a distance of one-third of a mile from the site of the dam.

The plan shows inlet and outlet pipes and culvert 3 feet 6 inches in diameter with a valve tower and pen-stock for regulating the flow. This size is considered necessary for passing the flow of the creek through the dam during its construction; it would if required also admit of drawing off the water rapidly at any time afterwards to 40 feet below top level.

These pipes and culvert will be laid in the solid ground forming the side of the valley, and are shown as in a trench 10 feet deep; but the exact position cannot be decided until the nature of the ground—rock or otherwise—is ascertained.

The iron pipes and tower (plan No. 8), &c., can be replaced by masonry should the price of iron render it desirable to do so before the works are constructed.

The site of the reservoir will require to be cleared of timber, *i.e.*, the trees cut down and burnt, the stumps left standing.

It will be necessary also to compensate Mr. Plowman for the removal of his saw-mill to another site and for the resumption of his land.

The

The race is intended to be a simple earthen channel, with side slopes 1 to 1, about 2 feet deep, and 1 foot 6 inches wide at the bottom, slightly rounded, as shown in diagram.

The nature of the soil is suited to this purpose, being somewhat clayey; doubtless there will be considerable leakage at first, but these channels where clayey matter is present speedily puddle themselves. In places where this does not occur it will be necessary to put about 6 inches of puddle in the bottom and cover it with stones 2 or 3 inches in depth, to preserve the puddle on occasions when the race is empty. It will also be necessary to prevent the scour of the sides by rain water when the race is formed on a hill-side; by providing a catch drain to convey the water into some other channel.

For some time after its formation the race will require attention to stop leakages and repair defects of the ground; it must also be fenced in to prevent the intrusion of cattle, &c.

The water will then be conducted to the reservoir described at page 4, which will be embanked with the earth obtained as nearly as possible to its site. The slopes will be formed at about 2 to 1 on the outside, and 3 to 1 on the inside, properly puddled and pitched; the floor of the settling tank being of rock will admit of being scoured out into the sludge outlet provided for the purpose.

The seat of the dam being on rock especial care will be required to prevent the water creeping between it and the earth. This will be done by excavating a trench in the rock to receive the puddle wall and other trenches in the front of it, as shown in the drawing No. 9, puddle also being used under the pitching on the face of the dam. This is also provided for in the estimate which amounts to £1,560.

A concrete dam 4 feet 6 inches wide at top and 10 feet at bottom where 15 feet high would be preferable in this situation, but it would cost about one-half more.

The estimate for the above works is as follows:—

Dam at Meadow Creek with waste-weir, outlet channels, valves, &c., &c.	8,925
5 $\frac{3}{4}$ miles of race, including land and fencing, at £500	2,885
Dam at Hicks's Farm, with inlet and outlet valves, &c.	1,821
223 chains of 8" pipe, with valves, &c., to end of Summer-street, Orange	4,236
Land, fencing, and compensation, clearing ground, &c.	1,554
Engineering and contingencies	1,119
	£20,540 *

There are about 15 miles of streets in Orange, and the plan shows that the buildings occupy frontages to these to the extent of about 9 miles.

The streets are all 1 $\frac{1}{2}$ chains or 99 feet wide, and it will be desirable to arrange eventually for a pipe on both sides of the street, in order to prevent unnecessary expense to the owners of houses of 40 feet length of service pipe, which will be necessary if the pipe be laid in the middle of the street; and also to avoid the expense of opening the roads, and inconvenience to traffic.

The

* Since the foregoing was printed, I have received from Mr. Fisher a further section of the country between the dam at Meadow Creek and the town of Orange, made at my suggestion, to ascertain what would be the cost of bringing the water into Orange for the entire distance by iron pipes. The direction of this pipe is shown on the plan No. 1, and a diagram section is given on plan No. 9. I have ascertained that with the fall available from 430 feet over datum, at the foot of the dam to a point 100 chains from Summer-street, where the level is 200 feet over datum, a distance of 450 chains, that a 6-inch pipe will deliver the entire daily quantity (180,000 gallons) in 16 hours.

If this plan be adopted it will be necessary to provide a covered reservoir to receive the water capable of containing a day's supply. A plan of this reservoir is given, No. 11.

The remaining distance (100 chains) to the end of Summer-street would be covered by a 9-inch pipe.

The total cost of this arrangement would be £8,928, at the present price of iron pipes, or about the same as the Combined Race, Reservoir at Hicks's Farm, and 8-inch pipe to Orange. The pressure in the town would be less—80 as against 250 feet over the highest point. For purely domestic purposes the 80 feet is sufficient, while the 250 feet, except on the occurrence of a fire, or for actuating machinery, would probably be somewhat inconvenient. This arrangement would also admit of an additional 50 per cent. of water, or a total of 270,000 gallons per day, being given without additional expense; and I recommend it for adoption, as it will avoid all severance of land and possibility of pollution to the water in the open race. Should it be found necessary, filters also could be constructed at the foot of the dam at Meadow Creek.

The cost of the water supplied may, at present rates for iron, be considered as identical in the two cases, and the authorities at Orange may, if so disposed, select between the two plans for bringing the water into town.

The position of the water pipe should therefore be either outside the gutter or just within the line of the kerb-stone. It will not be possible on account of expense, to put down the second line of pipe at the first, and the side of the street selected to be first piped should be where the consumption is likely to be the largest.

The blocks of buildings are 10 chains each; a stand post for the public supply should be provided at $11\frac{1}{2}$ chains apart in each street, where persons who desire to do so can draw the water, while fire hydrants, which can be used for watering the streets and for fires, should be fixed at about 100 feet apart on every pipe: as, however, this would be too expensive at first, it is proposed to fix them at 300 feet apart; so arranged, the total number of stand posts required would be 63, and fire hydrants 155.

The pipes for distribution will vary from 8 to 3 inches in diameter, and the total weight of the pipes first to be laid will be 626 tons. The cost at the present rates, including fire hydrants, stand posts, &c., &c., will be £9,460.

The total cost of the works as herein described, will therefore be £30,000.

The interest on which, at 5 per cent., will be £1,500 per annum.

An overseer and occasional workmen	...	300	..
Repairs, &c.	... ..	200	..

Total interest and working expenses	...£2,000
-------------------------------------	-----------

The total daily supply being 180,000 gallons, and the daily expenditure at £2,000 per annum will be £5 10s.

The cost of the water will therefore be about $7\frac{1}{2}$ d. per 1,000 gallons.

The race and works, with the addition of another communicating pipe with the town, at a cost of £4,236 will be capable of supplying double the quantity, without reduction of the pressure, at a consequent large reduction in the cost of the water.

The present annual value of premises in Orange for rating is £18,676, which is rapidly increasing. A rate of 9d. in the £ may be expected to realize £700. This, I consider, should be levied for water, distributed to the public at the stand posts, for use on the occasion of fires, for watering certain of the streets, and other public purposes.

The remaining £1,300 per annum should be made up by the sale of water, which, at 1s. per 1,000 gallons supplied through meters, would require a sale of 72,000 gallons per day, after which the sales would show a profit and constitute a fund for the purpose of enlarging the works, or for any purpose of public improvement which may be deemed desirable.

For the construction of the works and their after management it will be necessary to enlarge the powers of the municipality. An Act of the Legislature for this purpose should contain power to take land and buildings and to carry pipes, &c., through and under lands and buildings, making compensation for damage; also to make contracts for the construction of the works, the appointment of officers, for the sale of water within and beyond the present jurisdiction of the Corporation, and for the recovery of debts, &c., &c., in the same manner as provided for the recovery of other rates; also to provide penalties for injury to the works and for the pollution of the water, &c., &c.

In conclusion, I may remark that this estimate is made for iron at the present rate, which is low, and that any rise in the price would add to the cost.

It is not intended by this Report and accompanying plans to give exact details; this would be beyond the limits of my instructions, and would take too much time; the drawings, &c., can however be furnished if desired hereafter.

An analysis of the water taken from the Meadow Creek, near the proposed dam, has been made by Professor Liversidge, and is given in the Appendix, page 10. It proves the water to be of excellent quality.

W. CLARK,
Member Institute of Civil Engineers.

APPENDIX.

W. Clark, Esq., to The Mayor, Orange.

Dear Sir,

Orange, 23 August, 1877.

I am engaged, as you are aware, on an inquiry as to the best means of supplying your town with water.

Two sources have been pointed out to me whence a supply may be drawn,—One from Meadow Creek, at or near "Devil's Hole," which I had the pleasure of inspecting with you. The other from Gosling Creek, pointed out to me by W. B. Wade, Esq., C.E., at a point about one mile from where the creek crosses the G.W. Railway, and near the house of Mr. Muuro, where it is proposed to construct a dam; and, about 10 chains higher up the creek, a second dam to increase the storage.

As it is a matter of the greatest importance that the source of supply adopted should be the most permanent available, and as there are no records of the condition of these creeks in periods of drought, I shall feel obliged if you will inform me, on the best information you can procure,—1st, for what period of the year the creeks above referred to *usually* cease to run; secondly, the longest period during season of drought, and any other particulars which should be considered when deciding on the respective merits of the creeks for the purpose required.

This application is made to you, as without such assistance I am unable at once to find the persons most likely to give the information.

The best form in which the information can be obtained will be in letters which can be attached to my Report; and in forwarding them to me I shall be glad to receive any remarks of the Town Council on the subject with which they may favour me.

Yours faithfully,

W. CLARK, C.E.

The Mayor, Orange, to W. Clark, Esq.

Sir,

Orange, 27 August, 1877.

The Municipal Council of the Borough desire me to report that they have read over the correspondence between yourself and the Mayor, and letters written by Mr. John Wright and Mr. John Tom Lane, hereunto annexed, upon the subject of the proposed site for intended waterworks; and, after consideration, from the information they have been able to obtain, and their own experience, they are of opinion that the head of Molong Creek is the most permanent and reliable source from which water can be obtained.

The supply of water for the town is urgently required for domestic, sewerage, and manufacturing purposes.

The present supply, derived from wells, is inadequate to the wants of the inhabitants, and there are large areas of the town where water cannot be obtained by sinking wells.

The dry season of the year is between the months of November and April; during this period Gosling Creek is frequently dry, but, as before stated, Molong Creek has never been known to cease to run.

I have, &c.,

THOMAS DALTON,

Mayor.

J. T. Lane, Esq., to The Mayor of Orange.

My dear Mr. Dalton,

Orange, 25 August, 1877.

Agreeably to your request, I have great pleasure in furnishing, as well as I am able, the required particulars touching the proposed sites for securing water for the future supply of the town of Orange.

The "Shed" at Gosling Creek is more extensive than at the "Devil's Hole," but in either case I believe it would be sufficiently large in moist seasons.

I have known Gosling Creek to be nearly dry on several occasions, and to have ceased running for years. The soil is favourable for holding water, and an excavation at the spot indicated might be made to retain sufficient water for ordinary seasons, but not for one of *our* protracted droughts.

At the "Devil's Hole," dams might be so constructed as to hold water equal to the demand for years. The water at the mouth of the gorge is supplied by a spring I never know to be dry; the stream loses itself but re-appears in different places, and hence the Meadow Creek always had the character of being "well watered."

I am sorry official duties and family affliction precluded the possibility of my seeing Mr. Clark whilst he was here, but I am sure the matter was perfectly safe in your hands. We could do no more than point out certain spots and give such information as we possess.

I have known these localities for about forty years, and seen them in all seasons. "Jack Wright" could perhaps give you some additional information, as he has known them even longer than I have done.

I am, &c.,

JOHN T. LANE.

Mr. J. Wright to The Mayor of Orange.

Sir,

Orange, 24 August, 1877.

I have been resident in this district for the past forty-four years. I know the Molong Creek, and have observed it frequently during the above period of time. I have never known the water to stop running at the head of this creek, at the place known as the "Devil's Hole," although in dry summers I have noticed that the water ceased running lower down the creek. During the great drought of 1838 and 1839 the water continued running at the spot named above, viz., the "Devil's Hole."

I know Gosling Creek, in which the water ceases to run during the dry summer months; rarely has the water in this creek entirely disappeared, although perhaps not running for any distance, but excepting on very rare occasions water is to be found in the holes near its source. I noticed that in the great drought of 1868 the water nearly disappeared out of these holes.

Yours, &c.,

JOHN WRIGHT.

The University, Sydney, 27 August, 1877.

REPORT upon a sample of water obtained from the source proposed for the supply of the town of Orange.

Colour, &c.—No trace of brown colour; fairly clear and bright, but with however a faint opalescence or milkiness. Only a small amount of sediment thrown down on standing.

Smell.—None.

Taste.—None.

Without previous filtration it yielded the following results:—

Free ammonia	·04 parts per million.
Albumenoid	·09 " "
Chlorine	1·60 " "
Nitrites present.	
Total solid matter	51·00 parts per million. = 3·57 grains per gallon.
Loss on ignition	10·44 " " = ·73 "
Fixed solid matter	40·56 " " = 2·84 "

The residue left on evaporation to dryness was nearly white, with faint brown patches.

On ignition this residue blackened slightly; but the carbon burnt quickly away, and the fixed solid matter was almost pure white in colour.

The percentage composition of the above residue was found to be as follows:—

Analysis of Residue.

Silica	73·62
Iron sesquioxide and }	7·97
Alumina }	
Lime	7·36
Magnesia	3·49
Potash }	undetermined
Soda }	
Chlorine	·43
Sulphuric acid	traces
Carbonic "	traces
Undetermined and loss	7·13
	<hr/>
	100·00

Microscopical examination.—Very few organisms were found to be present. The forms met with were those commonly existing in spring and river waters, such as rotifera, diatoms, paramoecia, and other closely allied organisms.

Remarks.—On the whole this water may be regarded as a very pure one, and one well-adapted for household and manufacturing purposes. The amount of inorganic matter in solution is below the average.

ARCHD. LIVERSIDGE.

ORANGE WATER SUPPLY—LIST OF PLANS.

- No. 1.—Showing proposed reservoirs and line of pipes to the town.
- No. 2.—Section of No. 1.
- No. 3.—Reservoir at head of Meadow or Molong Creek.
- No. 4.—Section of dam at Meadow or Molong Creek.
- No. 5.—Section at Meadow or Molong Creek, from point G to D on plan No. 3.
- No. 6.—Section at Meadow or Molong Creek, from point D to E on plan No. 3.
- No. 7.—Sections of dam at Meadow or Molong Creek, race, and tank
- No. 8.—Section of water tower, &c.
- No. 9.—Sections of dam of proposed service reservoir, and section of alternative pipe-line, from Meadow Creek dam to Orange.
- No. 10.—Contours for service reservoir.
- No. 11.—Circular service reservoir.

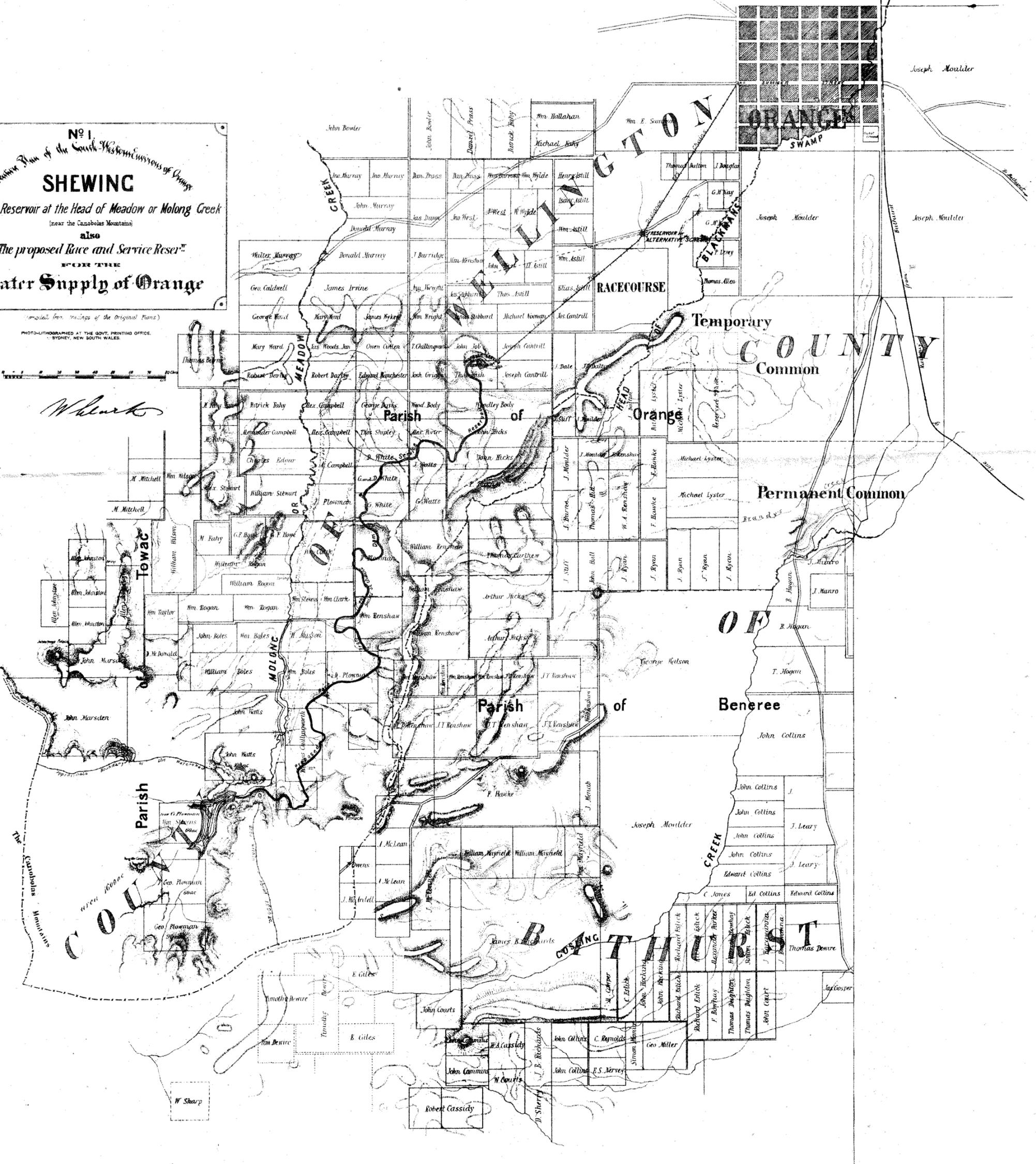
No 1
SHewing
 Proposed Reservoir at the Head of Meadow or Molong Creek
 (near the Canobolas Mountains)
 also
 The proposed Race and Service Reser^{ve}
FOR THE
Water Supply of Orange

(Compiled from Drawings of the Original Plans)

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
 SYDNEY, NEW SOUTH WALES.



Wharfedale

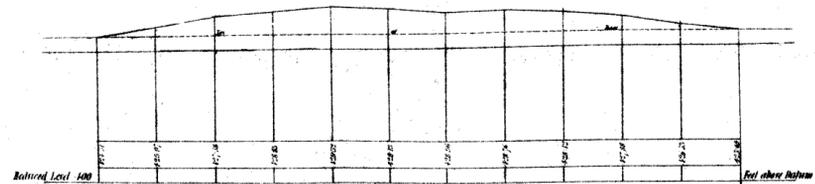


N^o 2 ORANGE WATER SUPPLY

SECTION OF RACE

from proposed Dam near Plowmans to proposed Service Reservoir at Hicks Farm and connection from thence
by pipe to Head of Summer Street.

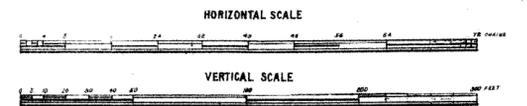
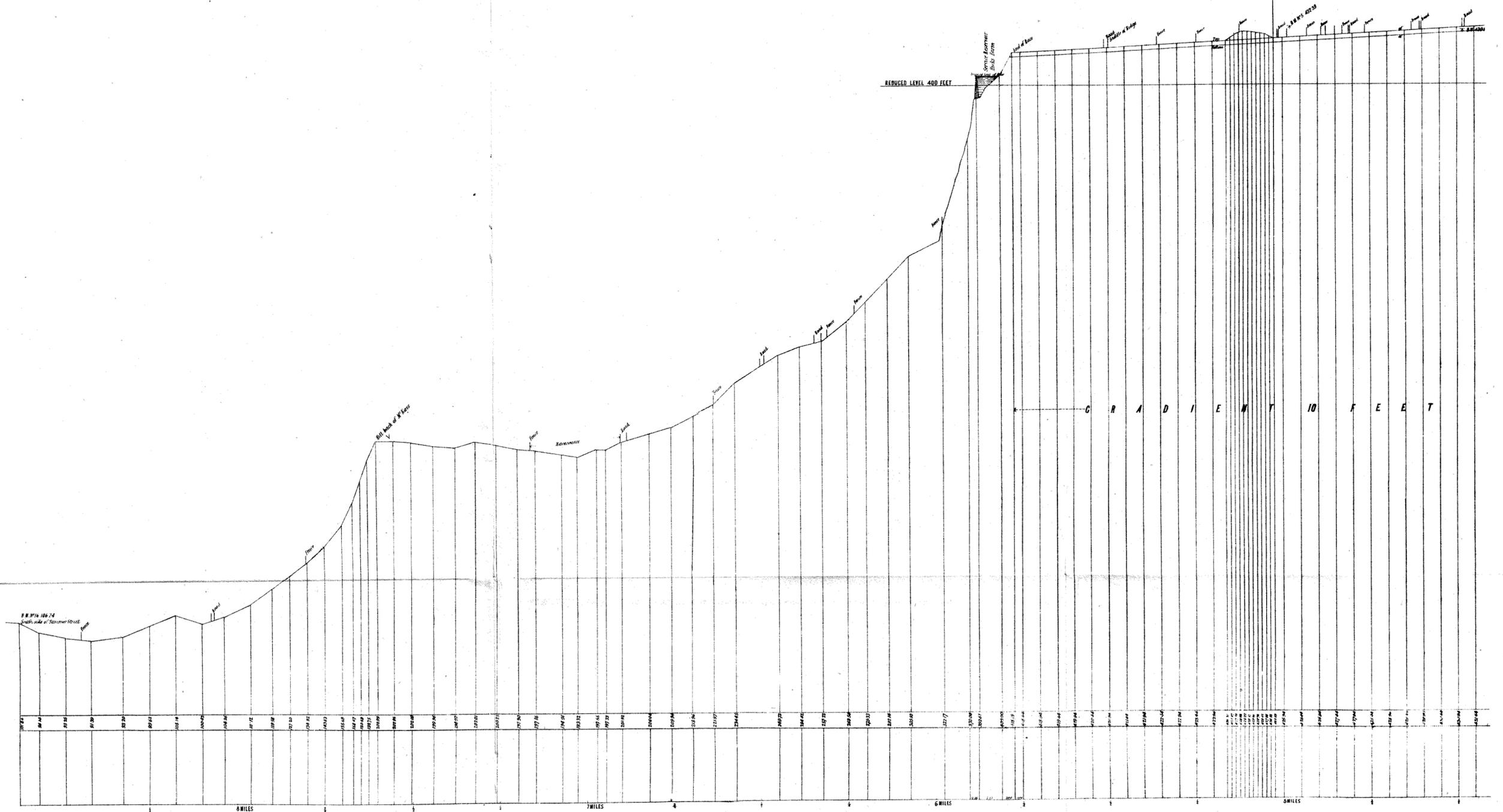
W. Black

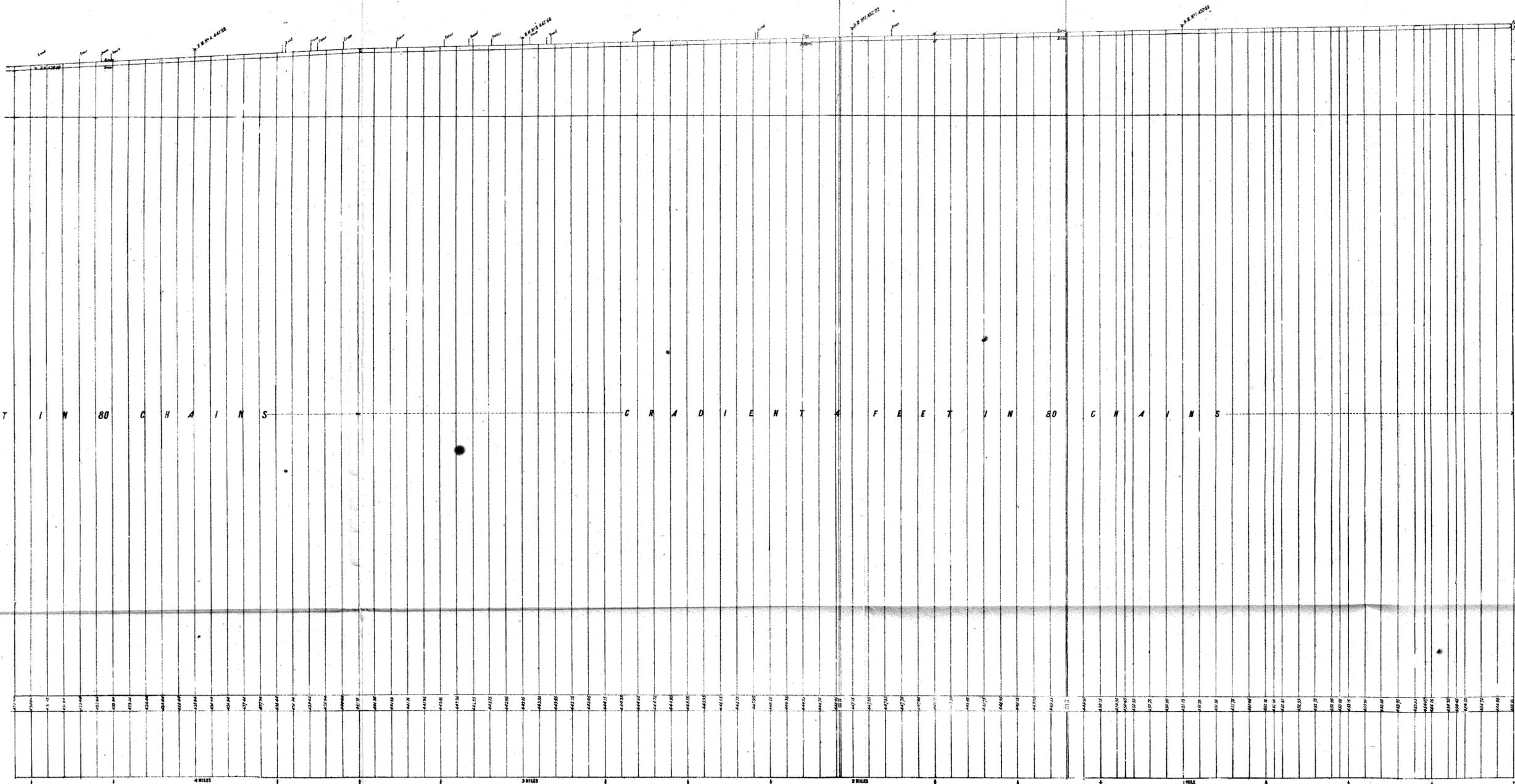


HORIZONTAL SCALE

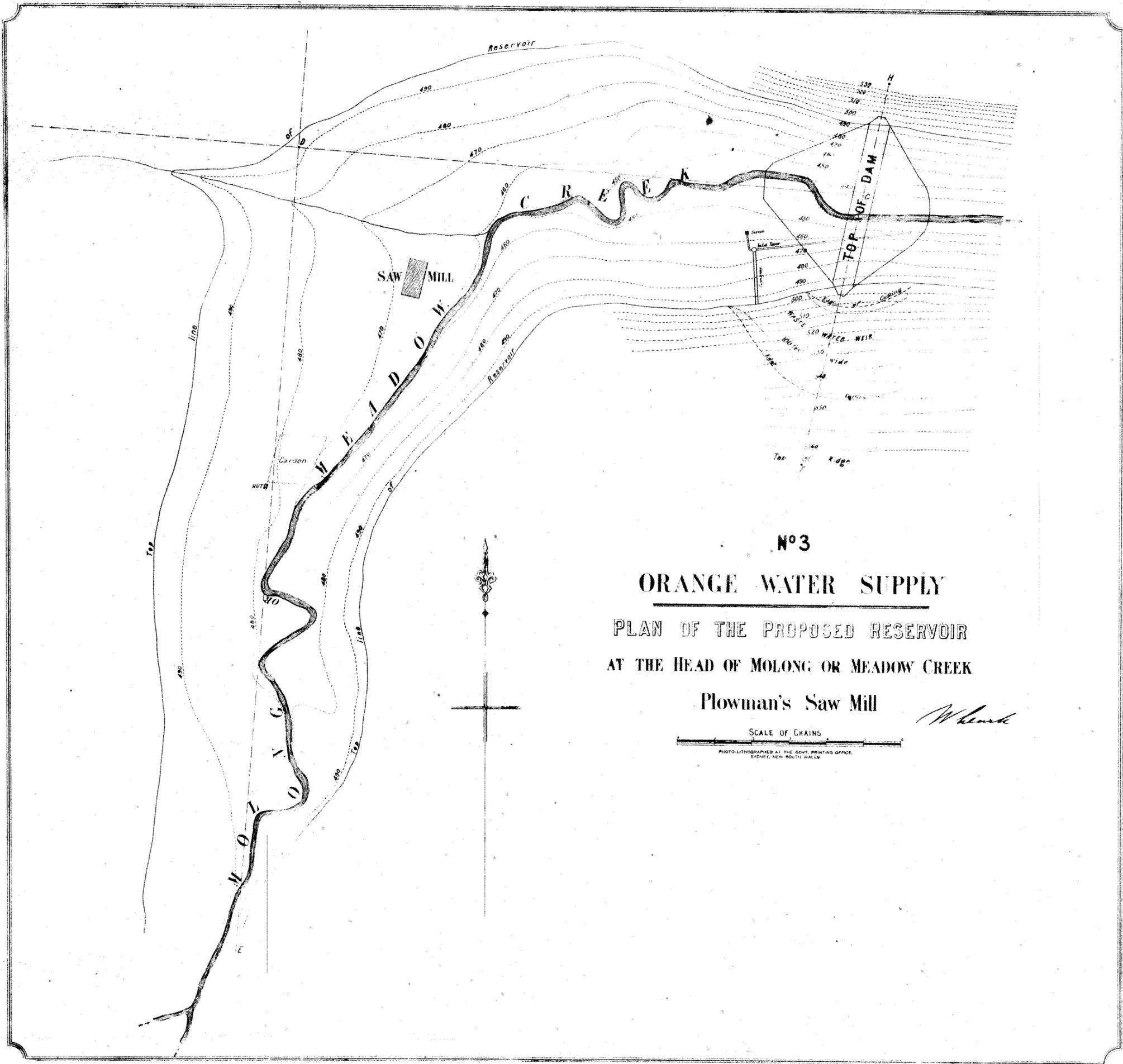
VERTICAL SCALE

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



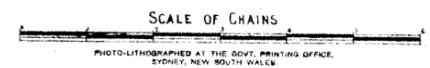


Commencement of River
 Point on Station 1000
 Station of Point 1000



N°3
ORANGE WATER SUPPLY
 PLAN OF THE PROPOSED RESERVOIR
 AT THE HEAD OF MOLONG OR MEADOW CREEK

Plowman's Saw Mill *W. Lewis*



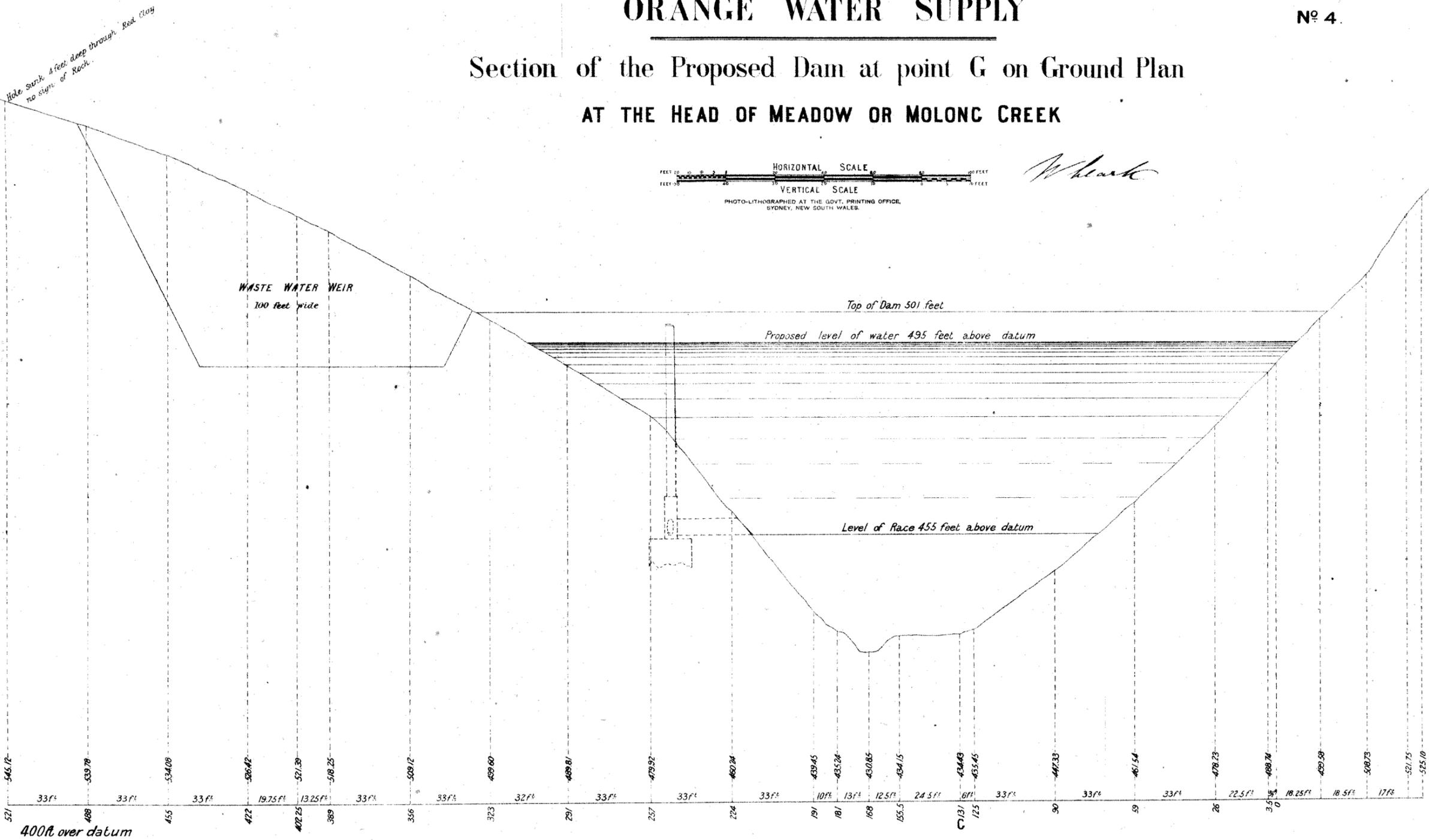
ORANGE WATER SUPPLY

No. 4.

Section of the Proposed Dam at point G on Ground Plan AT THE HEAD OF MEADOW OR MOLONG CREEK



W. Black



(559-)

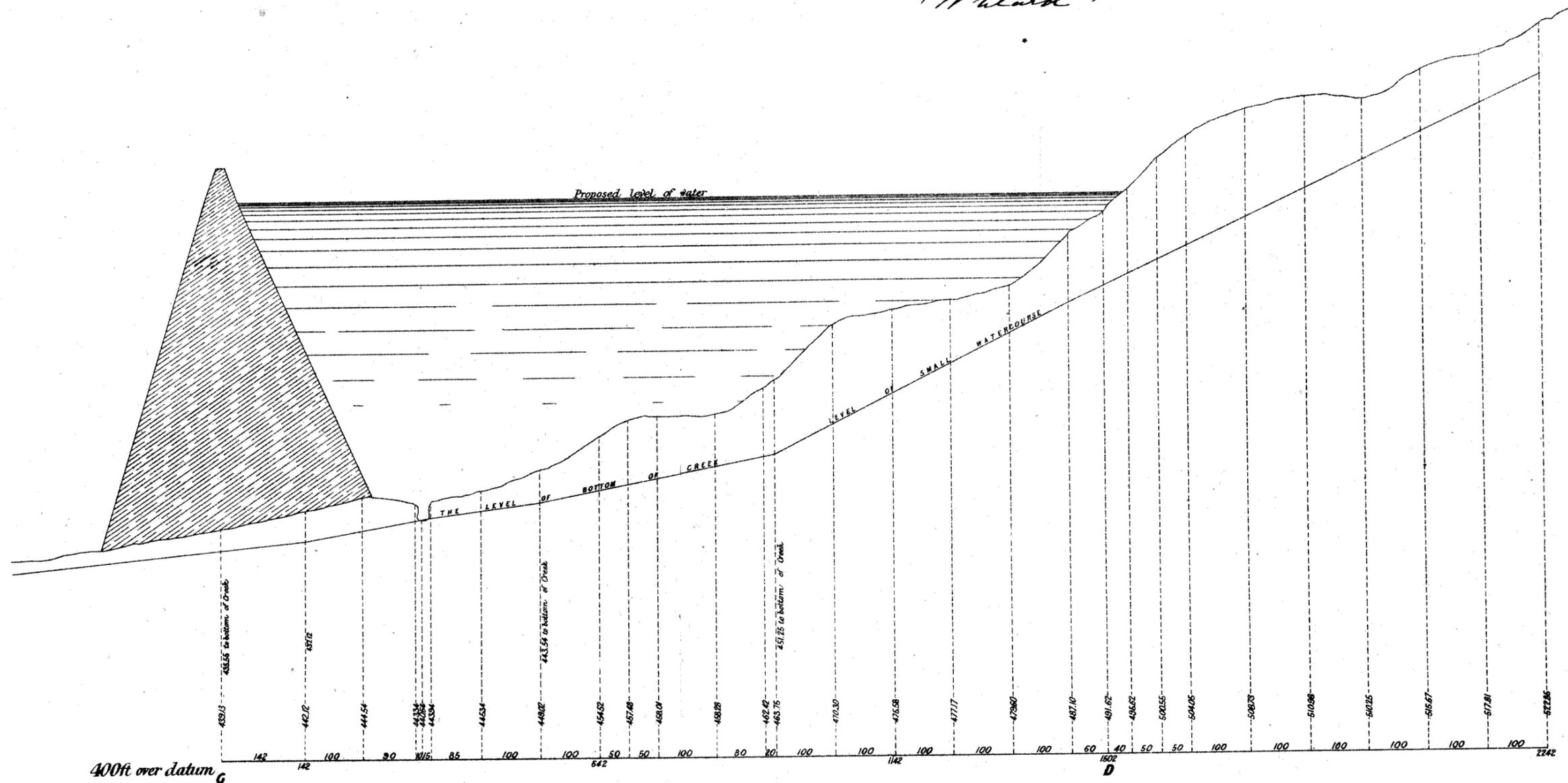
ORANGE WATER SUPPLY

SECTION OF MEADOW OR MOLONG CREEK

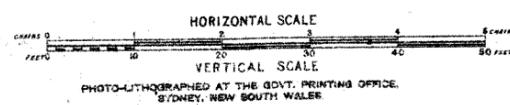
from the points G to D on ground plan

No 5

W. Hunt



(559-)



ORANGE WATER SUPPLY

Nº 6.

SECTION OF MEADOW OR MOLONG CREEK

From the points **D** to **E** on ground plan

W. Black

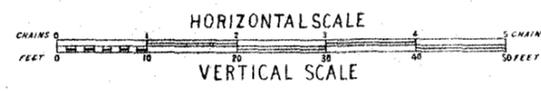
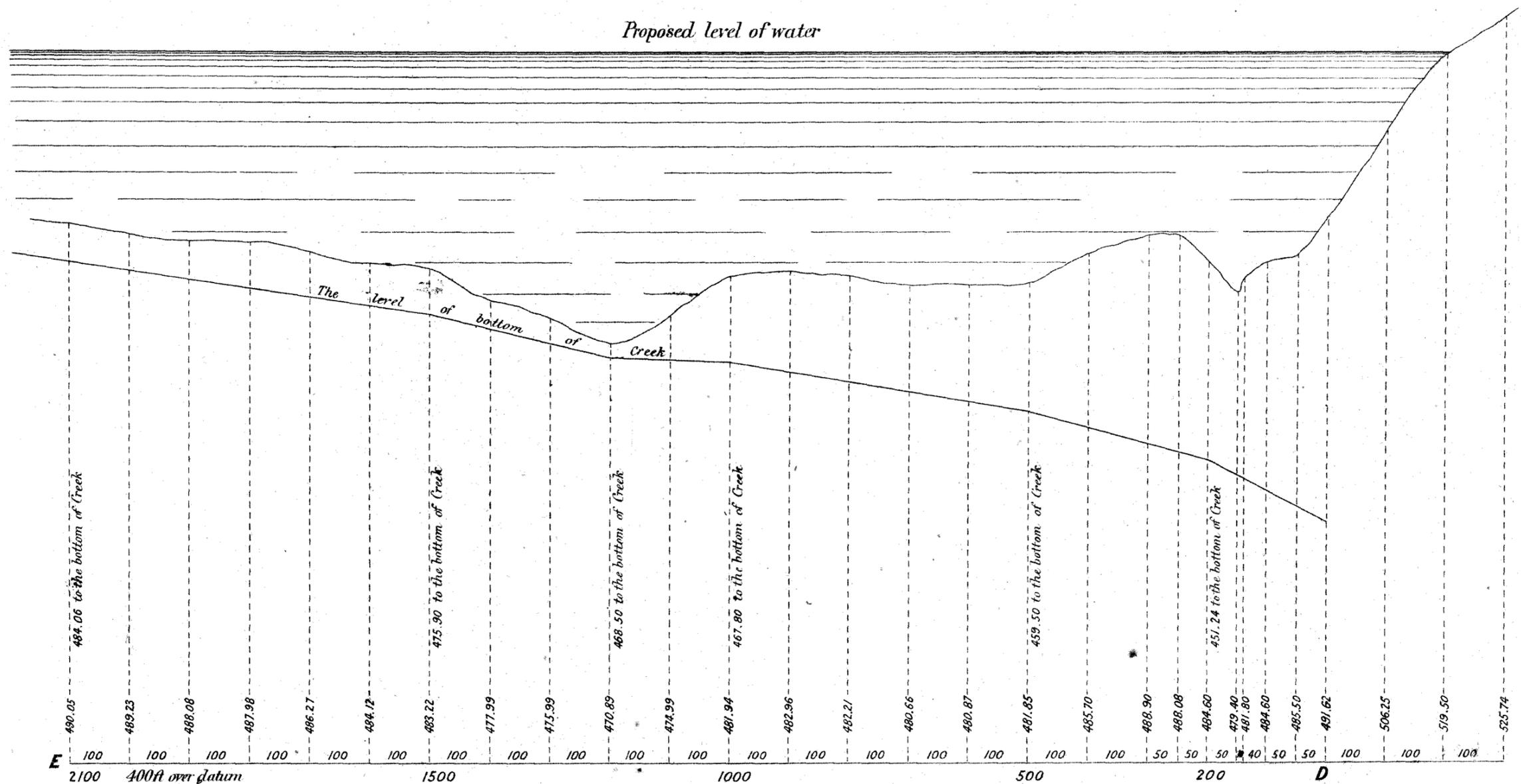


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

ORANGE WATER SUPPLY.

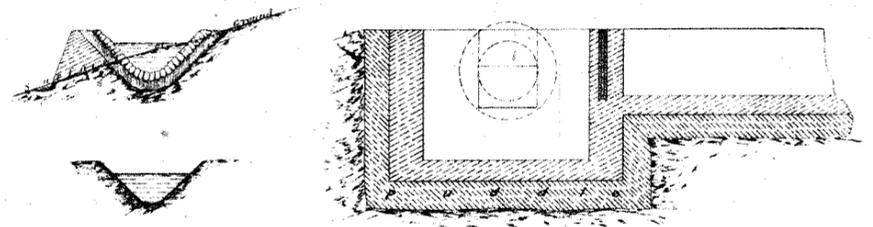
DETAILS OF TANK

No 7.

Whitcomb

Fig 8
Section of Race

Fig 7
Section on line A A



DETAILS

of

DAM at MEADOW or MOLONG CREEK

Horizontal and Vertical Scale for Figs 1, 2, 3, and 4



PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

Scale for Figs 5, 6, 7, and 8

Fig 1

Plan of part of Dam showing Outlet and Inlet Pipe &c.

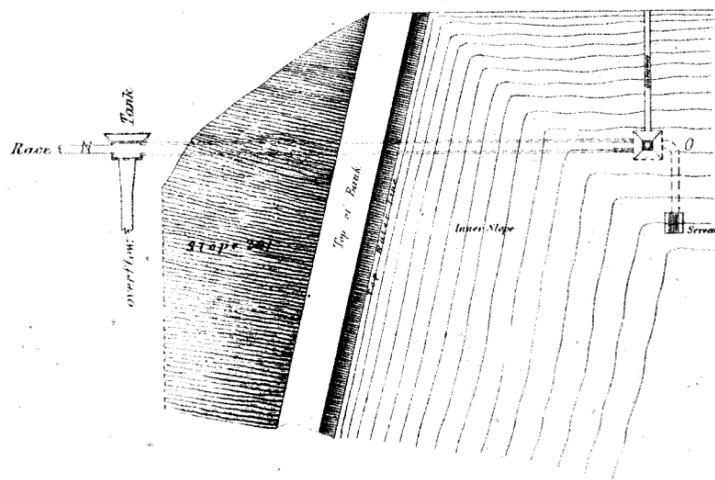


Fig 4

Section of E Side of Gangway and Inlet Tower

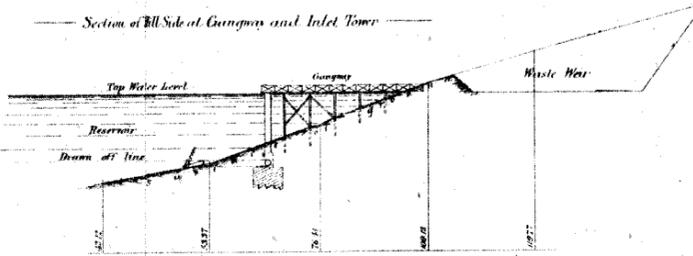


Fig 6

Overflow Channel

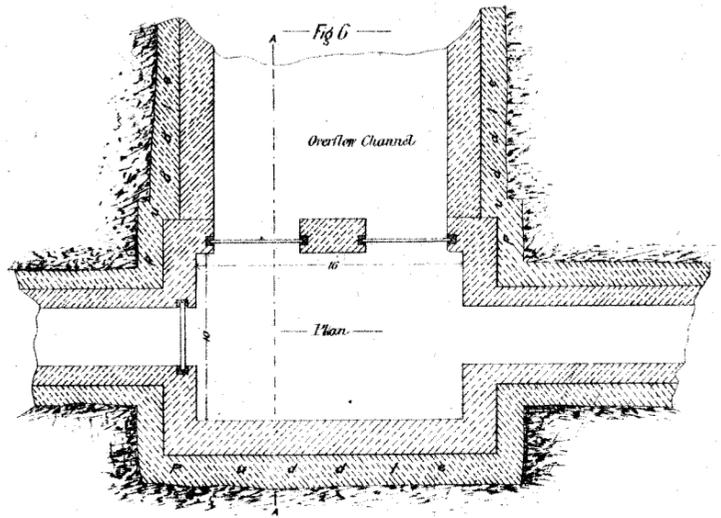


Fig 5

Section of Tank

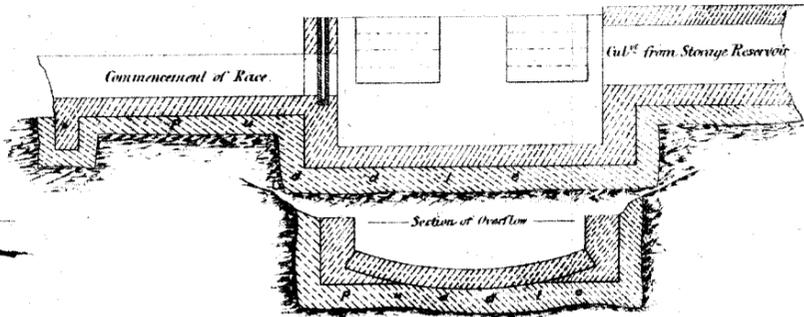


Fig 2

Section of Dam

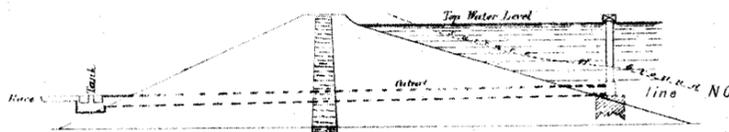
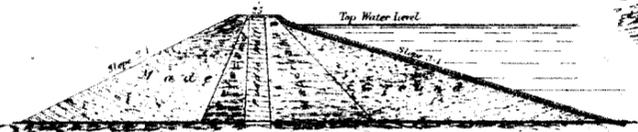


Fig 3

Section of Dam



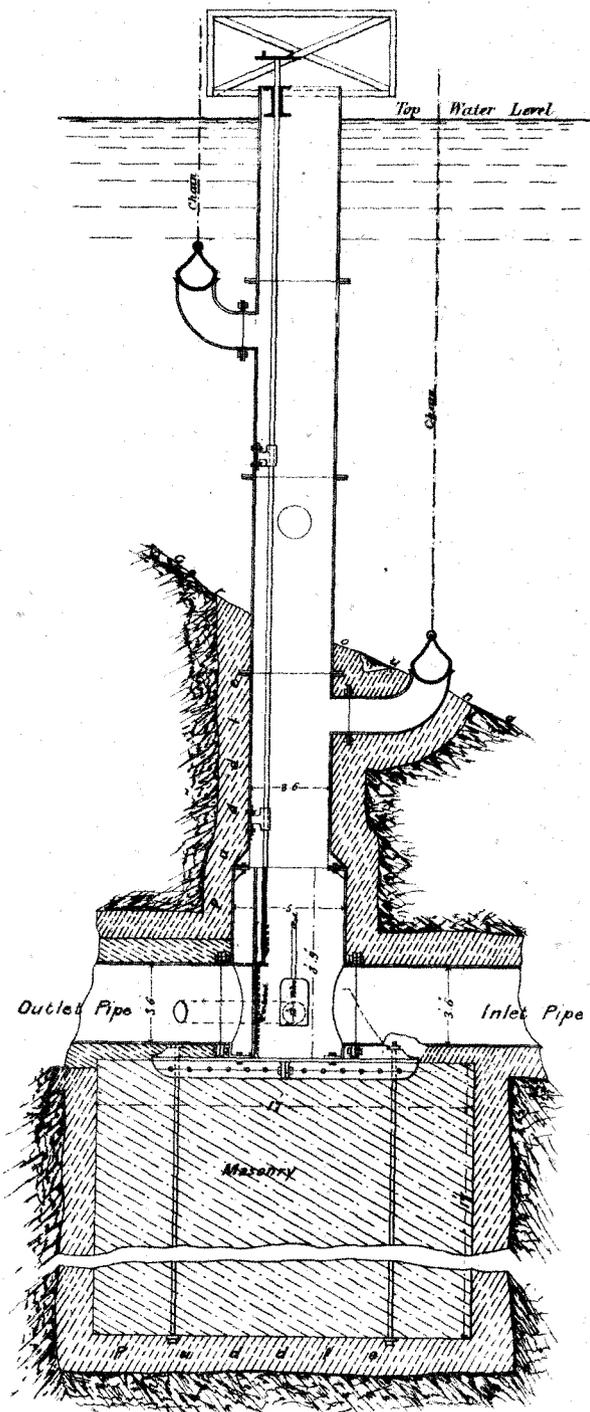
ORANGE WATER SUPPLY

No. 8.



Whitcomb

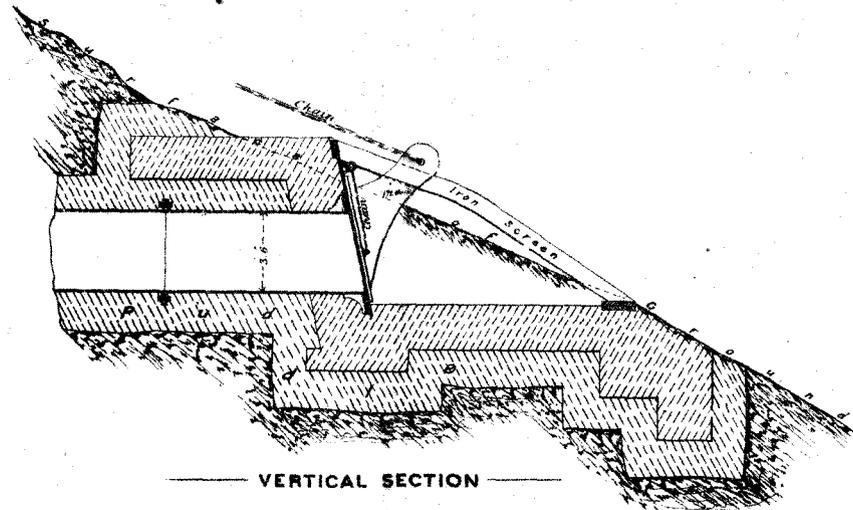
OUTLET TOWER.



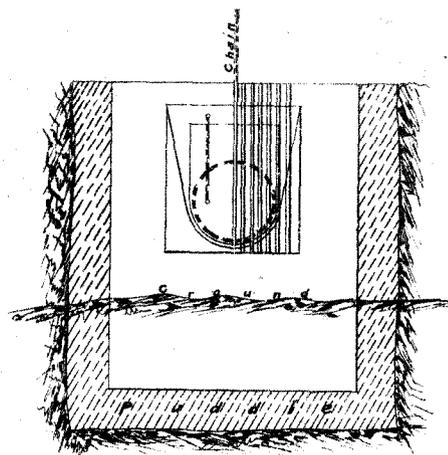
VERTICAL SECTION

INLET PIPE with VALVE in RESERVOIR.

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.



VERTICAL SECTION



END ELEVATION

ORANGE WATER SUPPLY

No 9

CROSS SECTIONS

OF

DAM at SERVICE RESERVOIR.



PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

Wheat

Fig 1.
Shewing Outlet Pipe

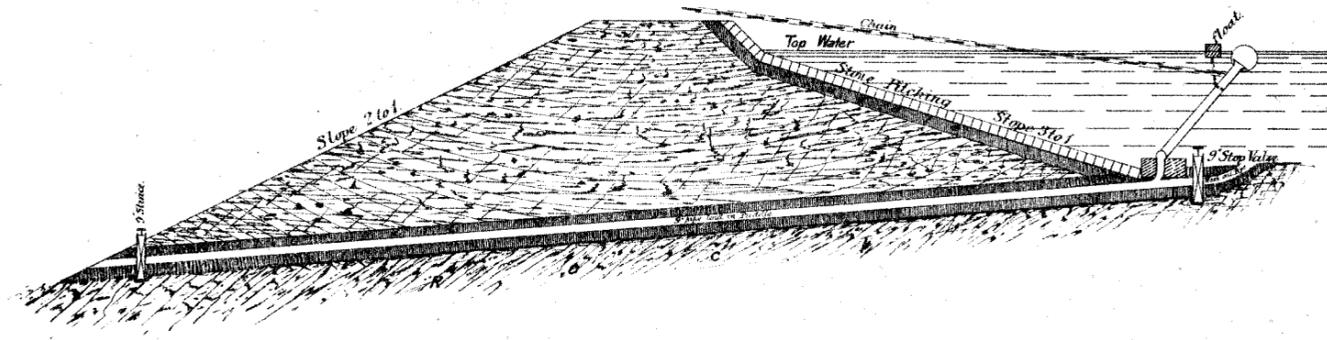


Fig 2
through centre of dam

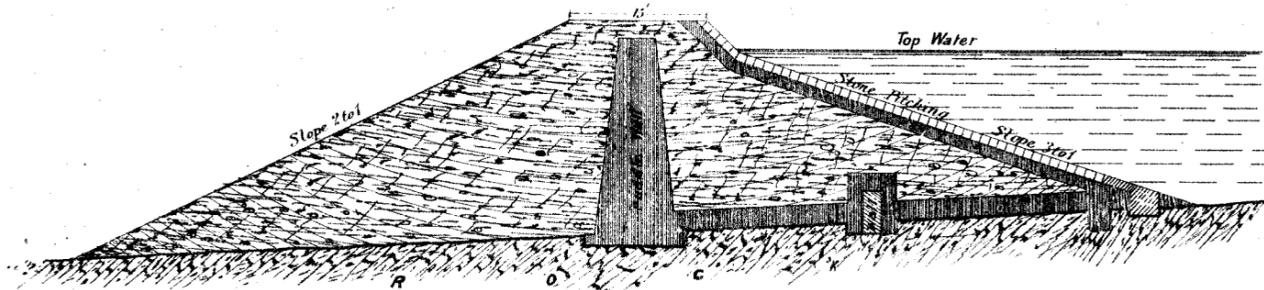


Fig 3
Longitudinal Section

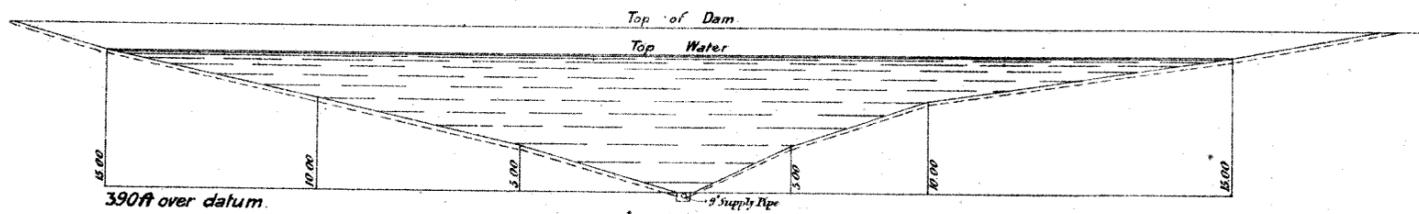
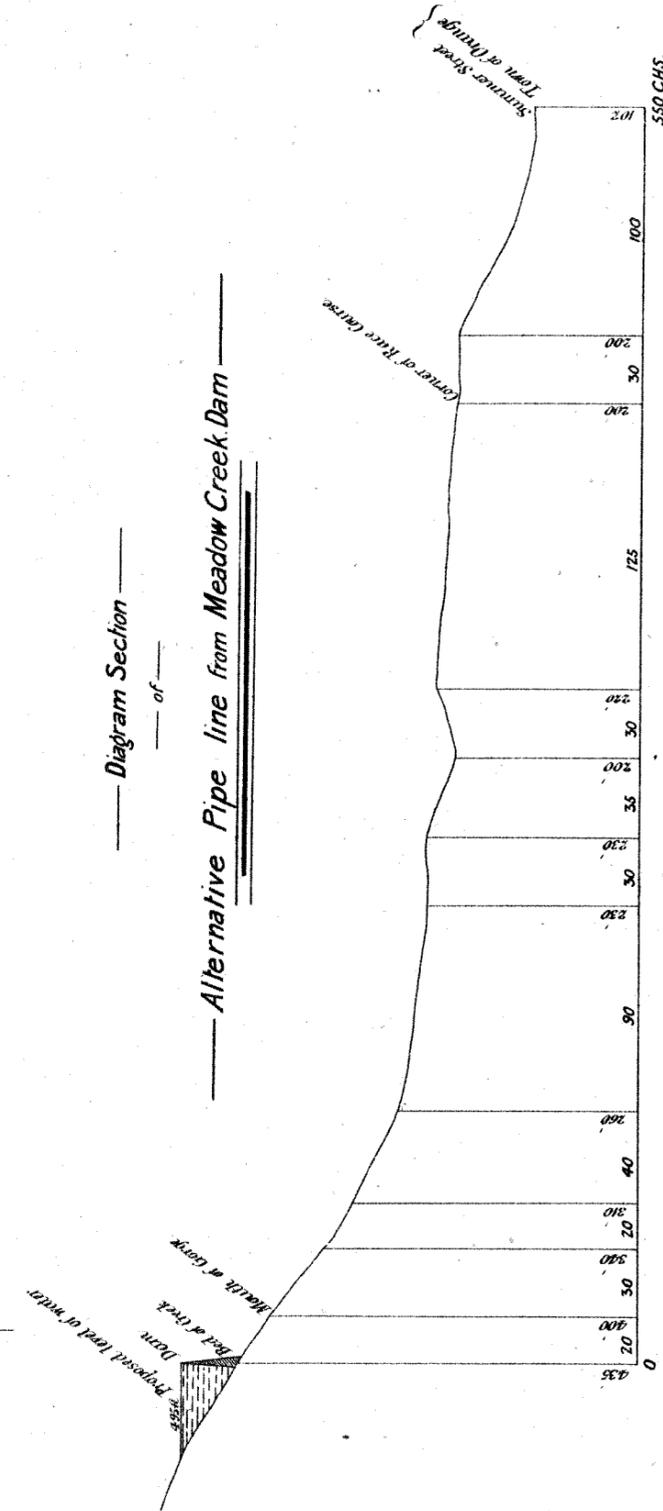


Diagram Section

Alternative Pipe line from Meadow Creek Dam



ORANGE WATER SUPPLY

CONTOUR GROUND PLAN

OF THE

PROPOSED SERVICE RESERVOIR

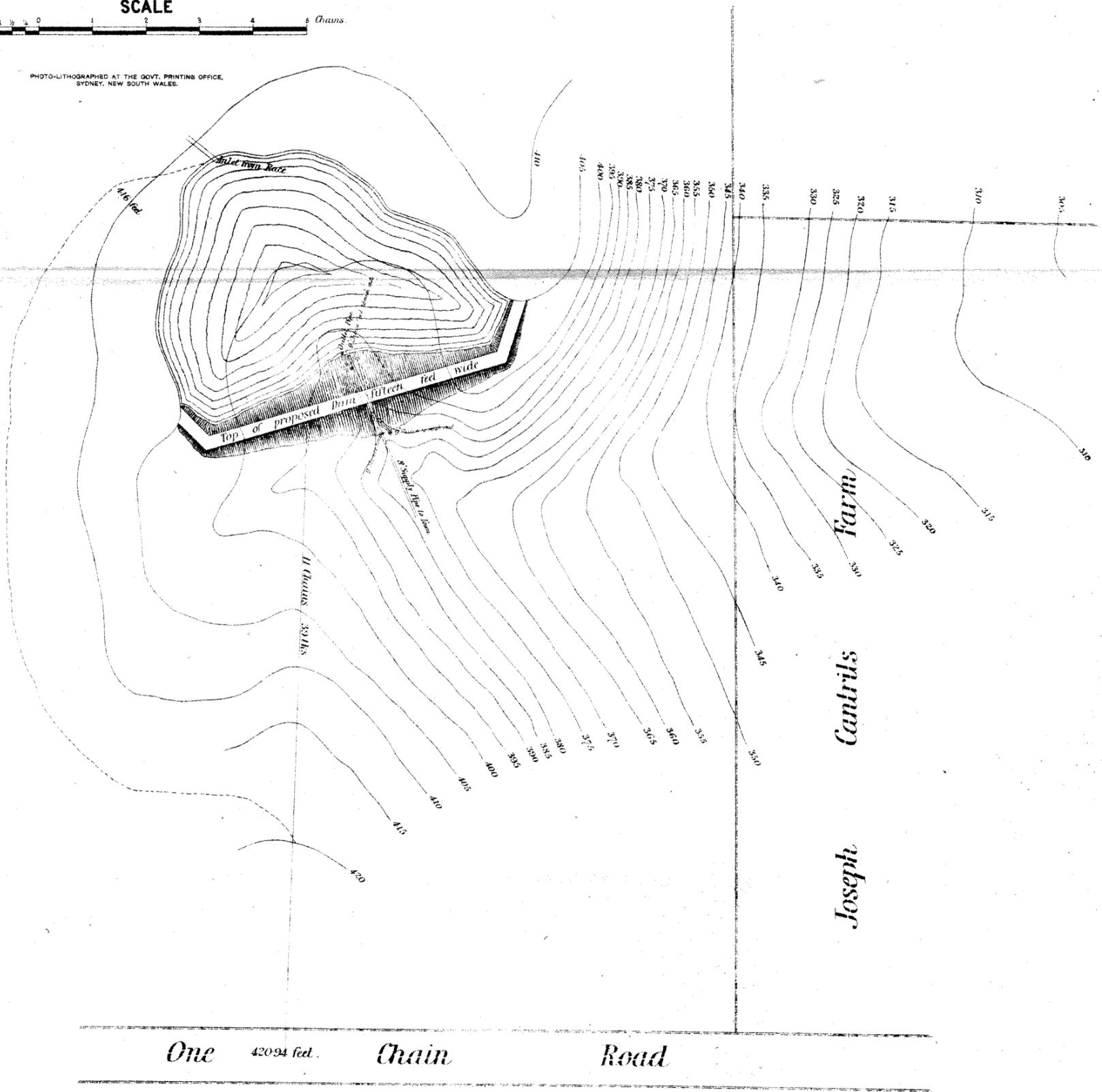
No. 10.

Situated on Hick's formerly Nash's Farm
of 44 $\frac{1}{2}$ ac.

Whitcomb



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SYDNEY, NEW SOUTH WALES.



ORANGE WATER SUPPLY

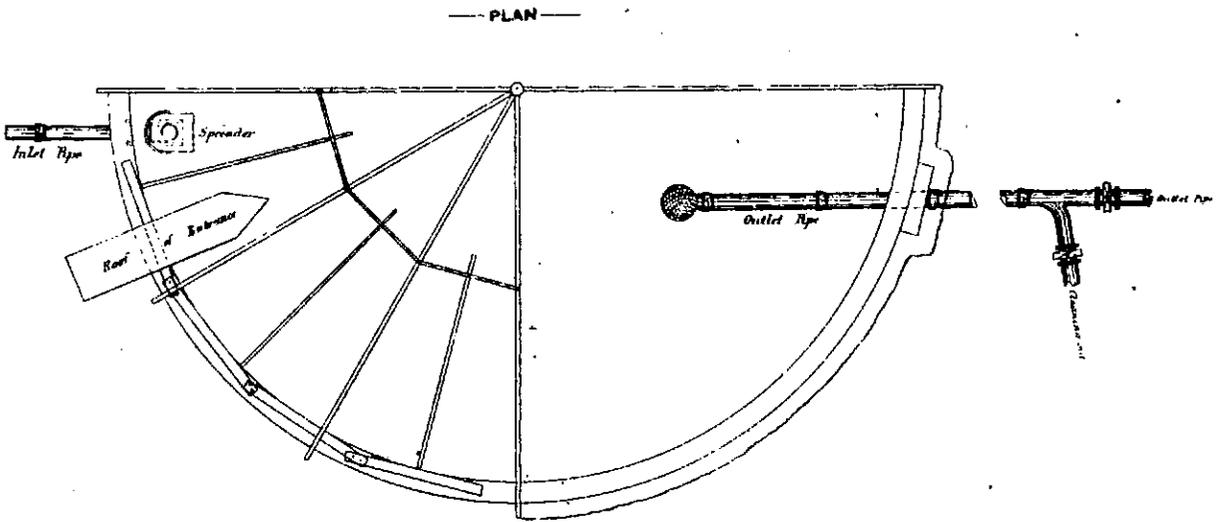
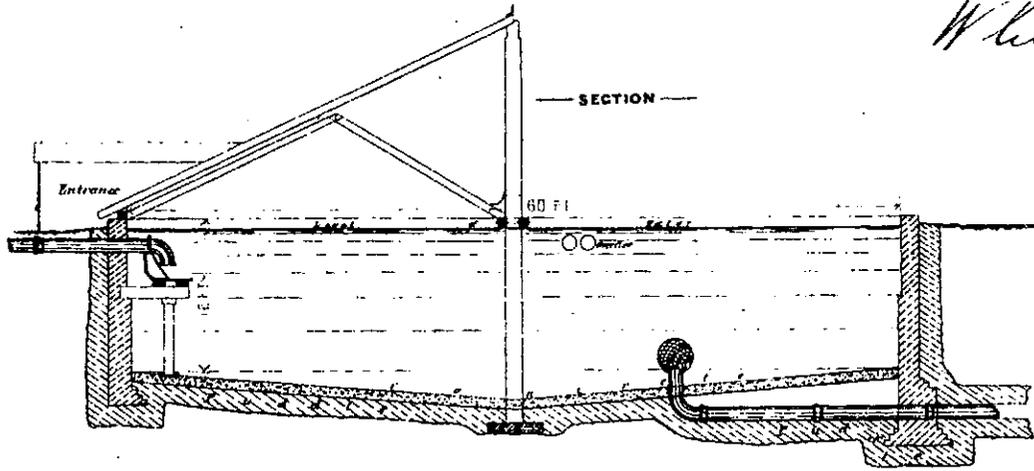
№ 11

DESIGN

FOR

RESERVOIR

Wheeler



1876-7.

NEW SOUTH WALES.

SUPPLY OF WATER FOR THE TOWN OF BATHURST.

REPORT

TO THE

GOVERNMENT OF NEW SOUTH WALES,

ON A

SUPPLY OF WATER TO THE TOWN OF BATHURST:

BY

W. CLARK,
MEMBER INSTITUTE OF CIVIL ENGINEERS.

Presented to Parliament by Command.

SYDNEY : CHARLES POTTER, ACTING GOVERNMENT PRINTER.

1877.

REPORT to the Government of New South Wales on a Supply of Water to the Town of Bathurst.

To the Honorable the Colonial Secretary,
New South Wales.

Sir,

Having been honored with instructions from the Government to report on the subject of Water Supply for the City of Bathurst, I proceeded there on the 4th July, and in company with the Mayor, E. Webb, Esq., and Mr. Fisher, the District Surveyor, during the following week I examined the following probable sources of supply, viz. :—The river Macquarie, the Gulf, Winburndale and Anthony's Creeks, the Fish River, Vale Creek, and Campbell's Creek.

On the 14th July I submitted a Progress Report, in which I intimated that the first two of the sources named, the Macquarie River and Gulf Creek, were the most probable. Mr. Surveyor Stewart, under the direction of Mr. Fisher, commenced the necessary surveys, &c., which were still incomplete on my return from the Hunter River District on the 17th August, and I proceeded to Orange for the purpose of making a similar inquiry for that town. On the 6th September I again took up the subject of the Water Supply for Bathurst, and I then found that though a stream could be brought into the town from the Gulf Creek by a race about 20 miles long, yet, without a storage reservoir of ample capacity in which to receive the water on the occurrence of storms, this source could not be depended on for a permanent supply; and that a site for such storage reservoir could not be found.

A further examination of Anthony's Creek was attended with similar results, and ultimately, though a considerable amount of time and expense in surveys had been incurred in the endeavour to obtain a gravitating scheme, I was compelled to abandon the attempt to obtain a supply on that principle and adopt the river Macquarie, which is contiguous to the city of Bathurst, as the source whence a supply could be obtained by pumping.

From the Worshipful the Mayor I learned that the population of the city is about 6,000, living in 1,186 houses containing 5,959 rooms. Water is now chiefly obtained from wells; some small portion of the inhabitants purchase the water and this number is increasing; in dry periods it amounts to about one-fourth of the population who are thus supplied, and who pay from 1s. 6d. to 2s. 6d. for a cask of water.

The water of the wells is in many cases impure; a proof of this has been obtained by the analysis of a sample of water from one of them now in constant use by some ten or twelve houses, which was forwarded for examination to Professor Watt, Government Analyst; the result is given in the Appendix, page 9. I inspected the well referred to; it is sunk in the decomposed granite rock which covers the surface of the district, and is very permeable to water. Within the radius of a chain there were several privies. The water on being drawn was clear and bright, but analysis proves that it is wholly unfit for drinking.

I was unable to obtain statistics of the present rate of mortality within the town. From the Registrar General I learn that at the time of the last Census in 1871, Bathurst contained a population of 16,860; the return is probably for the county; the total deaths in 1876 were 417, and of these 124, or more than one-fourth, were due to zymotic disease and therefore preventable.

The analysis of water from the railway well is also given with the above; this is not, I believe, used for drinking purposes. The presence of typhoid fever in Bathurst is, however, fully accounted for by the existence of wells of this character.

In

In the same table, page 9, the analysis of the river Macquarie water is also given, and Professor Watt describes it as a fairly good water, which will be much improved by the efficient filtration; this the works hereafter to be described are intended to effect.

The population of 6,000 persons would be sufficiently supplied with water for purely domestic purposes at the rate of 20 gallons per head, or 120,000 gallons per day, if there be no waste; this however would be insufficient for watering streets and other public uses, 30 gallons per head would be required for this purpose; it is necessary also to make some allowance for an increase of population. All these points considered, I think it will be desirable to estimate for one quarter million of gallons per day, which will provide a small quantity for manufacturing purposes, and encourage the use of water, an enlarged consumption of which will, if the works be properly managed, and the water sold in the manner hereafter to be mentioned, result in economising its cost and extending the benefits to be derived therefrom by the Municipality and the public generally.

I have received from the Municipality papers relating to two proposed schemes for supplying Bathurst with water. The first is by Alderman Hunks; his proposal is to supply 5,000 persons with $18\frac{1}{2}$ gallons per day = ... 92,500
for street-watering 50,000
Total 142,000 gallons.

A reservoir and filters to contain 616,000 gallons are to be situated on the elevated land at the top of Kepple-street, 242 feet over the level of the river, and distant from it 64 chains; the dimensions of the filters are not stated.

The scheme also provides a 22 h.p. engine, and 4 miles 13 chains of pipe for distributing the water. The proposal is to fix the engine on the river bank at the bottom of Hope-street, which is below the town; but it is stated that it may be placed higher up the stream. As the filtering would be effected at the upper end of the main pipe, it could not be used for the purposes of distribution, as it could be if the water is filtered before being forced through it. The estimate for these works is £12,381.

The other scheme is proposed by Mr. Denny, mechanical engineer, of Bathurst.

By this it is intended to distribute water for 3,000 consumers at 25 gallons per day = 75,000 gallons
And for watering 100,000 superficial yards of street at $\frac{1}{2}$ a gallon per day 50,000 ,,
Total 125,000 gallons

He calculates that a 25 h.p. engine will be required to lift the water at the rate of 300 gallons per minute 215 feet; the distance of the reservoir is stated to be $1\frac{1}{2}$ mile. This he would provide to contain 450,000 gallons, which would be supplied through an 8-inch main pipe.

The position of the works and the estimates are not given in the paper furnished to me, and the filtering of the water is not mentioned in connection with this scheme.

Both of these proposals appear to be confined to supplying water to meet the immediate necessity for domestic purposes and street-watering only; and if this alone be necessary, the quantity and power provided would be sufficient.

I am of opinion however that, though it is most desirable to keep the scheme within such limits as it is reasonable to expect may be carried out, yet all experience goes to show that immediate additions become necessary to works of this limited character, and that economy is best insured by considering the work in the first instance on a somewhat larger scale, omitting certain portions which are in duplicate until the demand shall render their construction necessary, and the sale of the water insure

insure the success of the scheme in its commercial aspect. Under these circumstances, I propose to consider the works as to be capable of distributing 250,000 gallons per day.

I shall now proceed to describe the arrangements which I would recommend for adoption. It is proposed to take the water from the river at a point above the town, and about $\frac{3}{4}$ of a mile above the railway bridge, as shown on the accompanying plan, No. 1. At this point the rock appears in the bed of the river, and a hole a few feet in depth below the general bed of the river, which is permanent, offers a convenient place wherein to fix the suction pipe of the pumps.

The average level of the river bed at this point above the datum assumed by the Municipality is	...	26.00 feet.
Flood level is	... ..	50.00 "
Rails at station	... ..	50.83 "
Proceeding along Piper-street, the levels rise at the junction of Peel-street to	... ..	157.76 "
At the back of the Protestant College the level rises to		236.00 "
The highest buildings to be supplied are this College and the R.C. College at top of Seymour-street	...	206.00 "

At the point before referred to, it is proposed to fix the engine-house and pumps, at a distance of 90 feet from the river, and the floor to be 62 feet over datum or 12 feet above flood level. At this place also it is proposed to construct two settling-tanks, each capable of containing one day's supply; two filters, each capable of filtering half-a-day's supply; a clear-water tank, capable of containing half-a-day's supply; the engines and pumps.

A separate pump will be provided capable of lifting a day's supply of water from the river into the settling-tank in six hours. The engines will be capable of being connected or disconnected with this pump, and also of lifting four-fifths of the total daily quantity in eight hours, after filtration, into a reservoir of 158 feet over datum, situated near the junction of Piper and Peel Streets, which is at a sufficient elevation to command the greater part of the town. When this reservoir is filled, and the river-water pump is disconnected, the engine will be capable of lifting the remaining one-fifth of the water into the reservoir at the back of the Protestant College, at an elevation sufficient to command that building, and also the first floor of the R.C. College at a distance of a mile.

The use of this higher reservoir will be to give the supply to this limited higher district of the town, except on the occasion of fires, when the extra pressure of 78 feet will be available by placing it in connection with the general system of piping.

This arrangement will give a uniform load on the engine, which is proposed to be of the horizontal rotative class.

The pump for the higher lift would be fixed on to the same bed-plate with the engine.

The engine should be capable of exerting an effective 27-h. power.

The engine and boiler should be in duplicate, for safety.

The size of the pipe required to convey the water from the pumps to the service reservoirs, and to discharge it with the available fall, so as to maintain an efficient pressure, is 10 inches in diameter; and it is proposed to lay this along Piper-street, as being the most central position in the town, and therefore best suited for the purpose of distribution.

Having now described the general arrangement, which is shown on plan No. 1, I may notice the proposed works somewhat more in detail.

The dimensions of the tanks and filters are indicated on the plan No. 2. The water will first be received into the settling tank, of which two are shown. The capacity of each tank will be equal to one day's supply, 40,000 cubic feet in 7 feet of depth; they will be 10 feet deep, allowing the lower 3 feet not to be drawn off for supplying the filters, and to be washed out occasionally through a sludge-pipe provided for the purpose.

These

These tanks will be formed by excavation to a depth of about 5 feet. The earth thus obtained, and that from the site of the adjacent filters, will be used to build up the bank, which will be puddled and lined with brickwork in the manner shown, and finished so as to contain the water at a level of 72 feet over datum.

The floor is to be covered with puddle and concrete; the slope sides are to be $1\frac{1}{2}$ to 1, lined with brickwork and puddle.

The suction pipe from the river to pump, and from pump to settling tank, to be 15 inches in diameter.

The outlet pipe from the settling tanks will be 12 inches diameter, and provided with a floating end to take the water for the filters from a few inches beneath the surface, where it is clearest, and prevent the early choking of the filters. This is shown on plan No. 2.

The filters will be two in number, each capable of filtering half a day's supply of water easily; and land must be secured for a third. They are formed to hold 5 feet in depth of filtering medium, 2 feet of water, and 1 foot to top of bank.

The filter tanks will be formed in the same way as the settling tanks, omitting the concrete on the floor. The inlet and outlet pipes will be 12 inches in diameter, and with proper sluices to control the water.

The requisite air pipes and overflow will also be provided.

From the filter the water will flow into the clear-water tank, which has a capacity equal to half a day's supply; it will be circular in plan, 50 feet diameter, and 10 feet deep, lined with puddle and brickwork.

From the tank the engines will take the water and force it at the rate of 200,000 gallons in eight hours to the lower reservoir in Piper-street. The river-water pump will in the same period pump the daily quantity necessary for the supply, and also for the boilers and for condensation, lifting it 46 feet for these purposes.

During the operation of filling the lower service reservoir the town will be supplied direct from the pumps, through the 10-inch main proceeding up Piper-street. When the draught in the pipes ceases the tank will obtain its supply; and when trifling repairs are required to the engine, it can cease to run for nearly twenty-four hours.

Similarly the higher reservoir will be filled for the supply of the upper tank after the lower one is full.

In the event of a fire occurring when the engine is not at work, the smaller and higher reservoir can be put into connection with the pipe system from the lower reservoir, and exert the full pressure due to its elevation; it would be able to supply water for several hours directed to a special district, and ample time would be obtained to get up the full pressure at the pumping station to keep up the supply.

The covered reservoirs will be circular in plan, the larger one 60 feet in diameter and 12 feet deep; it is shown on drawing No. 3; it will be lined with puddle and brickwork, and covered with corrugated iron on wooden framing, to preserve the purity of the water.

The smaller one will be of similar construction, and both will be provided with proper inlet, outlet, overflow, and wash-out arrangements.

The estimate for the works is as follows:—

Engine-house, with two 27-h.p. engines effective, and boilers, two settling tanks to contain one day's supply each, two filters capable of filtering daily supply, clear-water tank, connecting-pipes, pumps, &c., complete	£11,412
$2\frac{1}{2}$ miles of main pipe 10 inches diameter, with bends and junctions ...	4,732
Two covered service reservoirs capable of storing one day's supply ...	1,600
Land, compensation, fencing, and houses for workmen	1,050
	<hr/>
	£18,794

The

The frontages of the houses in the streets of Bathurst occupy nearly 14 miles.

To carry out the pipe work for distributing the water so as to place every house within a reasonable distance of a public stand-post where the water may be drawn, will require about that length of piping in addition to the 10-inch main pipe.

This 14 miles will consist of pipes of various sizes—6, 4, and 3 inches in diameter, and with the necessary sluice-cocks, stand-posts at $11\frac{1}{2}$ chains apart, hydrants or fire-cocks 300 feet apart, will										
cost	...	...	...	...	...	...	...	...	...	£12,131
Engineering	...	...	...	...	...	...	...	...	...	1,000
Add cost of works	...	...	...	...	...	...	...	...	...	18,794
										£31,925

The annual working charges will be as follows:—

Establishment—Mechanic superintendent, with residence, per annum...	£250
	£ s. d.
Engine tender, at ...	... 0 10 0 per day, and residence
Fireman ...	... 0 8 0 "
Labourer ...	... 0 7 0 "
	1 5 0 per day per annum 456
Coals, oil, tallow, and waste	... .. 232
Repairs of engine, &c., say	... .. 62
	£1,000
Interest on £32,000, at 5 per cent.	... .. 1,600
	Total annual charges £2,600

When the works distribute the quantity 250,000 gallons per day, the cost of the water will be $6\frac{3}{4}$ d. per 1,000 gallons.

The above capital amount, however, includes the cost of duplicate engine and boiler, &c., and the works could if required give a far larger supply. When first undertaken it is probable that the duplicate engine, one settling tank, and some portion of the distributing arrangement would be omitted, and the capital expenditure could be reduced by £6,000.

The annual rateable value of property in Bathurst is £46,541; a nincpenny rate on this sum will yield £1,745.

This rate should I consider be levied for water distributed to the public at the stand-posts, one of which would be within 120 yards of every premises; and for the other purposes mentioned previously, viz., use on the occasion of fires, watering streets, flushing public drains, &c., &c. The annual expenditure being ... £2,600
And the produce of the rate 1,745

Will leave a deficiency of... .. £855

This amount would be covered by the sale of 47,000 gallons per day at the rate of 1s. per 1,000 gallons. There can be little doubt that the convenience and economy of having the water laid on to the premises would speedily insure a sale of far more than this quantity, which should be by meter; and a profit would be realized from the works, which could be applied for the purpose of reducing the loan originally obtained for their construction, for increasing them, or applied for the reduction of the rate, as may be determined.

The great advantage of the supply through meter is that consumers are then responsible for the waste which may occur from defective fittings or carelessness in the use of the water.

It is also within the consumers' power to be economical or liberal in the use of the water as they may feel disposed. The difficulty regarding reliable meters may now be said to have disappeared; some of the modern forms are equally efficient with the best gas meters, cost but a few shillings per annum, and only require occasional testing to be thoroughly reliable.

At

At a short distance above the proposed position of the Pumping Station there is a slaughter-house, the drainage from which should be excluded from the river.

In carrying out these works, some enlarged powers will be necessary to enable the Corporation to carry the pipes, &c., through lands and buildings, and to provide liberty of access to them after completion for the purpose of repairs, in all cases making compensation for damage; also power to entertain the necessary staff of officers, to make contracts, and for sale of water beyond the present municipal limits, to recover amounts for the sale of water in the manner provided for the recovery of rates, and penalties for the injury of the works or pollution of the water.

The plans which accompany this Report are intended to explain the position and character of the work and for the purposes of estimate. Sufficient information has been obtained to work out the necessary detail drawings when required.

It is also necessary to remark that the estimate is framed on the present price of iron, which is low; in the event of any considerable increase in the price of this material an addition to the estimate would be necessary.

Where the streets are as wide as in Bathurst, $1\frac{1}{2}$ chain or 99 feet, it is very desirable that the mains should be laid on both sides of the street and within the line of the kerb-stone; this arrangement will save the owners of houses the expense of 40 feet of piping to connect their houses, and also prevent the expense and inconvenience of opening and damaging road surface when properly made. The most convenient place for the fire hydrants and stand-posts is on the road surface, just beyond the gutter.

As the expense of the second pipe in the street will at first be a difficulty, that side should be selected where the sale of water is most likely to be effected, and as occasion requires the second pipe—which in nearly all cases will be a small one, 3 or 4 inches in diameter, and not very expensive—can be added. The plan of the town No. 1 indicates the position of the houses, and it will not be difficult to arrange the pipe distribution.

The River Macquarie is, I consider, the most permanent source available for the supply of Bathurst. It would be desirable, in a climate where long droughts are not uncommon, to provide a storage reservoir wherein to store the water for times of scarcity; but no site for such a reservoir has come within my observation, which would not entail a very serious expense.

The river bed is sand to a considerable depth, and even when it is apparently dry in extreme cases, there is doubtless a current of water running through it which can be made available. If found necessary a small dam, over which the water in times of flood could pass, would bring the water to the surface in dry periods. A less expensive mode would be in emergency to excavate trenches in the sand, and lead the water to the pumps. The result of my inquiries, however, leads me to the conclusion that without further consideration of this difficulty the works may be safely undertaken as herein recommended.

W. CLARK,
Member Institute of Civil Engineers.

APPENDIX.

The Government Analyst to The Principal Under Secretary.

Sir,

I have the honor to acknowledge the receipt of your communication of July 28th, and the case containing three samples of water.

According to instructions I now forward the analysis and report.

6 August, 1877.

I have, &c.,
CHAS. WATT.

August 6th, 1877.

Each sample was allowed to settle before analysis. Parts per 100,000.

	Total solid matter.	Volatile at a red heat.	Chlorine.	Saline ammonia.	Organic ammonia.
No. 1.—Macquarie River, foot of Lyall-street, 13/7/77	8.60	1.00	0.93	.007	.012
No. 2.—Well at Railway Station, 13/7/77	31.4	Not determined, as the results would be useless.	4.4	.034	.016
No. 3.—Well at Durham-street, see 25, 14/7/77	69.7		12.0	.032	.018

All the samples were nearly colourless, and fairly bright; but contained small quantities of suspended matters. Remarks.

No. 1. This is a fairly good water, efficient filtration would much improve it. The fixed matter consists of traces of carbonates of lime and magnesia, chlorides, sulphates, silica, alumina, tin, &c.

Nos. 2 and 3. Both of these waters must be condemned as unfit for drinking if the samples fairly represent the bulks. No. 3 is unsuitable for any domestic purpose.

From the quantity of saline and organic ammonia found in them, the inference is that they have been contaminated by surface drainage; these remarks are made upon the supposition that the samples were sent in bottles which had not been previously used for any purpose. I may mention here that it is a practice in towns distant from Sydney to obtain bottles for holding samples of water from local druggists' stores; and I have found that such bottles have frequently contained ammonia, and, as a matter of course, the result of the examination of the water has thus been rendered worthless.

CHAS. WATT,
Government Analyst.

I have ascertained that the bottles were new.—W. CLARK.

BATHURST WATER SUPPLY.

No. 1.—Plan showing position of pumping station, filters, &c., and line of main pipe and reservoirs, and section of same.

No. 2.—Showing arrangement of settling tanks, filters, engine-house, &c., and cross sections of same.

No. 3.—Circular service reservoir.

BATHURST WATER SUPPLY.

No 2.



Fig. 3. SECTION ON LINE. D. D. *Whank*

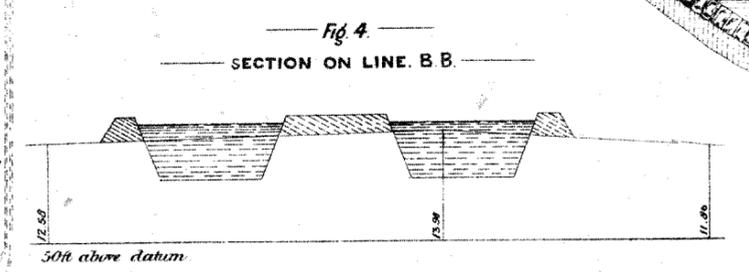
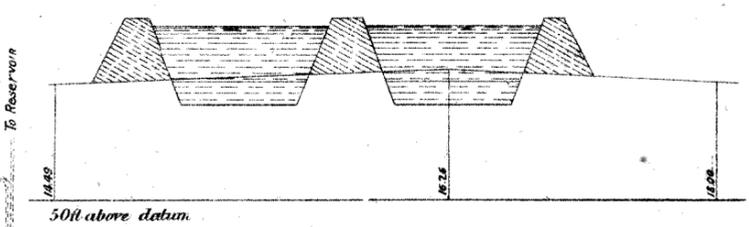
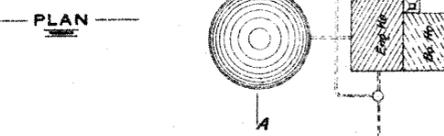
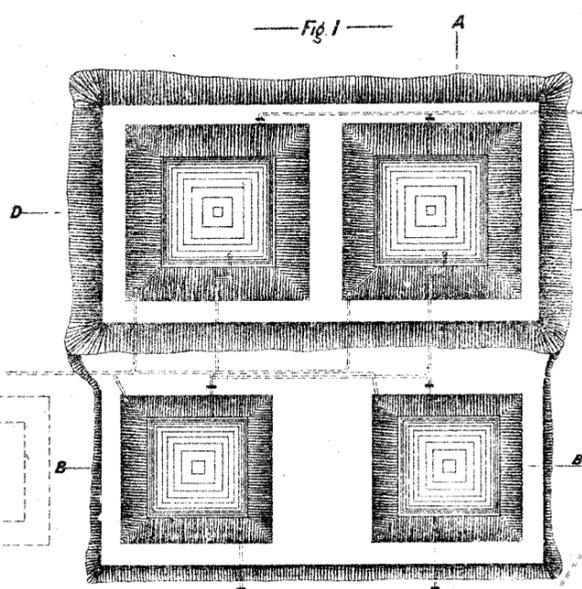


Fig. 6. SECTION of Settling Tank showing Floating Pipe

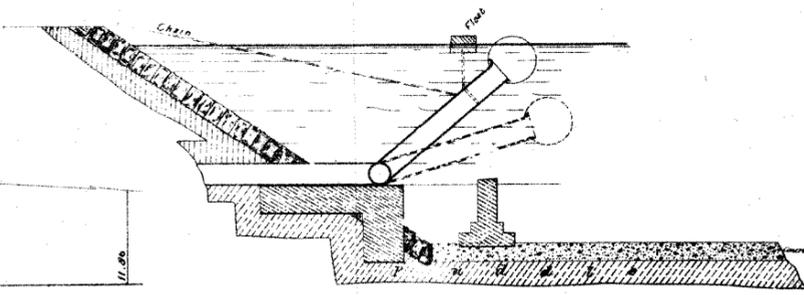


Fig. 5. SECTION showing SUCTION PIPE

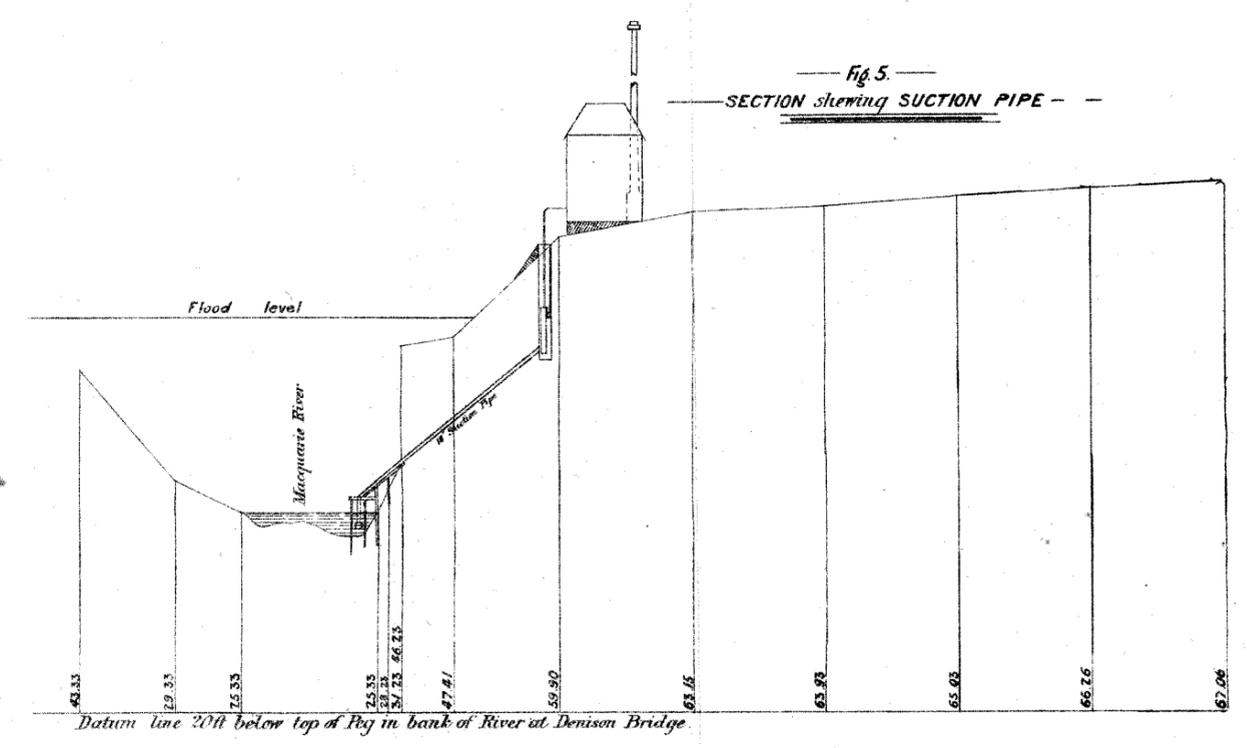
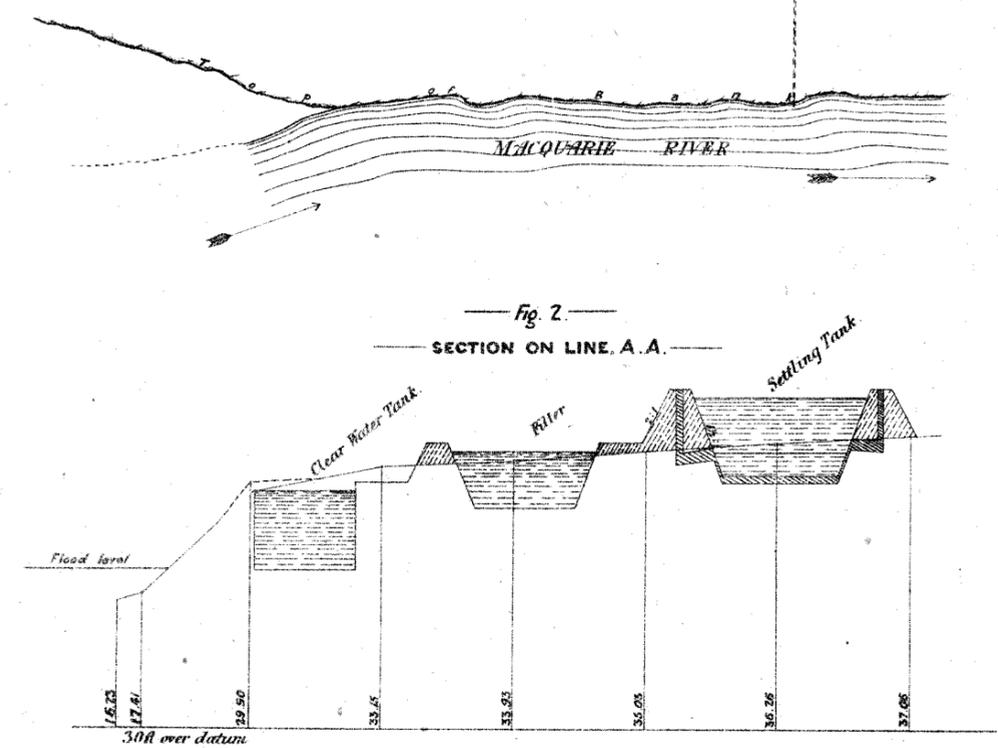


Fig. 2. SECTION ON LINE. A. A.



BATHURST WATER SUPPLY

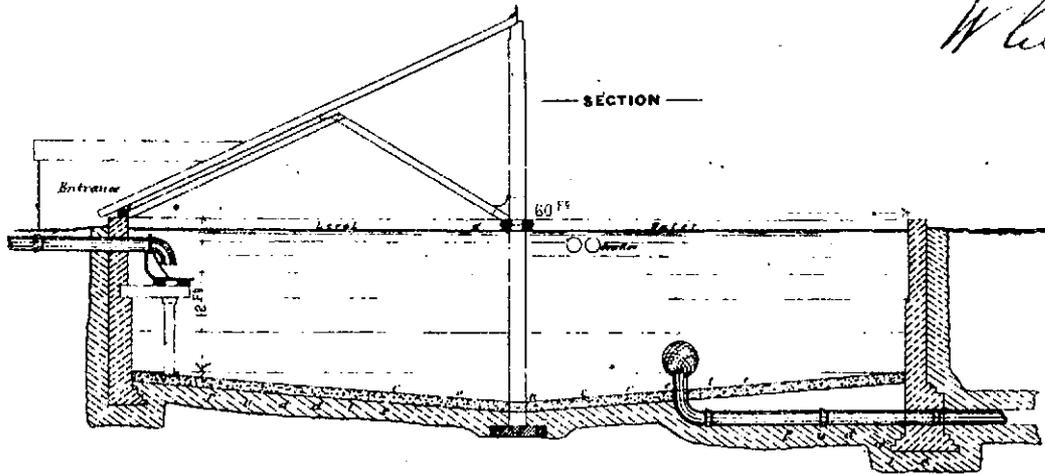
Nº 3.

DESIGN

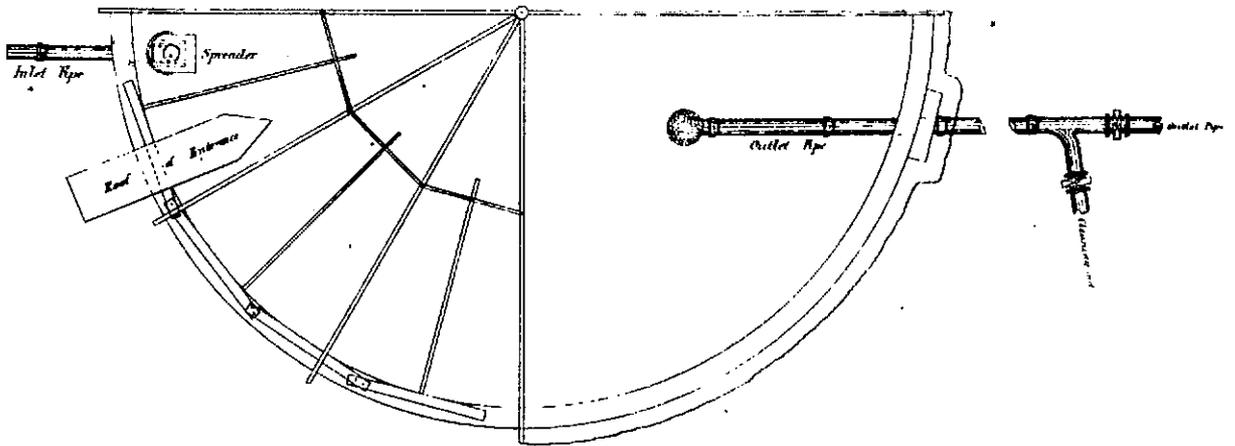
FOR

RESERVOIR

W Clark



PLAN



1876-7.

NEW SOUTH WALES.

SUPPLY OF WATER FOR THE TOWNS OF MAITLAND, MORPETH,
NEWCASTLE, AND THE MINING TOWNSHIPS.

REPORT

TO THE

GOVERNMENT OF NEW SOUTH WALES

ON A

SUPPLY OF WATER FOR THE TOWNS OF MAITLAND, MORPETH,
NEWCASTLE, AND THE MINING TOWNSHIPS:

BY

W. CLARK,
MEMBER INSTITUTE OF CIVIL ENGINEERS.

Presented to Parliament by Command.

SYDNEY: CHARLES POTTER, ACTING GOVERNMENT PRINTER.

1877.

REPORT to the Government of New South Wales on a Supply of Water for the Towns of Maitland, Morpeth, Newcastle, and the Mining Townships.

To the Honorable the Colonial Secretary,
New South Wales.

Sir,

I have the honor to report that, in conformity with instructions contained in Mr. Halloran's letter of the 25th June, I proceeded to Newcastle and Maitland, with a view to advising the Government on the subject of a Water Supply to those towns, together with the Mining Townships hereinafter mentioned.

On the 14th July, (having in the meantime visited Bathurst), a Progress Report was submitted, and on the 16th I had the honor of an interview with the Honorable Sir H. Parkes, and then received instructions to advise the Government generally, both as to the quantity of water which should be supplied, and also as to the works necessary for obtaining it in the cheapest manner, consistent with efficiency, from the source which might commend itself to my judgment as the most reliable and permanent.

When I returned to Newcastle on the 17th July, I received Mr. Surveyor Fuller's Report on the Lagoon and Watershed near to Lake Macquarie, alluded to in my Progress Report. Mr. Fuller's Report is given in the Appendix, page 11.

In consideration of the small catchment area, the low elevation of the lagoon above the sea, and the nature of the country, entirely underlaid by coal, I did not consider it necessary to make further inquiry into this scheme.

I therefore examined the country between Newcastle and West Maitland, with a view to obtain some other source of supply, but no nearer source than the river Hunter could be found.

The tidal influence does not extend beyond West Maitland, and at a point called "Bolwarra," or Dickson's Falls, it has never, even during periods of drought, been brackish, though with the exception of extensive waterholes along the gravelly bed in extreme droughts it has apparently ceased to flow.

During this inquiry the district called "Richmond Vale," where there is a shallow lagoon some 60 or 70 acres in extent, and a catchment area five or six square miles, was brought to my notice.

This lagoon however is equally distant from Newcastle with Bolwarra Falls, the water would require to be pumped, and as it is also underlaid by coal, there would be the same chance of pollution from pit drainage water in the event of workings being established in the future.

Perceiving no special advantage in this locality, it was also abandoned as a source of supply.

The river Hunter, which receives all the other sources and has a very large drainage area above Bolwarra Falls, appears to be the nearest source for a permanent supply, for even in periods of extreme drought there is doubtless a current in the gravelly bed.

Before finally deciding the point on the river Hunter whence the water could be taken, there being no records of the flow and condition of the river during periods of drought, I made especial inquiries on this subject. On the occasion of my first visit to Maitland, on the 29th June, I saw the river very low; there had been no rain for a period of some months capable of adding materially to its flow; there was then, however, considerably more water passing down than would be required for the proposed supply.

I subsequently addressed a letter to the Town Council of Maitland, requesting their assistance in obtaining evidence of persons who had resided in the district for many years; this letter and the replies received thereto are given in the Appendix, pages 11 and 12.

Samples of the water were also obtained from three different points in the river at and above Bolwarra, for analysis by Professor Liversidge, the result of which proves that the water will require careful filtration; and I have considered it desirable to obtain his approval of the proposed mode of purification.

The analysis and correspondence on this subject are given in the Appendix, page 13. It is desirable that the small cemetery belonging to the Wesleyan community situated on the banks of the river near the proposed pumping station should be closed.

I have no doubt of the sufficiency of the source, neither is there, I think, any cause for apprehension as to the permanent freshness of the water; the saline influence seldom extends to the point where the level of a river is unaffected by the tide, and the chain of deep waterholes in the gravelly bed here insures, I consider, a constant supply of fresh water at all seasons, and that it would be impossible to find another point so favourable, all things considered, as that at Bolwarra.

The adoption of this source would necessitate the formation of a large reservoir, which could be filled when water is abundant, and drawn upon when the river is muddy.

Acting as a settling tank for the water, this would also be a storage reservoir, whence water could be obtained in times of severe drought.

It would also be necessary to provide filters for purifying the water.

On a full consideration of all these points, I have decided to obtain the water from the river Hunter, at the place above mentioned, and propose to construct works capable of supplying the under-mentioned places and populations:—

West Maitland	...	...	...	5,381
East Maitland	...	...	...	3,000
Morpeth	...	...	...	1,368
Minmi	...	...	...	1,200
Plattsburg	...	...	...	2,300
Wallsend	...	...	...	2,500
Brooks Town	...	...	...	300
Lambton	...	...	...	2,000
Waratah	...	...	...	1,850
Burwood	...	...	...	1,240
Hamilton	...	...	...	1,070
Wickham	...	...	...	750
Newcastle	...	...	...	9,350
Sundry small villages	...	...	...	2,760
Total population	...	...	...	<u>35,069</u>

At present the water for domestic purposes is partly obtained from roof cisterns,—these, however, are chiefly confined to the better class of houses—partly from wells, and partly by a purchased supply at 9d. to 1s. per hogshead for water of doubtful purity; while in the mining townships the creek water is frequently drunk, and there is a considerable amount of fever in consequence.

In one place only, Newcastle, have I been able to obtain any information as to mortality. The Mayor, E. Wallace, Esq., has furnished me with the following information:—

In 1871 the deaths were	...	...	...	285
1872	..	...	...	294
1873	..	...	...	345
1874	..	...	...	439
1875	..	...	...	516
1876	..	...	...	628

The average percentage of zymotic disease for the last five years is 20·6; in 1876 it was 32·1.

This

This is all the information I have been able to obtain.* The rate of increase of the population during the years 1871 to 1875 is not stated; but the mortality of 399 for the Town of Newcastle on the present population, 9,350, would indicate a rate of 42·6 in 1,000, or nearly three times the number which nature demands as inevitable; no stronger reason need be urged for an improvement in the sanitary condition of Newcastle.

In one form or another water for domestic use is the occasion of considerable expense to the inhabitants of the entire district, either in the construction and maintenance of tanks for storing roof-water, or in the form of cash payments for water purchased by the cask; while it has been found necessary, on some occasions, to convey water from Maitland to the mining townships by railway.

The provision of a constant supply of good water will, I believe, not only remove the cause of much unnecessary sickness and mortality, but will materially assist the coal-producing industry of the district, by removing one of the greatest difficulties to comfortable residence therein.

From inquiries I have made, there will I think be little difficulty in selling water to the population of the various townships, who will be prepared to pay a reasonable price for a good and constant supply.

Under these circumstances I would advise that the Government assistance, in whatever form it may be given, should be for the purpose of providing the water in reservoirs situated in convenient positions for distribution, but that the works for distributing it should be left entirely in the hands of the various Municipalities who will use it.

The following Report will therefore be confined to the provision of the water as proposed.

The expense of a system entirely confined to pumping of water through pipes extending over a distance of $22\frac{3}{4}$ miles between the source above West Maitland and Newcastle will necessarily be considerable, and in the works which I recommend I have endeavoured to reduce the cost to the lowest limit consistent with the efficiency and permanence of the supply.

In addition to the population, the shipping in the port of Newcastle will also require to be supplied; for this, and other purposes connected with the port, Mr. Darley, the resident Engineer, informs me that a daily supply of 12,000 gallons will be required.

The question of quantity to be supplied daily for this population is one of great importance, as on it depends to a considerable extent the cost of the works, in which, as above intimated, a pipe $22\frac{3}{4}$ miles long will form the largest item of cost in the scheme.

Where there is no waste, twenty gallons per head of the population per day is an ample supply for all domestic purposes. Watering of streets and gardens very considerably increases the quantity required; it is, however, not desirable that the quantity supplied should be so limited as to necessitate an immediate addition to the works on their completion, should an increased demand arise, as it will inevitably do, when the water comes into general use. I consider therefore that the works should be easily capable of delivering $35,069 \times 30 = 1,052,070$ gallons per day, and for this quantity the works presently to be described are designed.

The locality where the water will be taken from the river, and the situation of the filtering works, is shown in the plan, No. 4.

The floods in the Hunter rise upwards of 30 feet above the usual level at Bolwarra, and it will therefore be necessary that the proposed works should be constructed at such an elevation as will effectually exclude flood water.

This point is very favourable for the proposed works; at a distance of 30 chains from the river a hillside affords an excellent position for the various tanks, filters, &c., and a little further on the Walka Lagoon occurs, which forms an admirable site for a storage reservoir. (*Vide* plans Nos. 2 and 4.)

This

* Appendix, page 15.

This latter will, as before stated, be necessary to meet the difficulty of dealing with the water during the period of floods and freshes in the river, when the water is more or less muddy; it will then require to be purified by deposition of the mud in suspension before being admitted to the filters, which would otherwise speedily become choked by the deposit on their surfaces; at other times when the river water is clear, it will be pumped direct into the river-water tank shown on plan No. 6.

The general arrangement of the works will be as follows:—

River water or storage water will be pumped into the tank; from thence it will flow to the filters, and eventually after passing through them it will be received in the clear-water tank.

From this tank the engines will take the water and force it on to Butti Hill, distant 5 miles, where a tank capable of containing one million gallons will be constructed to receive it.

On its passage a part of the water will be diverted by a branch pipe $2\frac{3}{4}$ miles long to a reservoir at East Maitland, capable of holding half a million gallons, for the supply of East and West Maitland and Morpeth, from which latter place it will be distant 2 miles.

Arrived at Butti Hill Reservoir, at an elevation of 265 feet above high-water, it will command the entire route of the pipe extending through the mining townships to Newcastle, where it will be received in a reservoir to be constructed near the Light-house with the red tower, at an elevation of 159 feet above high-water, and will command all the levels below.

This reservoir will contain half a million gallons, or sufficient for two days' supply to Newcastle.

On the route, reservoirs will be provided for the supply of the following townships:—

Townships.	Level of Reservoirs over high water.	Size of Reservoirs in gallons.	Distance from Main.	Diameter of Branch Pipe.
East Maitland	127	500,000	2 miles 65 chains	10 inches.
West Maitland				
Morpeth				
Minmi	115	36,000	2 " 46 "	6 "
Platsburg	121	69,000	" 6 $\frac{1}{2}$ "	12 "
Wallsend	104	84,000	" 4 "	12 "
Waratah	89	93,000	58 "	9 "
Lambton	108	60,000	" "	12 "
Tigh's Hill and Hamilton ...	47	45,000	1 mile 25 "	9 "
Newcastle	159	500,000	main. "	15 "

The engines to be fixed near Bolwarra will be situated about midway between the river and the Walka Lagoon; the distance from the former being about 21 chains, as shown on the plan No. 4. A tunnel will be driven through the hill between the engine-house and the river, about 7 chains long, through which the pipe will be laid. Fig. A, plan No. 6.

This suction-pipe will be carried across the shallow bed of the river, and dip into the deep hole on the opposite side; in the river it will be supported on piles, and placed at the level of the present gravelly bed; should it become necessary, which I do not apprehend, a small timber and boulder dam may be constructed below the suction-pipe to head the water up. The suction-pipe will require a large air vessel at its upper end near the pump.

The first operation on the completion of the works will be to pump water from the river to the storage reservoir.

For this purpose an engine and pumps will be provided capable of lifting one million gallons into the tank or storage reservoir, with a maximum lift of 56 feet in eight hours, or it will fill the reservoir in seventy-one days.

This latter will be formed by constructing an embankment, which for about 120 yards in length, its greatest height will be 33 feet, and the top will be 3 feet over the level of the highest known flood. So constructed it will when filled contain an area of water 40 acres in extent, and a capacity of about 215 million of gallons, without drawing upon the bottom when reduced to one-third the area (*Vide* plan No. 10.)

At times when the freshes cause the river water to be muddy, the water will be taken from this storage and passed through the filters.

When only slightly muddy, by pumping river water into the distant part of this reservoir, the mud will have time to settle, and the water will be drawn comparatively clean from the part of the reservoir nearest the engine; a suction-pipe with a floating end will be provided for taking the water from a few inches below the surface where it is clearest: this is shown in plan 7, figs. A, B, C, and D.

The situation of this reservoir is very favourable; it has a catchment area of 176 acres, which it would be desirable to resume; the soil generally is of a clayey nature, and excellent clay for puddle is found on the side of the lagoon.

About half a mile distant, on Mr. Thos. Anderson's land, there are indications of an excellent stone suited for building and for pitching slopes, &c.

The contents of the dam will be, including puddle, &c., 83,840 cubic yards.

Plan No. 6 shows the arrangement of the tanks and filters; these will be constructed on the slope of a hill.

Of these, the river-water tank is for receiving the water from the engine, which pumps it from the river when clear, and from which it will flow on to the filters.

This tank is 150 feet square, 10 feet deep, lined with masonry, and having a concrete and puddle floor. Its capacity is 1,000,000 gallons, without drawing off the lowest 3 feet of its depth, which will be allowed for deposit, and which is capable of being washed out by a suitable sludge drain, formed of a pipe 2 feet diameter laid in puddle.

A movable end is provided in this tank also for the outlet pipe, which takes the water for the filters from a few inches below the surface. A section of the wall and the movable end is shown in plan No. 7, fig. E.

The filters are three in number, each 100 feet square, and capable of filtering half a million gallons per day. These are lined with masonry and puddle bottom, with proper inlets and outlet, overflow, and air pipes, and will be charged with filtering materials 5½ feet in depth.

The clear-water tank is circular, 100 feet diameter, and 12 feet deep, lined with masonry, puddle, and concrete floor, with inlet, outlet, and overflow pipes, &c. It is 12 feet in depth, and has a capacity of 59,000 gallons. From this tank the water will be taken by the engines, of which three will be required, any two of which will be capable of forcing one million gallons into the high level reservoir at Butti Hill, and the reservoir at East Maitland in fifteen hours.

This reservoir is distant from the engine 5 miles, at an elevation of 265 feet.

The three engines I propose for this work will be of the compound horizontal rotative class, as being considerably cheaper in first cost than beam engines, and require less expensive houses for their erection. The pumps will also be horizontal; seven boilers will be provided, five of which will be capable of working three engines. The engine-house will contain four engines, the fourth being that described at page 6; the floor will be 3 feet over flood level, and the clear-water tank—the surface of which will be a little below flood level—will also be protected by an embankment of similar height. The delivery pipe from the pumps will be 18 inches diameter for a length of 1 mile 74 chains, when the branch pipe to East Maitland will be given off; from that point to Butti Hill Reservoir the diameter will be 15 inches.

From this high level reservoir to Newcastle the pipe will also be 15 inches in diameter, capable of delivering 1,143,000 gallons in twenty-four hours, with a fall of 5 feet per mile; the actual fall will be 107 feet in a distance of 17 miles 60 chains, and its weight will be nearly 300 tons per mile.

A branch pipe to Minmi, 2 miles 46 chains in length, and another 1 mile 25 chains in length, to Tigh's Hill, will be provided.

To Waratah the length will be 58 chains; the remaining branch pipes to the reservoirs mentioned at page 6 will be from 4 to 7 chains long only. The total weight of cast-iron piping in the main and branches will be 9,000 tons.

The section of the country through which the pipe will pass is given on plans No. 1 to No. 5, which show the general direction of the pipe and the places on the route where the water supply is required.

The

The section at the distorted scale 20 chains to the inch horizontal, and 40 feet to the inch vertical, appears to be very rough, but the hills are not very precipitous, and the surface is generally decomposed to a sufficient depth to render cutting in the hard rock unnecessary. Crossing a few of the narrow ravines, it will be desirable to elevate the pipe slightly to prevent abrupt changes in its vertical direction; horizontally there are very few places which will require special pipe castings.

For the elevation of the pipes across the ravines referred to, the most economical way will be to carry them on piles formed of the bush timber through which the line is carried. A pile under each 12-foot length of pipe would be necessary, and the whole covered with a roof to exclude the sun and prevent expansion. A cheap arrangement for carrying the pipe at an elevation of 15 feet is given in plan No. 8, which would cost but little more than the excavation in other places.

It would be necessary, if this be adopted, that it should be confined to those places where timber is not brought down in times of flood; in such cases, and there are but two or three only, trestle bridges would be required to carry the pipes.

To prevent damage from bush fires, the places where these occur would require to be kept clear of timber and long grass; this would be the duty of the Pipe Inspectors, who would be kept for the purpose of examining the pipe line from end to end about twice every week, to ascertain that no leakage had occurred, and to effect simple repairs when necessary.

It will be necessary when the final surveys are made for fixing the line of pipe to avoid, as far as practicable, those places where the coal has been worked from under the surface, and where this cannot be done to support the roof of the workings and prevent subsidence. In all future workings such supports can be left, and this should be insured by legislative enactment, so as to prevent the destruction of the pipe and interruption of the supply of water.

Various forms of valves will be required in the pipe, the principal of which are air-valves to permit the escape of air from the pipe while being charged, and also for the prevention of accumulations of air in the high points of the route, the presence of which obstructs the flow of the water.

Reflux valves, to prevent the return of the water from the higher levels of the pipes, should a burst occur in the lower portions.

Safety-valves, to prevent the bursting of the pipe on the too sudden closing of a valve and stoppage of the flow of water. If all these points are carefully attended to, the pipe will act perfectly to supply the various reservoirs, notwithstanding the uneven character of the country through which the pipe is carried.

In order to preserve the purity of the water, it is desirable it should be kept in covered reservoirs after passing through the filters, not only to exclude leaves, dust, &c., &c., but also the light, which engenders the growth of vegetable organisms; all the reservoirs proposed are therefore to be covered with a roofing of galvanized iron supported on suitable timber.

The whole of the reservoirs will be formed either in decomposed or solid rock capable of standing perpendicular when excavated, and will therefore only require lining with impervious material to make them water-tight. Both at East Maitland and Newcastle the rock appears to be decomposed at the surface, and the cheapest form to be given in such case is circular, lined with masonry and puddle, after the manner of gas-holder tanks, or with cement rendering where puddle is not procurable. A sketch of such a tank, with inlet, outlet, and overflow arrangement, is given on plan No. 9.

Tanks similarly constructed are provided for in the estimate at the other places named at page 6. When, as at Butti Hill, the reservoir will be in the solid sandstone, the circular form need not be given, as the roofing of a quadrangular tank will be more simple; this tank will only require partial lining where fissures and defects occur in the rock.

Arrangements will be made in connection with the outlet pipes to draw off the water from the tanks entirely when cleansing or repair is required.

At Newcastle there are a few houses above the level of the ground near the Light-house, which is 158 feet over high-water. The level of the outlet at
Butti

Butti Hill is 265 feet above the same; it is evident therefore that if the pipe be not drawn upon on the route the water would rise to this latter elevation at Newcastle, and fill a reservoir placed on the Obelisk Hill (which is 216 feet over high-water) to receive it. This could be accomplished during a short period of the night, when there is no draught on the pipes; and should the time come when the pipe is required to be constantly at work to supply lower levels, it will then be necessary to provide a small engine and pump to lift the water required for the higher service into this tank. This latter arrangement is not included in the estimate.

The above is a general description of the works necessary to supply easily, that is in fifteen hours' working of the engines, one million gallons per day, while the pipe to Newcastle is capable of supplying 1,143,000 gallons per day, and to Maitland reservoir, 300,000 gallons.

If, therefore, the demand should increase, and the engines be worked continuously, as they would be capable of doing, the daily supply may be increased to 1,443,000, or nearly $1\frac{1}{2}$ million gallons.

The estimate for the work is as follows:—

Storage reservoir, containing 75,000 cubic yards, complete with puddle-wall, pitching surface of slope, inlet, outlet, and waste-wier, &c.	£7,801
River water-tank, 3 filters, clear-water tank, inlet and outlet pipes, &c.	15,128
Engine, 215 horse-power, effective, with $\frac{3}{4}$ th additional boiler, pumps, connecting pipes, engine and boiler house, chimney, &c., &c.	19,398
Suction and delivery pipes between river and reservoir, and connecting pipes between tanks, filters, &c., &c.	6,448
Piping from Maitland to Newcastle, with branches to district reservoir, 8,373 tons, sluice cocks, air and safety valves, &c.	94,657
Service reservoirs, and connections	10,879
Land, fencing, compensation, and houses for establishment	5,128
Engineering and contingencies	10,561
Total	£170,000

The estimated cost of working when delivering one million gallons per day is as follows:—

Establishment.	
1 engineer superintendent, per annum	£350
2 engine tenders and 1 mechanic, at 10s. per day	546
2 firemen, at 8s.	300
2 labourers with filters, at 7s.	256
2 pipe-layers on pipe line, at 8s.	300
	£1,752
Coals, per annum	900
Oil, tallow, and waste	200
Repairs to engines, &c.	300
Total working expenses, per annum	£3,152
Interest on £170,000, at 5 per cent.	8,500
Total annual expenses	£11,652

or at the rate of about £33 per day.

At this rate the cost of the water placed in the reservoirs ready for distribution will be 8d. per 1,000 gallons.

Should the demand for water increase, and the consumption amount to 1,400,000 gallons daily, the working expenses will be increased by £3 6s. per day, but the cost of the water will be reduced to 6½d. per 1,000 gallons.

It will be desirable that the construction and management of the works here described should be left to a permanent Board or Commission of five persons, of whom three should be nominated by the Government and two elected by the Municipalities for three years, and these latter should retire by rotation.

An Act of the Legislature would be required constituting this Board, and to empower them to employ necessary assistants in the form of a permanent Staff, to make contracts, and to carry the works through and under private lands and buildings, when necessary, with the right to inspect and repair them in such places after completion, in all cases making compensation for damage, also to levy rates for the use and sale of the water, and to provide penalties for the injury of the works, the pollution of the water, &c.

The assessment of the various Municipalities for the supply of water furnished to them should be regulated by the Commission, and a minimum annual sum from each of the Municipalities should be guaranteed for the payment of interest, &c., considered in connection with such assistance as may be given by the Government.

For this purpose I would further recommend that a small rate be levied by the Municipalities through which the works will be carried, and that this be made to cover the cost of the water supplied from public stand-posts in the streets and roads, and that all persons requiring to have a tap on their premises should wherever practicable be supplied by meter, and the payments for such extra supply shall be regulated by the Commission.

At page 5 I have recommended that the works for distributing the water shall be left to the various Municipalities. I have not gone very closely into this subject, as it is only a few of the towns that have the necessary plans and data whereon to found an estimate; it may be considered however that the cost of distribution works will be approximately as follows:—

West Maitland, 9½ miles pipes with stand-posts, fire hydrants, &c., would cost	£8,500
East Maitland, 4½ do. do. do. ...	£3,500
Newcastle ...17 do. do. do. ...	£18,000

I have not considered it necessary for the purpose of this inquiry to make detailed drawings, &c., sufficient for the carrying out of the works—it would have occupied too much time; I have, however, sufficiently indicated the nature of the work proposed, and the necessary information has been obtained for furnishing drawings and details when required.

Similarly with the pipes for distribution, when the plans and levels of the townships are completed, all the information required can at any time be supplied.

It is necessary to mention that the estimate, £170,000, includes 9,000 tons of cast-iron piping, and is, I consider, ample; as, however, this is the principal item of cost, should any considerable increase take place on the present very low price of this material, the estimate would require to be increased.

In concluding this Report on a subject of the greatest importance to the district interested, I desire to record my thanks to the following gentlemen:—T. E. Wallace, Esq., Mayor of Newcastle; G. T. Chambers, Esq., Mayor of East Maitland; James Wolstenholme, Esq., Mayor of West Maitland; and the Aldermen of the latter town, appointed as a Committee to receive me. These gentlemen, at a considerable sacrifice of time, gave me every possible assistance in my examination of the country, and valuable information on the current rates for work and material, and every other subject connected with the inquiry. To Mr. Surveyor Fuller also my thanks are due for the efficient help rendered to me in connection with the levels, surveys, &c., the making of which was intrusted to his management.

October 8th, 1877.

W. CLARK,
Member Institute of Civil Engineers.

APPENDIX.

Mr. Fuller's Report.

Sir,

Newcastle, N. S. Wales, 17 July, 1877.

I have the honor to report to you that, in accordance with your instructions, received Monday, the 2nd instant, I proceeded to make a survey of the proposed line of Waterworks from Salt Water Creek to Newcastle. On Thursday, according to arrangement and at your request, I accompanied the Mayor of Newcastle to the Lagoon at the southernmost end of the *supposed* watershed, and tasted its water. The result was that we found it so brackish that it was considered unfit for drinking purposes.

On my journey from Red Head Lagoon towards this Lagoon, which I will in future designate as the "*Salt Water Lagoon*," I noticed the flow of water was southerly, and on especial inquiry as to where the water came from to supply the Salt Water Lagoon, and where it flowed to, I was informed that the supply came from the north and flowed south into Lake Macquarie. This was so diametrically opposed to Mr. Francis Bell's report that I thought it advisable you should be acquainted with it, and for that purpose the Mayor proceeded to Bathurst to so inform you, while I wrote to the Surveyor General a private report of my surmise, and requesting instructions to allow me to verify my impressions or not, as, if proved correct, at least one-half of the supposed catchment area would be cut off from Salt Water Creek. I received permission on Monday, the 9th instant, to proceed with the flying levels necessary, and on Tuesday, the 10th, I was enabled to come into Newcastle with the information that about four miles from the mouth of Salt Water Creek, in a south-westerly direction, around the swamp, a barrier existed of (46) forty-six feet in height of sand-hill, overgrown with scrub and gum, dividing the waters at this point and causing them to run respectively north and south. I then received instructions from you to verify my work by carrying the flying levels on to the Salt Water Lagoon, and thence to approximate sea level, and also to prove the water level of Lake Macquarie. On account of the gale on Friday and Saturday I was unable to proceed with my work till Monday, the 16th, when I waded across Salt Water Creek to my old marks and carried on my levels to Salt Water Lagoon. The level of this water I found to be 3.7 feet above approximate high-water-mark; and, as we tested the depth of this Lagoon, when on it on Thursday, the 12th, to be 3' 11", therefore the bottom of the Lagoon is below high-water-mark. Again, as there is no doubt that the water in this Lagoon was at *this* time some two feet above its previous height, the bed is *considerably* below high-water-mark.

From the then height from the water in the Salt Water Lagoon I ran my levels over the sand-hummocks towards the sea, and was astonished to find the sea running up the sand to the height of 16 feet above its ordinary level, thus being higher by 12' 3" above the water as then resting in the Lagoon. Being thus satisfied that the impregnation of salt would be permanent, I returned to the Lagoon and took my levels towards Lake Macquarie, and found a fall that day of 18 inches. I went to the outlet, which was running with *great* velocity, and took the level of the *bottom* of the Creek, and found I tied in to high-water-mark, as *minus* 0.150 of a foot, the water of the lake being 2.200 above my approximate high-water-mark. On inquiry, however, at Mr. Anderson's, the owner of the land between the lake and Lagoon, he informed me that the lake was quite two feet higher than at our previous visit, on account of the gale. This, as you will see by my level book, ties in so accurately with my approximate high-water-mark, that I am perfectly satisfied as to its correctness.

My investigation as to this point is, therefore, ended, and I have to report that the catchment area of Salt Water Creek alone is thereby reduced to about 1,500 acres, with a few more for creek drainage, which would include about another 1,000 acres.

FRANCIS J. FULLER,
Engineer and Surveyor, Sydney.

W. Clark, Esq., to The Mayor and Council, West Maitland.

Gentlemen,

West Maitland, 31 July, 1877.

I am now engaged, as you are aware, on an inquiry as to the best means of supplying your town, and also East Maitland, the Mining Townships, and Newcastle, with water.

It is a matter of the greatest importance that the permanence of the source of supply—the river Hunter at Dickson's Falls—should be ascertained and confirmed on the best evidence available. As there are no actual records of the stream during periods of drought that I am aware of, I shall feel obliged if you will inform me on the best information you can procure on the following points:—

- 1st. Is the river ever known to be brackish at the point above named?
- 2nd. During periods of severe drought has the river ever been known to cease running?
- 3rd. If not, what may be considered the smallest stream, as to breadth, depth and velocity?
- 4th. If it has ceased, for what period?

Yours, &c.,
W. CLARK.

The

The Council Clerk, West Maitland, to W. Clark, Esq.

Sir,

Borough Council Chambers, West Maitland, 6 August, 1877.

In reply to yours of 31st ultimo, requesting that our Council would furnish you with the best possible information respecting the state of the river Hunter at Dickson's Falls, I have much pleasure in submitting documents from the following persons, whom you will perceive are very old residents, and consequently well qualified to afford the information sought:—

Mr. James Moy	refers to 51 years ago.
Mr. John Eckford	" 59 "
Mr. Thomas Evans... ..	" 49 "
Mrs. Risby	" 39 "
Mr. Robt. Scobie	" 37 "
Mr. Isaac Gorrick... ..	" 30 "
Mr. Rourke	" 40 "

Mr. J. B. R. Robertson is an old resident, but does not give any date.

I beg further to intimate that the above information has been duly submitted to this Council, who, having the greatest confidence in the persons named, have requested me, on the motion of Alderman Chapman, to convey the documents to you with their concurrence in the contents.

I have, &c.,
THOS. HUGHES,
Council Clerk.

Pitnacree, 4 August, 1876.

HEARING that Mr. Clark was desirous of ascertaining from old residents whether the river at Dickson's Falls was ever known to be brackish, and also whether at same place the river was ever known to have ceased running, I have known the locality named since the year 1818, and during the whole of that period I have never known the river water brackish at Dickson's Falls, but have known it brackish at Risby's Falls.*

* $\frac{1}{2}$ mile below
Dickson's.

During the same period, I have never known the river at the point named to cease running; have known the river crossable dryshod at a point near Aberglasslyn.

JOHN ECKFORD.

Answers to Questions.

1. Is the river ever known to be brackish at Dickson's Falls? The river has been brackish up to Dickson's Falls, but not above it; the tide does not flow over the Falls. This is my experience for thirty years.

2. I have always observed the water running at the falls referred to, but the stream has been greatly reduced in very dry seasons; still there has been a large body of fresh water above the falls in the very driest seasons.

3. This is impossible to answer, because a large quantity of water passes through the gravel or shingle unobserved. The shingle extends across the bed of the river in this locality, and some feet in depth.

4. The fourth question is answered by the second.

ISAAC GORRICK.

P.S.—There were no floods in the Hunter from the year '40 to '57.—I.G.

Mr. Prichard.

1 August, 1877.

West Maitland, 2 August, 1877.

IN answer to questions in reference to the state of the river at Dickson's Falls in time of drought, I beg to say that I have lived in this town for the last forty-nine years, and have good opportunity of noticing the state of the river. I can confidently say that during that period the river at the above place has not been brackish. At the West Maitland Falls the river has been slightly brackish, but the people dug holes at the sides of the river and could then use the water.

At Dickson's Falls the bed of the river is coarse gravel, and for a short time during the most severe drought the water did not cover the gravel, you could walk across dry, but it ran through the gravel at the driest time. Above Dickson's Falls there has always been a plentiful supply. I have known the time when the people of Morpeth had to obtain their water from this place.

THOMAS EVANS.

THE undersigned has lived on the river at the above place for the past fifty-one years, and certifies to the truth of the foregoing statement.

JAMES MOY.

THE undersigned having lived at the Maitland Falls for thirty-nine years and in the neighbourhood for forty-four years, certifies to the truth of the foregoing statement.

M. RISBY.

IN answer to questions, my knowledge is as follows:—To No. 1—no; to No. 2—no. As to question No. 3, cannot say, as a large quantity escapes through the sand. The fourth question is already answered.

I also wish to state that in my opinion there would be an abundant supply if even the river ceased to run, as there are large reaches of very deep water.

J. B. R. ROBERTSON.

Mr. R. Scobie to The West Maitland Municipal Council.

Gentlemen,

Maitland, 4 August, 1877.

In answer to the questions in reference to the state of the river Hunter at and above Bolwarra Falls in times of drought, I beg to state, firstly, that I have not known the water to be brackish above Bolwarra Falls.

Secondly,—

Secondly,—I have not known the river to cease running at the above place except at the turn of the tide. Last summer being very dry, I think a two-foot pipe would have passed all the water that crossed the gravel bed called the Falls at the lowest condition of the river; the fall over this gravel bed in times of drought is from a foot to 20 inches. During all droughts that I recollect, excepting the one of last summer, the effect of the tide was visible here, causing an up-stream over the gravel bed at high-tide, which could easily have been stopped by a temporary obstruction of loose stones, gravel, &c. The absence of tidal effect so high up last summer is probably caused by the filling of the river channel lower down with sand, &c., thereby preventing the tide water from coming up in sufficient body to reach so far. There is a large deep reach of permanent fresh water above the Falls, the bottom of which is many feet below sea level; this place above the Falls in times of severe drought would receive the whole of the water coming down the Hunter bed, through gravel, or otherwise, and should retain it, owing to its low position.

My observations extend from the beginning of the year 1840.

I am, &c.,
ROBERT SCOBIE.

Reply to Questions asked by Mr. Clark.

West Maitland, 7 August, 1877.

I have resided upon the Hunter in West Maitland over (40) forty years, and can speak accurately of the river. I have never known it to cease running at Bolwarra Falls in the driest seasons; in that particular locality the river has shoaled up across its bed with an immense sand-bank interspersed with gravel, consequently the flow on the surface is diminished; nevertheless there is a considerable under-current. Immediately above the Falls there are large reaches of deep water extending upwards to the Melville Ford, about 4 miles; some of the rocky holes are probably 40 feet in depth, and I should suppose there is an average depth of 15 feet of water; where the intended works are to be erected the water is pure and soft. The river upward to its source runs over a gravelly bottom, and the water is not under tidal influence.

HENRY ROURKE.

Professor Liversidge to The Principal Under Secretary.

Sir,

The University, 20 August, 1877.

I have the honor to forward herewith the results of my analysis of the three samples of water from the Hunter River, supplied by the Municipal Council of West Maitland, at the instance of Mr. W. Clark, Hydraulic Engineer.

I have, &c.,
ARCHD. LIVERSIDGE.

The Council Clerk, West Maitland, to W. Clark, Esq.

Dear Sir,

Borough Council Chambers, West Maitland, 4 September, 1877.

In reply to yours, just received by our Mayor, relative to the three samples of water sent to Sydney for examination, I have much pleasure in stating for your information that they were obtained from the following places:—

- No. 1. From the rear of the Wesleyan Cemetery.
- No. 2. From near "Dickson's Falls."
- No. 3. From near Aberglasslyn.

I am, &c.,
THOS. HUGHES,
Council Clerk.

Sydney, 20 August, 1877.

REPORT upon three samples of water from the Hunter River, supplied by the Municipal Council of West Maitland, at the instance of Mr. W. Clark, Hydraulic Engineer. Each sample was contained in a single Winchester quart bottle closed with a cork and cemented with wax.*

Sample No. 1.

Colour, &c.—When viewed in a large, clear, and colourless glass flask this sample exhibited a brown shade and great turbidity. Moving about in the water were a few entomostraca and other organisms visible to the naked eye. A heavy clay-coloured sediment was deposited by this in common with the other two samples.

The water did not clear itself, on standing for a few days, as is usually the case, but remained milky to the last.

Taste.—None.

Smell.—A very slight earthy smell.

In the unfiltered state the water yielded the following results:—

Free ammonia	18 parts per million.
Albumenoid ammonia	24 " "
Chlorine	41.85 " "
Nitrites present in rather large quantity.	
Total solid matter	212.00 parts per million.
Loss on ignition	58.00 " "
Fixed solid matter	154.00 " "

To remove the bulk of the solid matter in suspension a portion of the water was passed through well-washed Swedish filtering paper, and the chief of the above items redetermined.

The

* Sealing-wax or other cement ought not to be placed directly on the cork or stopper; the stopper should be tied over with a piece of clean calico or linen, upon which the seal may, if necessary, be placed.

The following figures show the beneficial effects of so doing :—

Colour.—Still somewhat milky.	
Free ammonia	10 parts per million.
Albumenoid ammonia... ..	20 " "
Total solid matter	190·00 " "
Loss on ignition	56·00 " "
Fixed solid matter	134·00 " "

The residue left after evaporation to dryness was brown in colour, rather bulky, and gave off a slight smell of organic matter. On ignition this residue blackened very much. An excessive blackening indicates the presence of a considerable amount of organic matter. After the whole of the carbon was burnt off the residue was white mixed with brown in parts, the brown patches being due to the presence of iron oxides.

Composition of the residue.—The quantity of water placed at my disposal was insufficient to make a quantitative analysis of the inorganic matter in solution; a qualitative examination, however, showed that the salts in solution consist for the most part of the usual compounds of iron, alumina, magnesia, lime, soda, silica, sulphuric acid, and chlorine, found present in most spring and river waters.

None of them are present in an excessive amount, and they should in no way affect the quality of the water for drinking purposes.

Microscopical examination.—The amount of sediment was excessively great. It consisted principally of silty matter. The usual infusorial organisms were present, but not in large numbers.

Sample No. 2.

Colour, &c.—Very much the same as No. 1.

Taste.—None.

Smell.—A very slight earthy smell could be detected.

Free ammonia	12 parts per million.
Albumenoid ammonia... ..	26 " "
Chlorine	41·85 " "
Nitrites	Absent.
Total solid matter	202·00 parts per million.
Loss on ignition	54·00 " "
Fixed solid matter	148·00 " "

The same water, after filtration through Swedish paper, *i.e.*, without the solid matter in suspension, yielded the following results :—

Free ammonia	·06 parts per million.
Albumenoid ammonia... ..	18 " "
Total solid matter	178·00 " "
Loss on ignition	52·00 " "
Fixed solid matter	126·00 " "

Microscopical examination.—The same appearances were presented as by sample No. 1.

Composition of the residue.—Similar to sample No. 1.

Sample No. 3.

Colour, &c.—Very similar to Nos. 1 and 2, but a shade less turbid and discoloured.

Taste.—None.

Smell.—A slight earthy smell, similar to the previous samples.

Free ammonia	·09 parts per million.
Albumenoid ammonia... ..	22 " "
Chlorine	49·60 " "
Nitrides	Absent.
Total solid matter	236·00 parts per million.
Loss on ignition	80·00 " "
Fixed solid matter	156·00 " "

After filtration, as in the former cases, the water yielded of—

Free ammonia	·06 parts per million.
Albumenoid ammonia... ..	18 " "
Total solid matter	206·00 " "
Loss on ignition	68·00 " "
Fixed solid matter	138·00 " "

Composition of the residue.

Both before and after ignition this had very much the same appearance as those from samples 1 and 2. It contained the same chemical constituents.

Microscopical examination.—The results of the examination were similar to those yielded by the two former samples.

Remarks.—All three samples of water are much too impure to be safely used in their present state for domestic purposes. They could, however, be sufficiently purified if submitted to a vigorous and effectual system of filtration.

ARCHD. LIVERSIDGE.

To Professor Liversidge.

Sir,

Sydney, 1 September, 1877.

I am favoured by the Colonial Secretary with copy of your analysis of the water from the river Hunter, three samples of which were at my request sent to you for analysis, and which you describe as "much too impure to be safely used in their present state for domestic purposes. They could, however, be sufficiently purified if submitted to a rigorous and effectual system of filtration."

As it is probable that the towns of East and West Maitland, Newcastle, and the mining townships will be supplied from this source, I am anxious that the proposed mode of treating the water should have your approval.

It is proposed to pump the water from the river into a large reservoir, upwards of 20 feet in depth, and capable of containing more than six months' supply at the rate of one million gallons per day, where it will deposit much of the matter in suspension; it will then be drawn off from a few feet below the surface and passed through filtering tanks containing 5' 6" of the usual filtering media—sand, pebbles, &c.—previous to being pumped through the pipes for distribution.

The late Dr. Parkes gives the following as the essential characters in relation to the dissolved constituents of good water:—

Organic matter should not exceed...	...	...	26 parts in the million.
Carbonate of lime	...	277.76	" "
Sulphate of lime	...	52.08	" "
Carbonate and sulphate magnesia...	...	52.08	" "
Chloride of sodium	...	173.60	" "
Carbonate of soda	...	347.20	" "
Sulphate of soda	...	104.16	" "

Total solid contents, 606.80.

Unfortunately the specimens of the Hunter River water sent were not sufficient to enable you to make a quantitative analysis. As far as they can be compared, it would appear that after filtration it possesses less of the matters in solution than would, according to Dr. Parkes, be admissible in good water.

I have, &c.,

W. CLARK.

Professor Liversidge to W. Clark, Esq.

Sir,

The University, Sydney, 7 September, 1877.

In reply to your letter of the 1st instant, in which you ask for my opinion upon the method proposed for the purification of the intended water supply for the towns of East and West Maitland, Newcastle, and the mining townships, I have the honor to inform you that I think the method mentioned by you will fully answer the purpose intended, provided that arrangements be made to permit the reservoir and filtering tanks to be cleaned from time to time.

The periods at which this may be necessary would be best ascertained by means of an occasional analysis of the water as delivered through the pumps.

I would suggest that a layer of magnetic oxide of iron, which is abundant in many parts of the Colony, should, if possible, be included in the filtering media, as it possesses the power of destroying organic impurities in water to a very high degree.

In reference to the quotation (contained in your letter) from the writings of the late Dr. Parkes, upon the amounts of the dissolved constituents which may be present in a good water, I may remark that although the inorganic (and harmless) matters are less, the quantity of organic impurity, as indicated by the amounts of free and albumenoid ammonia, is greater in all probability. This is further borne out by the loss on ignition which the residue undergoes, and the intense blackening which accompanies that operation—hence the necessity for an efficient filtration of the water under consideration.

I have, &c.,

ARCHD. LIVERSIDGE.

The total number of deaths for 1876 are as follows:—

Newcastle	399	} Total, 628.
Wallsend	105	
Lambton and surrounding districts.....	124	

The zymotic diseases are:—

Miasmatic—gastric fever.....	2	Miasmatic—remittent fever	10
low fever	1	rheumatism	2
diphtheria	1		—
scarlatina	40		192
.....	1		—
croup	11	Entemic diseases—syphilis	2
typhoid fever	56	Dietic —alcoholism	6
erysipelas	2	Parasitic —hydatids	1
carbuncle	2		—
dysentery	15		201
diarrhœa	42		—
cholera	7		—

Giving an average of 32.

JNO. BURROWES,
D.R.

28 Sept., 1871.

LIST

LIST OF PLANS

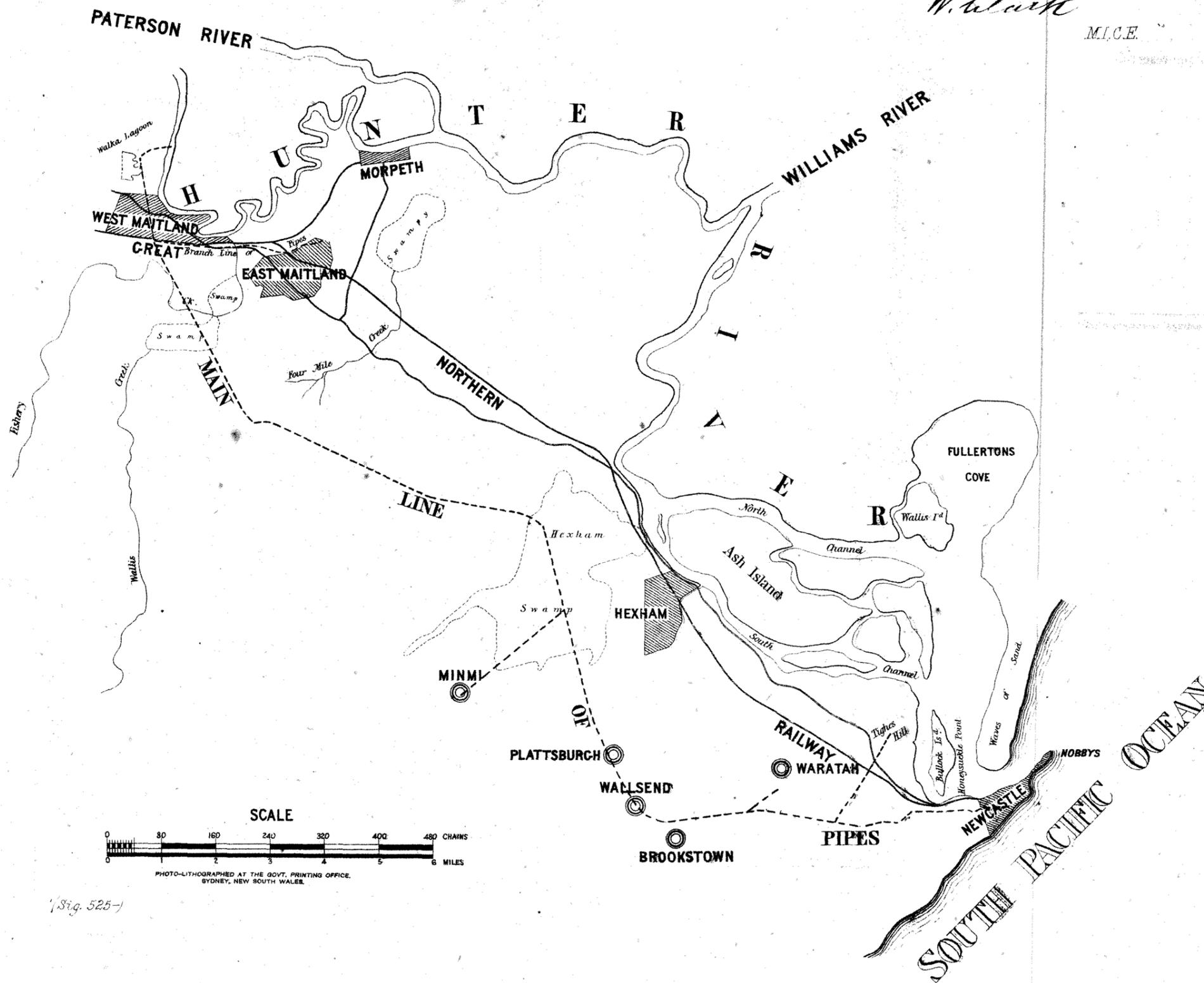
Of the Newcastle and Maitland Water Supply, prepared for this Report.

1. Local sketch, showing Hunter River, Railway, and Townships to be supplied with water, and line of pipes.
2. General plan, showing pipe line from West Maitland to Newcastle, on enlarged scale, with position of reservoirs, &c.
3. Section of No. 2.
4. Plan, showing storage reservoir, site of pumping station and filters, &c., and site of reservoir for supplying Maitland and Morpeth with water.
5. Section of branch lines, and to Maitland reservoir.
6. Plan showing engine-house, filters, &c. ; section showing pipe and tunnel.
7. Floating pipe for storage reservoir and section of river-water tank.
8. Supports for pipes over ravines.
9. Plan of circular reservoir.
10. Longitudinal and cross sections of dam at storage reservoirs.

LOCAL SKETCH SHEWING HUNTER RIVER, RAILWAY, ALSO TOWNSHIPS AND LINE OF PIPES.

W. Whitart

M.I.C.E.

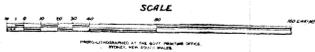


(Sig. 525-)

NEWCASTLE AND MAITLAND WATER SUPPLY.

GENERAL PLAN

Showing Pipe Line from West Maitland to Newcastle, and position of Reservoirs.



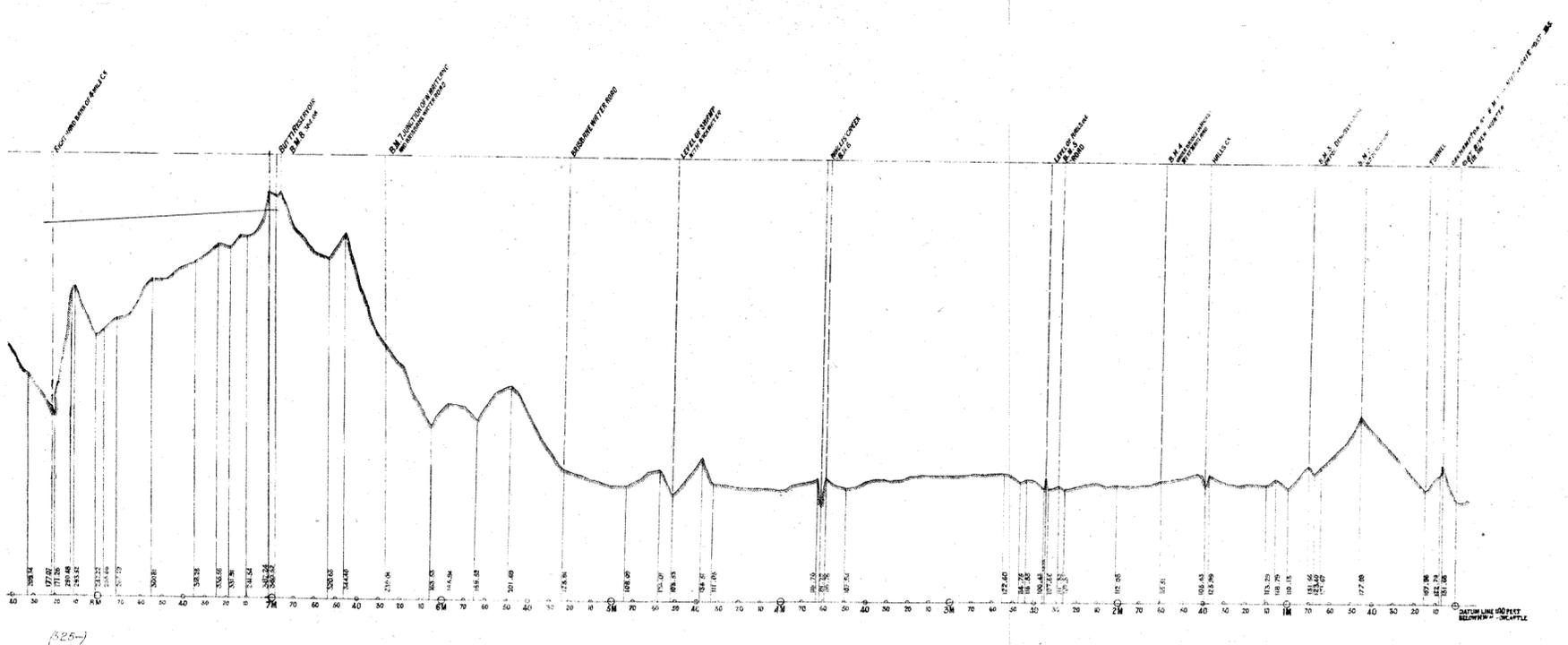
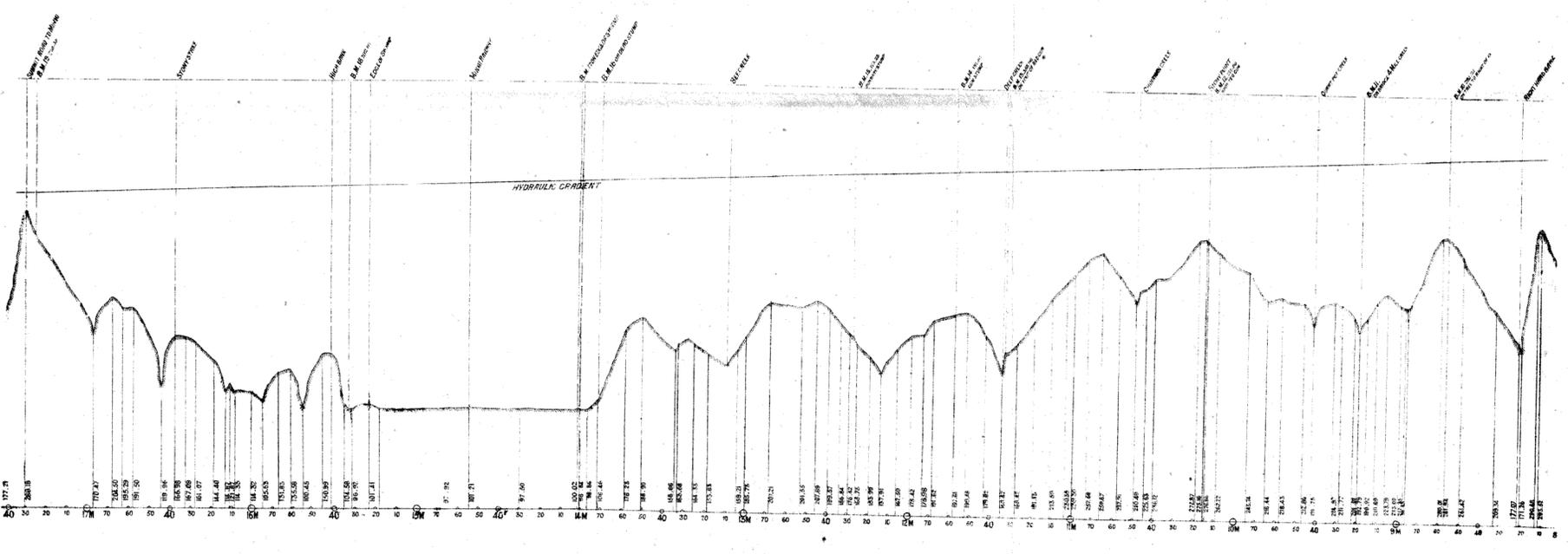
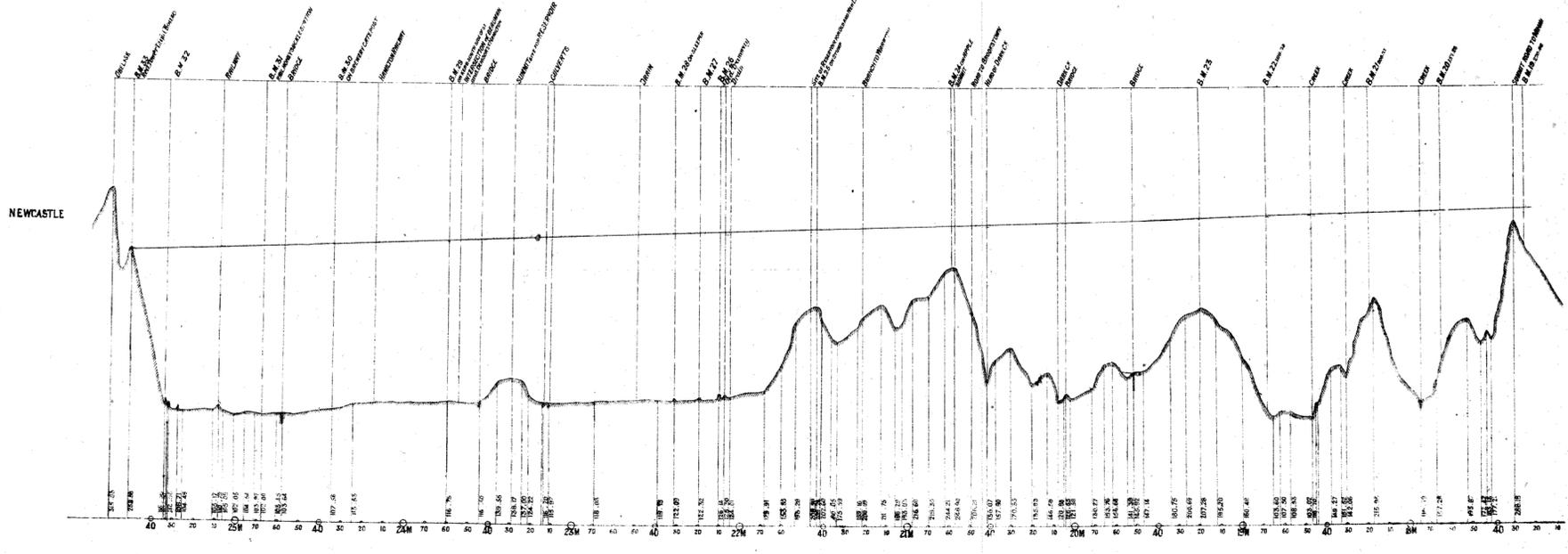
W. Clark



LONGITUDINAL SECTION OF TRAVERSE LINE FROM RIVER HUNTER WEST MAITLAND TO RED LIGHT HOUSE NEWCASTLE



Wharke



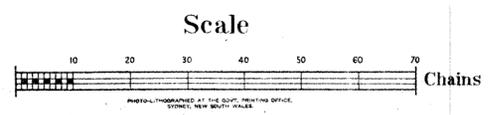
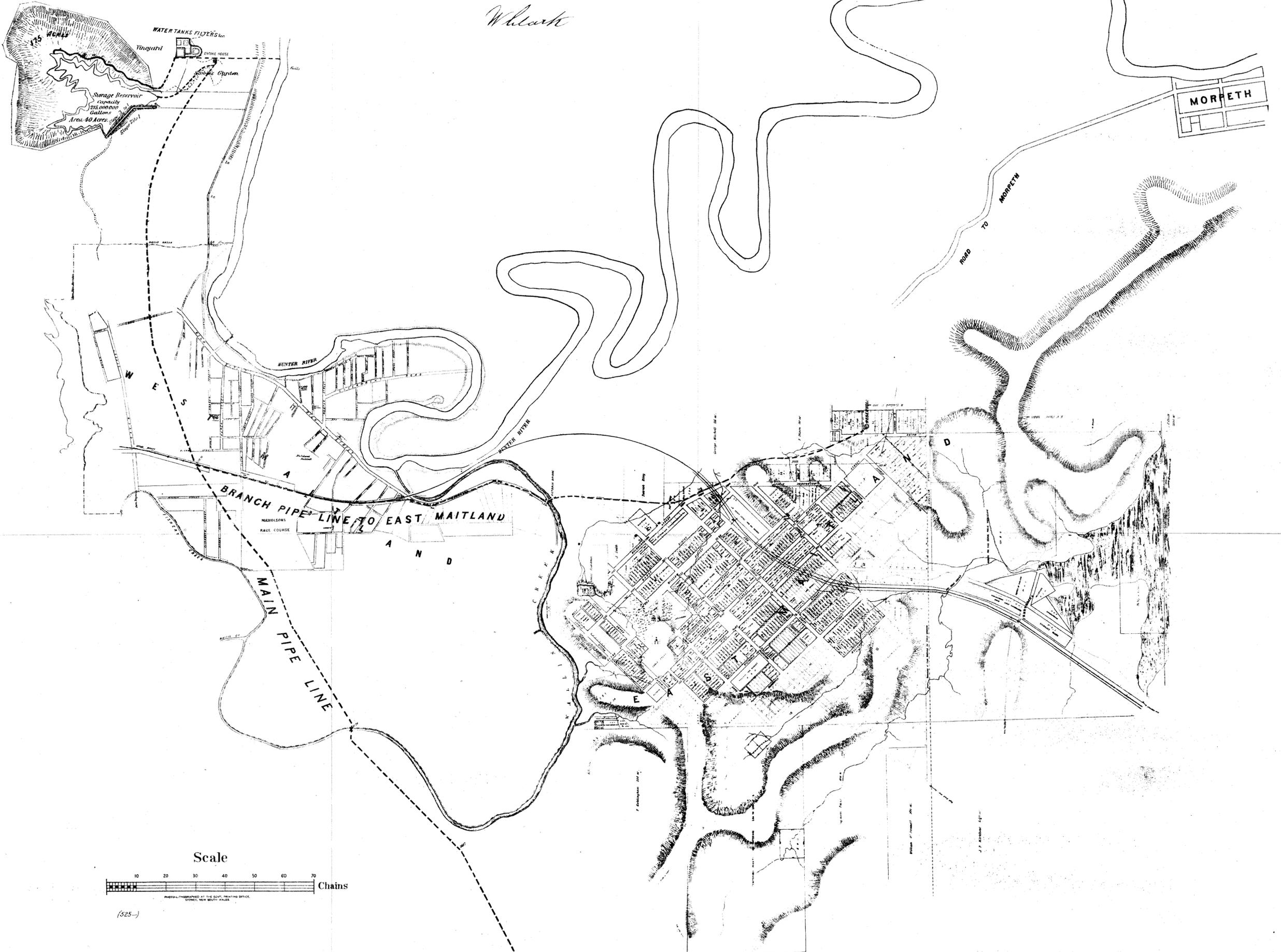
Nº 4.

NEWCASTLE AND MAITLAND WATER SUPPLY.

PLAN

Showing Storage Reservoir, Site of Pumping Station and Filters, &c.,
Site of Reservoir for supplying Maitland and Morpeth

Whitcomb



(525-)

Plan
Showing

ARRANGEMENT of WATER TANKS, FILTERS &C.

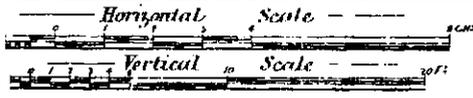
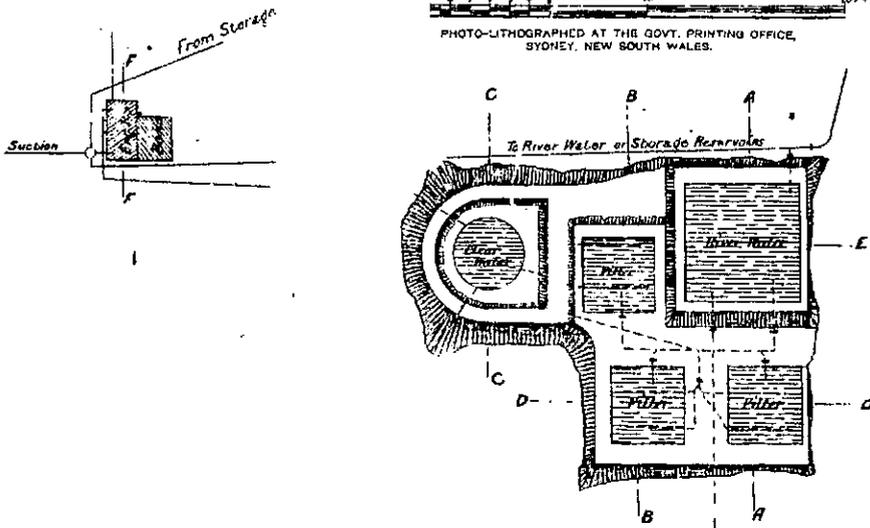
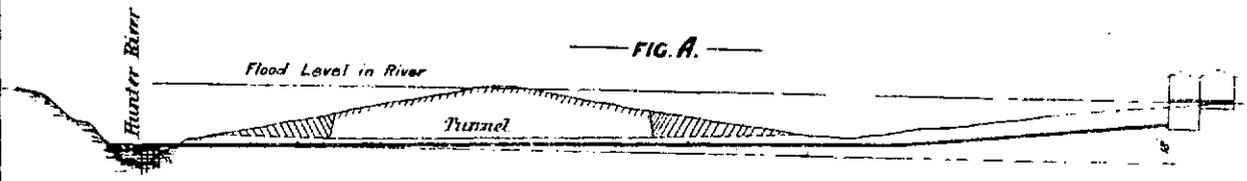
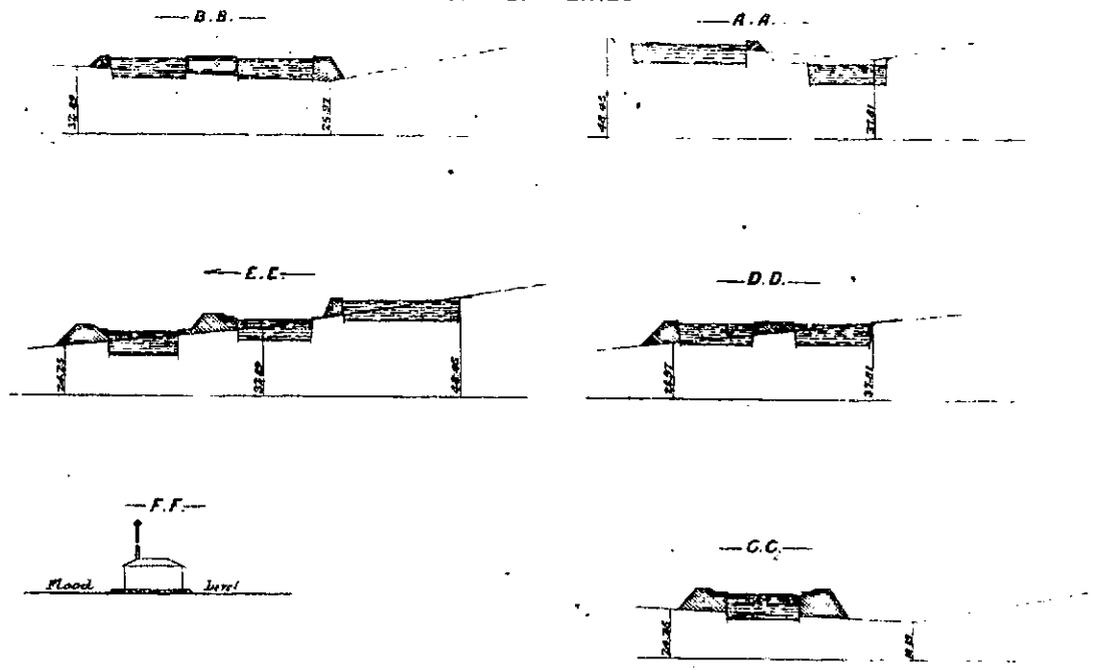


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

W. Clark



SECTIONS ON LINES



Section between Engine House and River
showing TUNNEL and SUCTION PIPE

N.M.W.S.

Nº 7.

DESIGN

FOR

FLOATING PIPE FOR STORAGE RESERVOIR.

Scale of Feet

PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

W. Clark

FIG. B.

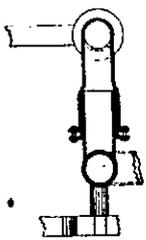


FIG. A.

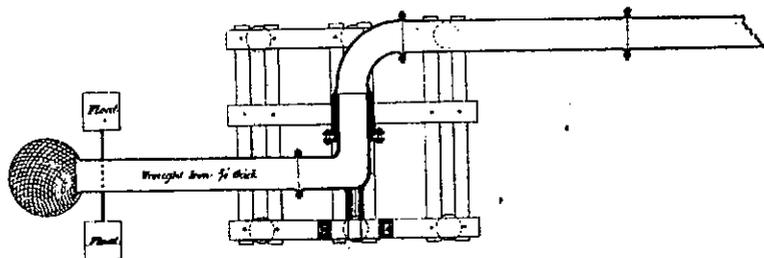


FIG. D.

Support to Pipe

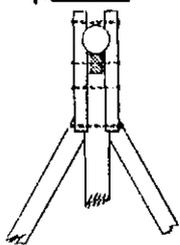


FIG. E.

Section of Wall

River Water Tank

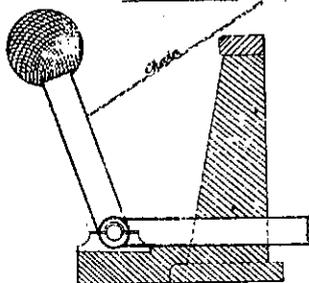
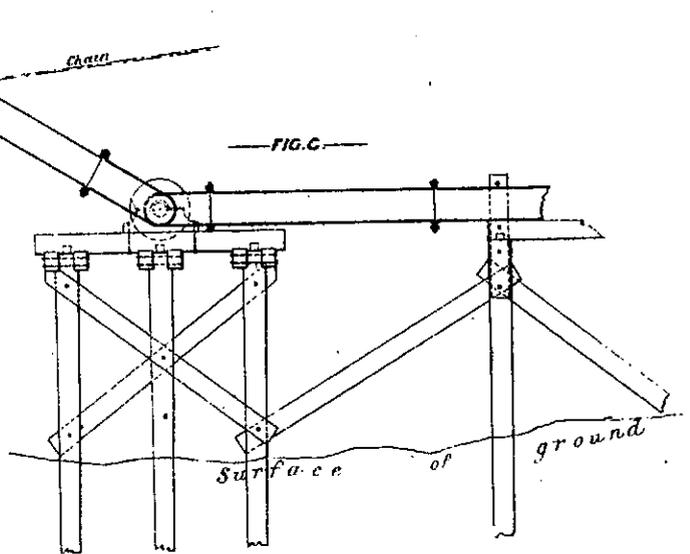


FIG. C.



N. M. W. S.

Nº 8.

SUPPORTS for PIPE over RAVINES.

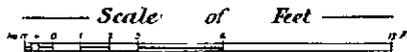
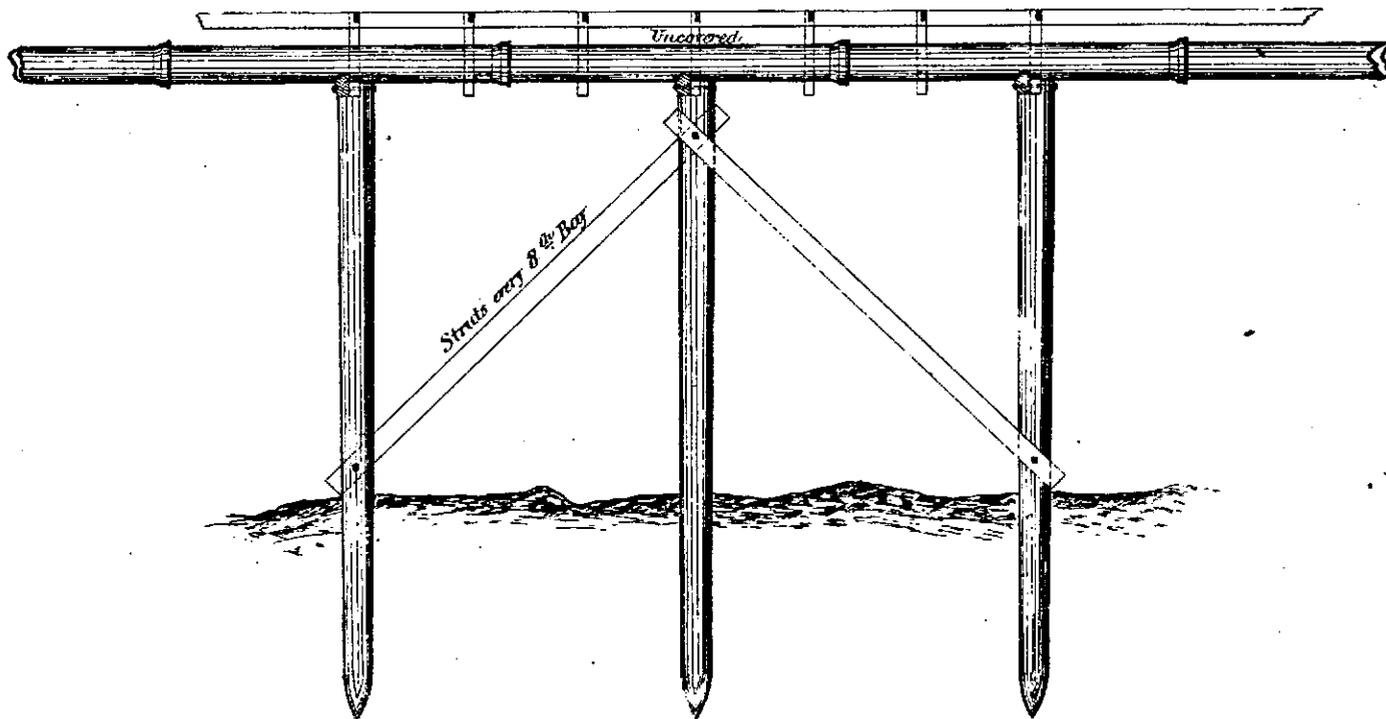
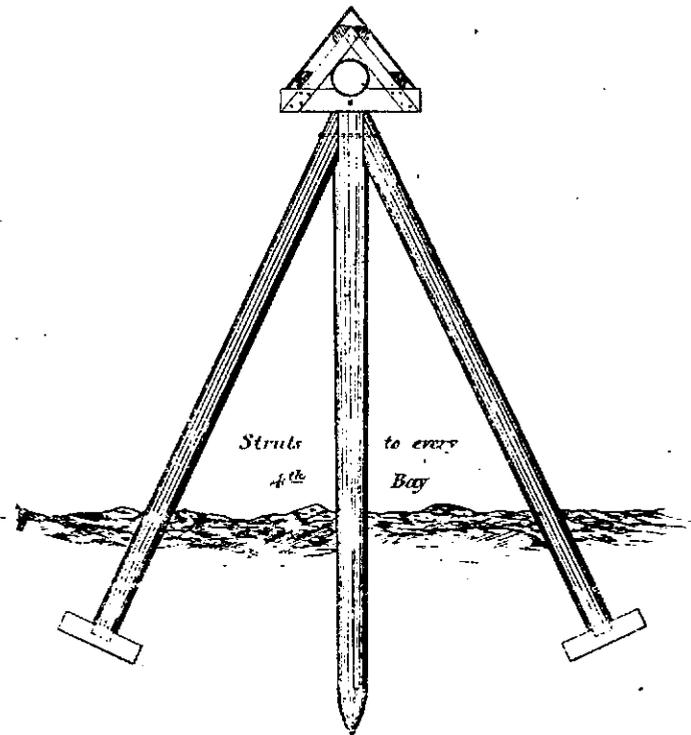


PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE,
SYDNEY, NEW SOUTH WALES.

Wharton

SECTION

ELEVATION



N. M. W. S.

No 9

DESIGN

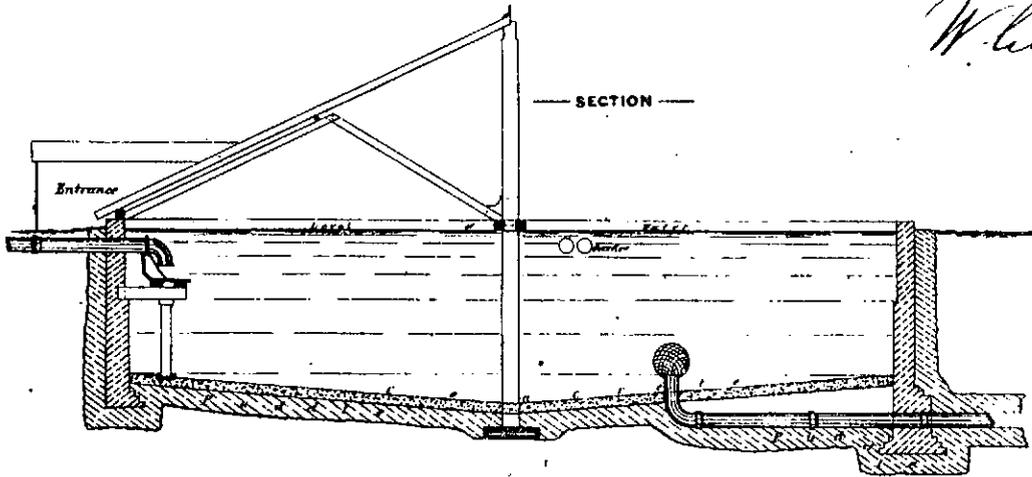
FOR

RESERVOIR TO HOLD HALF MILLION GALLONS

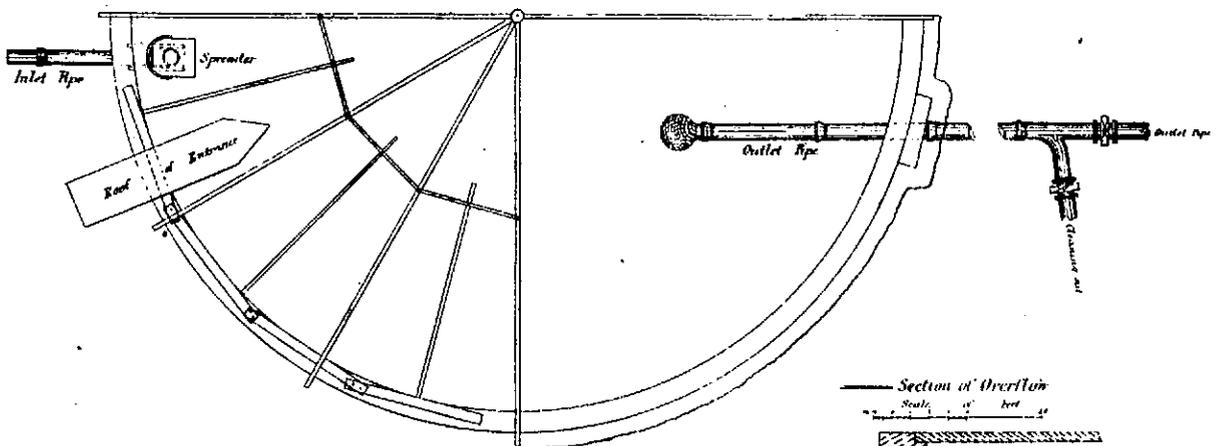
Scale of Feet

W. Clark

SECTION

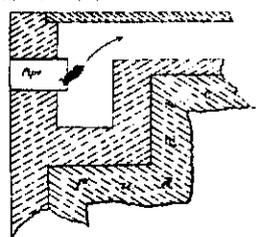


PLAN



Section of Overflow

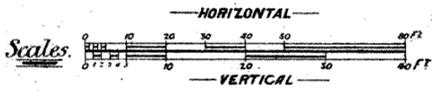
Scale of Feet



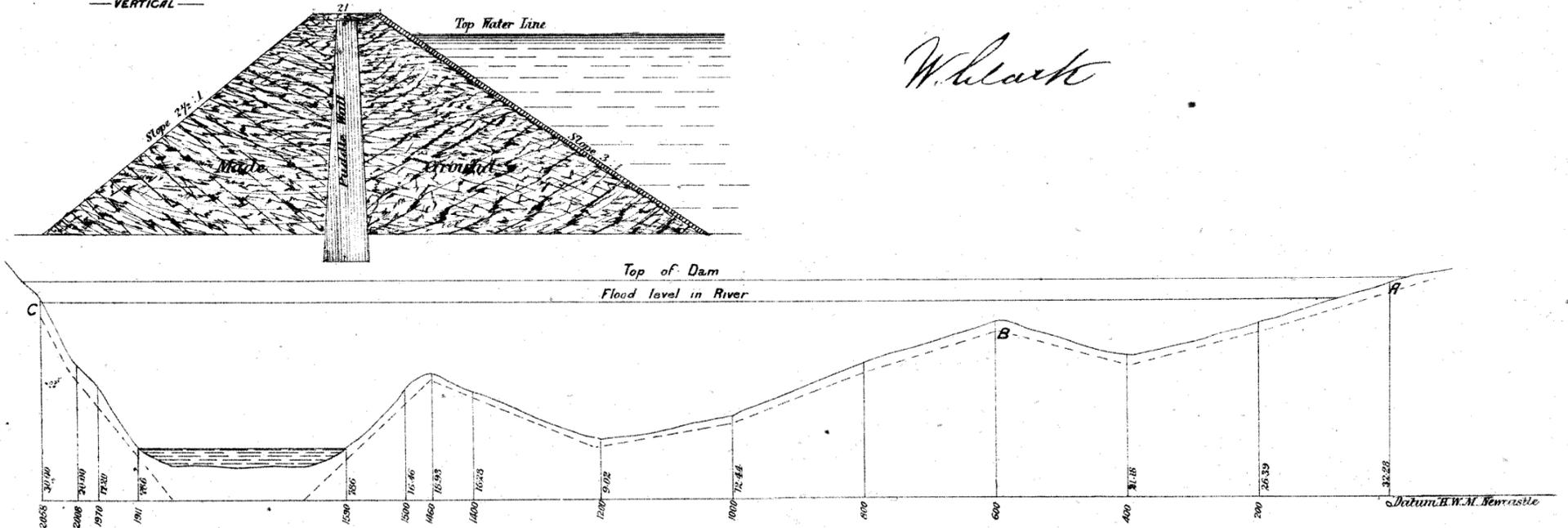
SECTION OF DAM

WALKA LAGOON

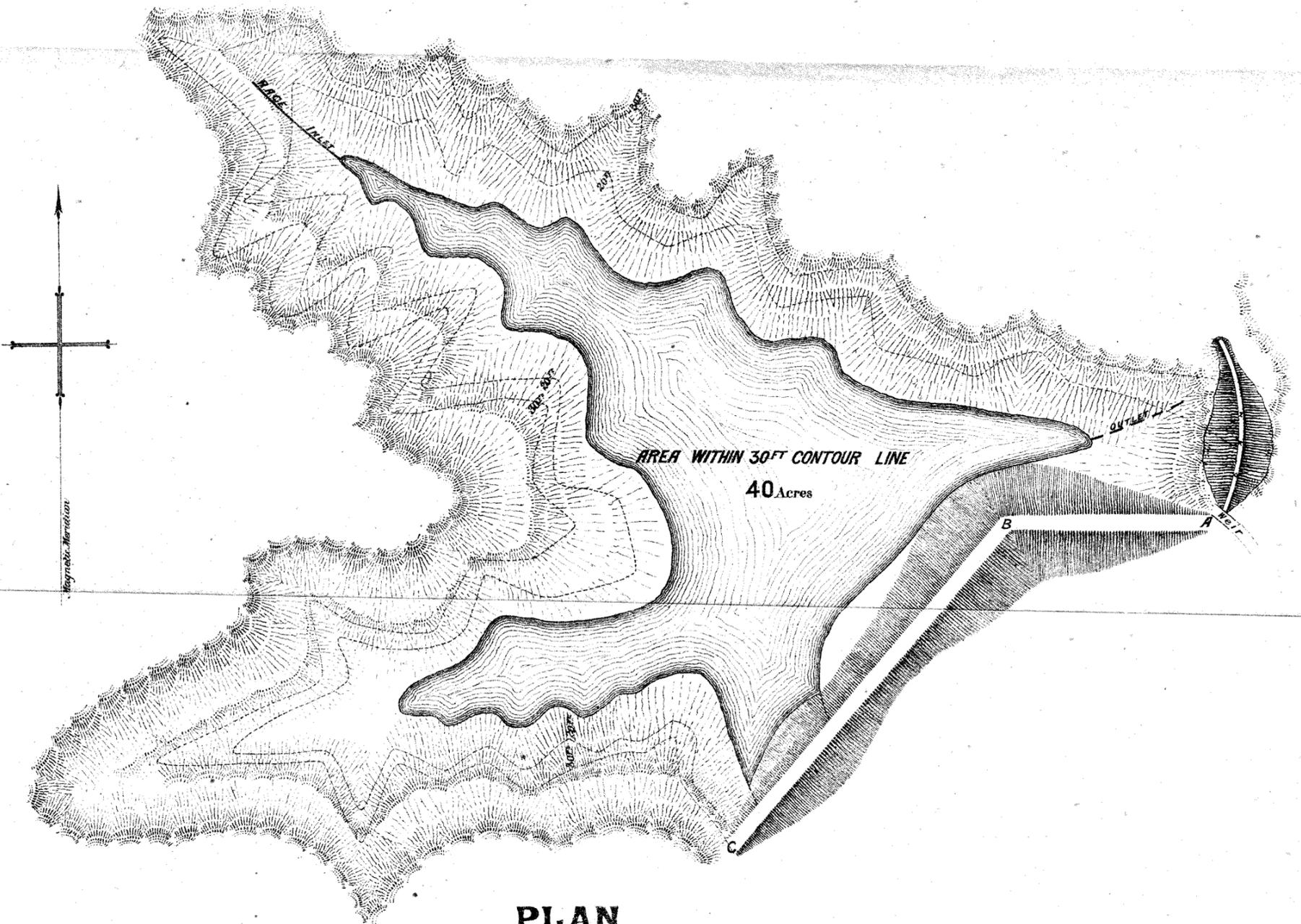
No. 10.



W. Clark



SECTION



PLAN



PHOTO-LITHOGRAPHED AT THE GOVT. PRINTING OFFICE, SYDNEY, NEW SOUTH WALES.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MUNICIPALITIES ACT AMENDMENT BILL.

(MESSAGE No. 5.)

Ordered by the Legislative Assembly to be printed, 19 December, 1876.

Message No. 5.

HERCULES ROBINSON,
Governor.

In accordance with the 54th section of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly the expediency of making provision to meet the requisite expenses in connection with an amendment of the Municipalities Act of 1867.

Government House,
Sydney, 19th December, 1876.

1876-7.

LEGISLATIVE ASSEMBLY.
NEW SOUTH WALES.

MUNICIPAL COUNCIL OF SYDNEY.

(MESSAGE No. 35.)

Ordered by the Legislative Assembly to be printed, 25 June, 1877.

HERCULES ROBINSON,
Governor.

Message No. 35.

In accordance with the provisions contained in the 54th. clause of the Constitution Act, the Governor recommends for the consideration of the Legislative Assembly that provision be made for the payment from the Consolidated Revenue Fund of New South Wales of a sum of Ten thousand pounds in aid of the funds of the Municipal Council of Sydney.

Government House,
Sydney, 25th June, 1877.

ABSTRACT of the Receipts and Disbursements of the Municipal Council of the City of Sydney, on account of the Sydney Common, for the year 1875.

RECEIPTS.			DISBURSEMENTS.					
Proceeds of the Sale of Land	£	s. d.	£	s. d.	Interest Expenses	£	s. d.	
Rent, Agistment, Impoundings, &c.	248	8 0				1,931	17 7	
	991	2 5	539	10 5				
Balance due to Union Bank, 31st December, 1874..	17,837	8 4						
Balance due to Union Bank, 31st December, 1875..	19,229	10 6	1,892	7 2				
			£	1,831	17 7	£	1,931	17 7

City Treasurer's Office,
Sydney, 20th January, 1876.

EDWARD LORD,
City Treasurer.

ABSTRACT of the Receipts and Disbursements of the Municipal Council of the City of Sydney, on account of the Prince Alfred Park, for the year 1875.

RECEIPTS.			DISBURSEMENTS.				
Rent of Buildings, &c.	£	s. d.	Insurance Expenses	£	s. d.	£	s. d.
	1,475	0 0	Interest Expenses..	47	10 0		
				1,165	12 10	1,213	2 10
			Balance due to Union Bank, 31st December, 1874..	6,239	5 7		
			Balance due to Union Bank, 31st December, 1875..	6,027	8 5		
	£	1,475	0 0			261	17 2
				£	1,475	0 0	

City Treasurer's Office,
Sydney, 20th January, 1876.

EDWARD LORD,
City Treasurer.

LIABILITIES of the Municipal Council of the City of Sydney, 31st December, 1875.

	£	s. d.	£	s. d.	£	s. d.	
CITY FUND ACCOUNT.							
Debentures outstanding	100,000	0 0					
Loan from the Colonial Government	40,000	0 0					
Less due by the Union Bank			140,000	0 0			
			30,159	19 8	109,840	0 4	
WATER FUND ACCOUNT.							
The Colonial Government	218,337	19 3					
Debentures outstanding	104,100	0 0					
Less due by the Union Bank			317,437	19 3			
			6,011	14 3	311,426	5 0	
SEWERAGE FUND ACCOUNT.							
The Colonial Government	200,000	0 0					
Debentures outstanding	197,400	0 0					
Balance due to the Union Bank			12,833	2 8	400,733	2 8	
SYDNEY COMMON ACCOUNT.							
Debentures outstanding]			10,000	0 0			
Balance due to the Union Bank			19,229	10 6	29,229	10 6	
PRINCE ALFRED PARK ACCOUNT.							
Debentures outstanding	12,000	0 0					
Balance due to the Union Bank			6,027	8 5	18,027	8 5	
					878,256	6 11	
Total Amount of Liabilities							
City Sinking Fund—Amount to Credit of, at Union Bank					£	14,183	4 0

City Treasurer's Office,
Sydney, 20th January, 1876.

EDWARD LORD,
City Treasurer.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

ADMINISTRATION OF JUSTICE.

(INFORMATION, BILLS, AFFIDAVITS, &c., IN CASE OF ATTORNEY GENERAL v. MUNICIPAL COUNCIL OF SYDNEY).

Ordered by the Legislative Assembly to be printed, 18 May, 1877.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 6 March, 1877, That there be laid upon the Table of this House,—

“ Copies of all Informations, Bills, Answers, Affidavits, Copies of Evidence,
 “ and all other Documents filed and taken in the Supreme Court, having
 “ reference to the suit instituted against the Municipal Council of Sydney,
 “ at the suit of the Attorney General and Messrs. Macafee, Allen, and
 “ others; also copy of the Bill of Costs, as filed and as taxed in such
 “ suit.”

(*Mr. Macintosh.*)

ADMINISTRATION OF JUSTICE.

The Master-in-Equity to The Under Secretary of Justice and Public Instruction.

Sir,

Master's Office, Supreme Court, 8 May, 1877.

Herewith I have the honor to forward, pursuant to your request, copies of the documents in the suit of "The Attorney General v. The Mayor of Sydney and others," called for by the Legislative Assembly, and mentioned in the copy notice now returned.

The plans put in as exhibits were delivered out of Court after the hearing of the cause.

I may mention that the cost of clerical assistance obtained in copying amounts to the sum of £9 13s.

I have, &c.,

ARTHUR T. HOLROYD,

Master in Equity.

ATTORNEY GENERAL AND ALLEN AND OTHERS v. THE MAYOR, &c., OF SYDNEY.

COPIES OF DOCUMENTS FILED IN SUPREME COURT.

In the Supreme Court of New South Wales, in Equity.

Between the Honorable William Bede Dalley, Her Majesty's Attorney General of the Colony of New South Wales, by and at the relation of George Wigram Allen, Arthur Hill Coates Macafee, the Reverend John Dwyer, and William Clark, informant, and the Mayor, Aldermen, and Citizens of the city of Sydney, defendants; and between George Wigram Allen, Arthur Hill Coates Macafee; the Reverend John Dwyer, and William Clark, plaintiffs, and the Mayor, Aldermen, and Citizens of the city of Sydney, defendants.

Information and bill, filed 7th September, 1875.

INFORMING the Honorable William Bede Dalley, Her Majesty's Attorney General of the Colony of New South Wales, by and at the relation of George Wigram Allen, of Glebe Point, near Sydney, in the said Colony, Esquire, Arthur Hill Coates Macafee, of Glebe Point aforesaid, Esquire, the Reverend John Dwyer, President of Lyndhurst College, at Glebe Point aforesaid, and William Clark, of Glebe Point, aforesaid, Esquire, the above-named informant, and also the said George Wigram Allen, Arthur Hill Coates Macafee, the Reverend John Dwyer, and William Clark, the above-named plaintiffs, show unto their Honors as follows:—

1. The defendants are a Corporation, constituted under the Act of the Legislature of New South Wales twenty Victoria number thirty-six, intituled "*An Act to re-establish a Municipal Council in the City of Sydney.*" By the fourth section of the said Act it is enacted that the Corporation of "the Commissioners for the City of Sydney" should be dissolved, and by the ninth section of the said Act it is enacted that all the powers, authorities, privileges, immunities, and duties vested in and imposed upon the former Municipal Council of the city, or the said Commissioners for the city of Sydney, by the several Acts of Council recited in the Schedule thereto marked C, or any other Act of Council, so far as the same were then respectively in force, relating to the city and the concerns thereof, and the good rule and government thereof, should be thereby transferred to and vested in, and might be exercised and enjoyed, and should be performed by, the defendants, as in and by the said Act when produced will appear.

2. Among the Acts mentioned in the said Schedule C to the said lastly hereinbefore recited Act is the Act seventeen Victoria, number thirty-four intituled "*An Act for the better sewerage and cleansing the City of Sydney and portions of the Suburbs thereof.*" by the seventh section of which the said Commissioners for the city of Sydney were empowered, subject to the provisions thereafter contained, to construct any sewers or drains of such construction and in such manner as the said Commissioners should think necessary or proper for carrying the purpose of the Act now in recital into execution, and to cause such sewers or drains to communicate with the sea or any arm thereof, or with any stream or public water-course, either within or without the limits of the said city and the suburbs thereof. And by the ninth section of the said Act it is enacted that the said Commissioners should cause the sewers which should be from time to time vested in them, and all private drains and sewers, to be constructed, covered, and kept so as not to be a nuisance or injurious to health; and by the twenty-fifth section of the said Act it is enacted that nothing in the said Act should be construed to render lawful any act, matter, or thing whatsoever which but for the said Act would be deemed to be a nuisance, within the limits of the said city or the suburbs thereof, nor to exempt any person from any liability, prosecution, or punishment to which he would have been otherwise subject in respect thereof, as in and by the said Act when produced will appear.

3. The defendants have constructed a main sewer from the suburbs of Strawberry Hills, Redfern, and Chippendale, and the said sewer is connected with branch sewers from Chippendale and Parramatta-street in the said city. The mouth of the said main sewer is carried out near the head of a shallow bay or arm of the sea within the harbour of Sydney, and known as Blackwattle Swamp.

4. The head of the said bay has recently been reclaimed by the Government of New South Wales, and a considerable portion of it has been filled up, and the mouth of the said main sewer is at some distance from the tidal waters of the said harbour, and is connected therewith only by open drains.

5. The said districts of Strawberry Hills, Redfern, Chippendale, and the said Parramatta-street are densely populated, and the whole of the sewage thereof is passed through the said main sewer and open drains, polluting the waters of the said bay, and the solid parts of such sewage are deposited along the sides of the said bay, exhaling foul and noxious gases, and emitting an intolerable stench, and thereby rendering the whole of the surrounding district unhealthy and unfit for human habitation.

6. The plaintiffs and relators are proprietors or occupiers of lands and houses immediately bordering on the said bay, and the plaintiff and relator, the Reverend John Dwyer is the President of Lyndhurst College, situated at the head of the said bay, which is a large school where a number of boys reside and are educated, and the other plaintiffs and relators are owners of private residences which are all rendered unhealthy by reason of the discharge of such sewage through the said main sewer.

7. The informant and plaintiffs charge that the said main sewer so constructed by the defendants as aforesaid is a nuisance and injurious to health.

8. The informant and plaintiffs charge that the sewage so discharged through the said main sewer as aforesaid is rapidly filling up the said bay, and that the nuisance thereby created is continually increasing.

The informant and plaintiffs therefore pray as follows:—

- 1. That the defendants, their agents, servants, and workmen, may be restrained by the injunction of this Honorable Court from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through the said main sewer, or any other sewer or drain, into the said bay or arm of the said sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorized, so as not to be or create a nuisance or become injurious to health.
- 2. That the informant and plaintiffs may have such further or other relief as the nature of the case may require.

WM. OWEN,
Counsel for the informant and plaintiffs.

I HEREBY certify that this information is proper for the sanction of the Honorable the Attorney General of the Colony of New South Wales.
WM. OWEN,
1st September, 1875.

I HEREBY certify that the relators are responsible persons, and competent to pay the costs of this information and bill, and that this is a true copy of the draft prepared by counsel.

Dated this first day of September, in the year of our Lord one thousand eight hundred and seventy-five.
THOMAS KENDALL BOWDEN,
Solicitor for the informant and plaintiffs.

I hereby consent to the filing of this injunction.

WILLM. B. DALLEY,
A.G.

THIS information and bill is filed by Thomas Kendall Bowden, of No. 124, Elizabeth-street, Sydney, solicitor for the informant and plaintiffs:—

VICTORIA R. { To the within-named defendants, the Mayor, Aldermen, and Citizens of the city of Sydney,

Greeting:

WE command you, that within eight days after service hereof on you, exclusive of the day of such service, you cause an appearance to be entered for you in our Supreme Court to the within information and bill of complaint; and that you observe and do what our said Court shall direct.

Witness, the Honorable Sir James Martin, Knight, Chief Justice of our said Court, at Sydney, the seventh day of September, in the thirty-ninth year of our reign.

For the Master-in-Equity,—
PETER C. CURTIS, (L.S.)
Chief Clerk, Equity Office.

NOTE.—If you fail to comply with the above directions, the informant and plaintiffs may enter an appearance for you, and you will be liable to have your lands, tenements, goods, and chattels distrained, and other proceedings against you, and to have a decree or order made against you in your absence.

Appearances are to be entered at the office of the Master-in-Equity, Supreme Court, King-street, Sydney.

Authority from relators to file bill and information, filed 7th September, 1875.

WE, George Wigram Allen, Arthur Hill Coates Macafee, the Reverend John Dwyer, and William Clark, all of the Globe Point, near Sydney, in the Colony of New South Wales, authorize Mr. Thomas Kendall Bowden, of number one hundred and twenty-four, Elizabeth-street, Sydney, solicitor, to use our names as relators in the information and bill about to be filed in this Honorable Court for the purpose of restraining the Mayor, Aldermen, and Citizens of the city of Sydney, from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through a main sewer, or through any other sewer or drain, into the bay or arm of the sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorized so as not to be or create a nuisance or become injurious to health.

Dated this fourth day of September, A.D. 1875.

G. WIGRAM ALLEN.
A. H. C. MACAFEE.
M. J. DWYER.
WM. CLARK.

Appearance, filed 15th September, 1875.

ENTER appearance for the defendants herein, dated this fifteenth day of September, A.D. 1875.
RICHARD DRIVER,
Attorney for the defendants.

Interrogatories, filed 22nd September, 1875.

INTERROGATORIES for the examination of the above-named defendants in answer to the above information and to the bill of complaint of the above-named plaintiffs:—

1. Are not the defendants a Corporation, and whether or not constituted under the Act of the Legislature of New South Wales 20 Victoria No. 36, and whether or not intituled "An Act to re-establish a Municipal Council in the City of Sydney," or how otherwise.

2. Have not the defendants constructed a sewer, and whether or not a main sewer, and whether or not from the suburbs of Strawberry Hills, Redfern, and Chippendale, or some or one and which of such suburbs, or how do the defendants make out the contrary? Is not the sewer in the third paragraph of the said information and bill referred to, or some and what sewer, connected with branch sewers, and whether or not from Chippendale, and whether or not from Parramatta-street, in the city of Sydney, or how otherwise? Is not the mouth of the sewer in the said third paragraph referred to, or some and what other sewer,

sewer, carried out near the head of a bay, and whether or not shallow bay, and whether or not arm of the sea, and whether or not within the harbour of Sydney, and whether or not known as Blackwattle Swamp, or how otherwise?

3. Has not the the head of the bay in the fourth paragraph of the said information and bill referred to been reclaimed, and whether or not recently, and whether or not by the Government of New South Wales, and has not a considerable portion of it been filled up, and is not the mouth of the sewer in the said fourth paragraph referred to, or of some and what other sewer, at some distance from the tidal waters of the said harbour, and whether or not connected therewith only by open drains, or how do the defendants make out the contrary?

4. Are not the districts of Strawberry Hills, Redfern, Chippendale, and Parramatta-street, in the fifth paragraph of the said information and bill referred to, or some or one and which of them, densely populated, or how otherwise? Is not the whole of the sewage of the said districts, or of some or one and which of them, poured through the sewer in the said fifth paragraph referred to, or some and what other sewer, and whether or not through the open drains in the said fifth paragraph referred to or some and what other open drains, and whether or not polluting the waters of the said bay, or how do the defendants make out the contrary? Are not the solid parts of the sewage in the said fifth paragraph referred to, or of some and what other sewage, deposited along the sides of the said bay, and whether or not exhaling foul and whether or not noxious gases, and whether or not emitting an intolerable stench, and whether or not thereby rendering the surrounding district unhealthy, and whether or not unfit for human habitation, or how do the defendants make out the contrary?

5. Are not the plaintiffs and relators proprietors or occupiers of lands, and whether or not houses, immediately bordering on the said bay, or how otherwise? Is not the plaintiff and relator the Reverend John Dwyer, the President of Lyndhurst College, situated at the head of the said bay, or how otherwise? Is not the said college a school where a number of boys are educated, and whether or not reside, or how otherwise? Are not the other plaintiffs and relators, or some or one and which of them, owners of private residences, which are all or some or one and which, rendered unhealthy by reason of the discharge of the sewage in the sixth paragraph of the said information and bill referred to, or some and what other sewage, through the sewer in the said sixth paragraph referred to, or some and what other sewer, or how do the defendants make out the contrary?

6. Is not the sewer in the seventh paragraph of the said information and bill referred to, or some and what other sewer, a nuisance, and whether or not injurious to health; or how do the defendants make out the contrary?

7. Is not the sewage in the eighth paragraph of the said information and bill referred to, or some and what other sewage, filling up, and whether or not rapidly, the said bay, or how do the defendants make out the contrary? Is not the nuisance created by such sewage continually increasing, or how do the defendants make out the contrary?

The defendants are required to answer all these interrogatories.

WM. OWEN,
Counsel for the informant and plaintiffs.

Notice of motion for injunction, filed 1st October, 1875.

TAKE notice, that this Honorable Court will be moved, before His Honor John Fletcher Hargrave, Esquire, Primary Judge in Equity thereof, on Tuesday next, the fifth day of October instant, or so soon after as counsel can be heard on behalf of the informant and plaintiffs herein, that a writ of injunction do issue out of this Honorable Court, to restrain the defendants, their agents, servants, and workmen, from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through the main sewer referred to in the bill, or any other sewer or drain, into the bay or arm of the sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorised so as not to be or create a nuisance, or become injurious to health, until the hearing of this cause or further order of the Court.

Dated this first day of October, A.D. 1875.

THOMAS KENDALL BOWDEN,
Solicitor for the informant and plaintiffs,
124, Elizabeth-street, Sydney.

To Richard Driver, Esq., defendants' solicitor.

ON the hearing of the above motion the plaintiff will read the following affidavits, viz. :—

The affidavits of Arthur Hill Coates Macafee, Andrew Moffitt, and the Reverend John Dwyer, filed herein the first day of October, 1875.

Affidavit of the Reverend John Dwyer, filed 1st October, 1875.

ON this first day of October, in the year of our Lord one thousand eight hundred and seventy-five, John Dwyer, of Lyndhurst College, Glebe Point, near the city of Sydney, Clerk in Holy Orders, being duly sworn, maketh oath and saith as follows :—

1. I am the President of Lyndhurst College, which is a large school situate at the head of the bay called Blackwattle Swamp.

2. There are at present about 42 boys residing and being educated at the said college, and about 25 other boys attending there as day scholars, and the teachers and servants residing at the said college number thirteen.

3. At the present time six of the inmates of the said college are ill in bed, and the medical men attending them attribute their illness in a great measure to the foul gases exhaled from the said bay, in consequence of the pouring in thereto of the sewage from the main sewer, constructed by the above-named defendants, from Strawberry Hills, Chippendale, and Parramatta-street.

4. The mouth of the said sewer is some considerable distance from the tidal waters of the said bay, and the stench caused in the vicinity of the said bay by the sewage from the said sewer, which is connected with the tidal waters of the said bay by open drains or cuttings, is really awful, and is almost unendurable at Lyndhurst College, unless when the wind is blowing from there towards the said nuisance.

5. The district in the immediate vicinity of the said bay is densely populated, and the inhabitants thereof all suffer from the said nuisance, and I know that some of them have left or are leaving the said district in consequence thereof.

6. Unless the said nuisance is at once abated, the consequences will, in my opinion, be very serious.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me,—

M. J. DWYER.

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

Affidavit of A. H. C. Macafee, filed 1st October, 1875.

ON this first day of October, in the year one thousand eight hundred and seventy-five, Arthur Hill Coates Macafee, of Glebe Point, near Sydney, in the Colony of New South Wales, Esquire, being duly sworn, maketh oath and saith as follows:—

1. I am one of the above-named relators and plaintiffs.

2. The above-named defendants have constructed a main sewer from the suburbs of Strawberry Hills, Redfern, and Chippendale, and the said sewer is connected with branch sewers from Chippendale and Parramatta-street, in the said city, and the mouth of the said main sewer is carried out near the head of a shallow bay or arm of the sea within the harbour of Sydney, and known as Blackwattle Swamp.

3. The head of the said bay has recently been reclaimed by the Government of New South Wales, and a considerable portion of it has been filled up, and the mouth of the said main sewer is at some distance from the tidal waters of the said harbour, and is connected therewith only by open drains.

4. The said districts of Strawberry Hills, Redfern, Chippendale, and the said Parramatta-street, are densely populated, and the whole of the sewage thereof is poured through the said main sewer and open drains, polluting the waters of the said bay, and the solid parts of such sewage are deposited along the sides of the said bay, exhaling foul and noxious gases, and emitting an intolerable stench, and thereby rendering the whole of the surrounding district unhealthy and unfit for human habitation.

5. Myself and co-plaintiffs, and co-relators, are proprietors or occupiers of lands and houses immediately bordering on the said bay; and the plaintiff and relator, the Reverend John Dwyer, is the President of Lyndhurst College, situated at the head of the said bay, which is a large school where a number of boys reside and are educated; and the plaintiffs and relators, George Wigram Allen, William Clark, and myself, are the owners and occupiers of private residences, which are all rendered unhealthy by reason of the discharge of such sewage through the said main sewer.

6. Since the reclamation of the head of the said bay as stated in the third paragraph of this my affidavit, the stench from the sewage poured out of the said sewer, which was previously shocking, has become perfectly intolerable, and has seriously injured the healths of myself and family, and I have been compelled to rent a residence temporarily away from the said bay until the nuisance caused by the said sewer is abated.

7. It is difficult for any person to remain for the shortest time upon the verandah of my house facing the said bay without being sickened, unless when the wind is blowing from my said house towards the said bay, and the stench in the houses or residences of the other informants and plaintiffs is I believe equally as bad, and at Lyndhurst College worse. I have been compelled nearly every day to have all the windows of my house closed, and am frequently obliged to use disinfectants in the house to mitigate the said stench, and have also been compelled to send one of my children away from my said house entirely.

8. The inhabitants of the district in the immediate vicinity of the said bay and main sewer who are daily inhaling the gases therefrom are very numerous, and fevers and other diseases have already broken out in the said district, as I believe, in consequence of the said nuisance.

9. The said main sewer, so constructed by the defendants as aforesaid, is undoubtedly a great nuisance, and very injurious to health.

10. The sewage discharged through the said main sewer as aforesaid is rapidly filling up the said bay, and the nuisance thereby created is continually increasing.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me,—

A. H. C. MACAFEE.

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

Affidavit of Dr. Moffitt, filed 1st October, 1875.

ON the first day of October, in the year one thousand eight hundred and seventy-five, Andrew Moffitt, of No. 135, Castlereagh-street, in the city of Sydney, physician and surgeon, being duly sworn, maketh oath and saith as follows:—

1. I am a duly qualified medical practitioner, practising in the city and suburbs of Sydney.

2. I know the bay called Blackwattle Swamp, and have a large number of patients residing near such bay, and know the position of the main sewer constructed by the Sydney Corporation which empties itself into the said bay, and have occasion to pass near the said sewer about three times a week.

3. I have observed the sewage being carried from the mouth of the said sewer, which is some considerable distance from the tidal water of the said bay, into the said bay, by open drains or cuttings.

4. The sewage from the said sewer exhales foul and noxious gases and an intolerable stench, and in my opinion renders the locality in the immediate vicinity thereof wholly unfit for human habitation, as such gases and stench tend directly to lower the health of the residents near the said bay, and to the spread

spread of fevers and other infectious diseases, and to render any disease or sickness under which a person is suffering less amenable to treatment, and to my own knowledge such has been the effect up to the present time—in fact, whenever I have even to pass the said bay, I think it necessary to take a dose of quinine as a prophylactic.

5. The nuisance caused by the said sewage is of a most shocking and dangerous description, and will increase as the season becomes warmer, unless a remedy is at once applied.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me,— }

ANDREW MOFFITT,
Physician and Surgeon, &c.

COLIN MACKENZIE,
A Commissioner for Affidavits.

Affidavit of Captain Armstrong, filed 5th October, 1875.

On this fourth day of October, in the year one thousand eight hundred and seventy-five, Richard Ramsay Armstrong, of Ferry Road, Glebe Point, near Sydney, late Captain in Her Majesty's Navy, being duly sworn, maketh oath and saith as follows:—

1. I have been residing at Ferry Road aforesaid, in the immediate vicinity of the Blackwattle Swamp, for about two months, and during the greater part of that time I and some members of my family have been suffering from sore throats, which I believe have been caused solely by the inhalation of the noxious vapours arising from the accumulation of sewage matter at the head of Blackwattle Swamp, proceeding from the mouth of the main sewer from Strawberry Hills, Chippendale, and Parramatta-street. My wife particularly is suffering from severe debility, caused in my opinion almost solely by the above nuisance. During the night the stench is almost unbearable, compelling us to keep the house closed up as much as possible.

2. It is my usual habit to see to my children once or twice during the night, and last Friday night, in particular, on getting up for that purpose I felt overcome with a strong feeling of suffocation and sore throat (having a tendency to diphtheria.) On dressing I found the house full of a dense atmosphere, and immediately detected the pestilential smell arising from the said Blackwattle Swamp.

3. In my position as Captain in Her Majesty's Navy and otherwise, I have visited a great many countries. I have experienced the effects of bad Eastern drainage on the European constitution, and have witnessed terrible percentage of death throughout our numbers which were chiefly through exposure to such pestilential swamps as the said Blackwattle Swamp, and consequently I am positive that unless the nuisance is at once removed, and other provision made for the riddance of the noxious sewage matter accumulating at the mouth of the said sewer, it must culminate in the rise and spread of a most deadly fever or plague. The stench proceeding from the aforesaid nuisance is about the worst I have experienced.

4. I have taken a lease for a term of the premises in which I now reside, otherwise I would not remain. Notwithstanding this, if the nuisance is not at once removed, I shall be compelled to change my residence, for the safety of myself and family.

Sworn by the deponent, on the day above }
mentioned, at Sydney, before me,— }

RICHD. R. ARMSTRONG.

THEO. JAS. JAQUES,
A Commissioner for Affidavits.

Affidavit of W. J. Carroll, filed 5th October, 1875.

On this 5th day of October, in the year one thousand eight hundred and seventy-five, Walter John Carroll, of College-street, in the city of Sydney, physician and surgeon, being duly sworn, maketh oath and saith as follows:—

1. I am a legally qualified medical practitioner practising in the city and suburbs of Sydney.

2. I have a large number of patients in the district of the Glebe and Pymont, adjoining Blackwattle Swamp, and frequently drive past the said swamp.

3. For some time past there has been an abominable stench from the said swamp, which has been greatly intensified within the last two or three months. From my observations I believe that sickness has increased in the locality adjoining the said swamp.

4. I have attended many cases of typhoid fever in that locality usually of a very severe type, which fever medical authorities agree originates in the miasma of human excrement, and is much intensified by foul sewage or other noxious exhalations, and in my opinion the said cases of fever were caused by the exhalations from the said swamp.

5. I have within the last few weeks driven over the said swamp and seen the mouth of the said sewer, together with the open cuttings, or drains connecting it with the tidal waters of the bay, and the stench almost overcame me.

6. I have during my treatment of cases of diseases which are ordinarily mild noticed that in this locality they often assume a dangerous and typhoid character, and convalescence is always tedious.

7. In my opinion, unless some remedy is at once applied, the consequence to the health of the inhabitants of that locality will be very serious, and such a large source of pollution of the atmosphere might endanger the sanitary condition of almost any portion of the city, according to the direction of the winds.

Signed by the deponent on the day first above }
mentioned, at Sydney, before me,— }

WALTER J. CARROLL, J.P.,
L.R.C.S.I.

ALEXIS G. MACKENZIE,
A Commissioner of Affidavits.

Affidavit of Francis Bell, filed 7th October, 1875.

On the seventh day of October, in the year of our Lord one thousand eight hundred and seventy-five, Francis Bell, of the city of Sydney, civil engineer, being duly sworn, maketh oath and saith as follows:—

1. I am and have since the twenty-fifth day of May, one thousand eight hundred and seventy-one, been the City Engineer of and for the defendants.

2. I have read the information and bill in this suit, and also copies of the affidavits of Arthur Hill Coates Macafee, the Rev. John Dwyer, and Andrew Moffitt, all sworn herein on the first day of October instant. The only sewer which has been constructed by the defendants, and which formerly emptied itself into the open stream of the Blackwattle Bay or Swamp in those several affidavits mentioned, and which now is cut off from the said open stream as hereinafter mentioned, and to which alone it is evident reference is intended to be made in the said information, bill, and affidavits, is a sewer which was constructed by the defendants some time in the year one thousand eight hundred and sixty-nine, as I learn and find from plans and documents in the office of the defendants, and which is particularly described in the next paragraph of this my affidavit.

3. The said sewer which I have mentioned commences at Little Buckingham Street, on the western side of Elizabeth-street South, crosses under Prince Alfred Park and the Redfern Railway Station grounds, and Regent-street, and the brewery premises of Messrs. Tooth & Company, and then under a portion of Abercrombie-street, and then crossing under Parramatta-street, and then under Darling and Wattle-streets, to the head of Blackwattle Cove or Bay. The commencing point and course of such sewer and the end of it, since the reclamation works done and carried out as and under the circumstances hereinafter mentioned, is correctly shown on a plan of the City of Sydney shown to me at the time of my swearing this my affidavit and marked with the letter A, and is thereon coloured red.

4. The said sewer, when constructed and finished by the defendants, terminated in the tidal waters of the said Blackwattle Cove or Bay, and all the sewage matter drained into and passing along such sewer was always discharged therefrom at its said termination into the tidal waters of that cove or bay at a depth of about three feet below high-water, and all such sewage matter was at both high and low water always carried off in the said open stream or channel of the said Blackwattle Cove or Bay, which is a part of Port Jackson and an arm of the sea. The said sewer so constructed was always sufficient for the purpose of carrying off the sewage collected into and drained by the same without causing any offensive nuisance, and was in every respect sufficient within the meaning of the provisions of the Act mentioned in the said information and bill.

5. After the passing of the "*Blackwattle Bay Land Reclamation Act of 1873*," the land mentioned in the schedule to that Act was reclaimed, the works for such purpose being done and carried out by Her Majesty's proper officers in that behalf under the powers in that Act.

6. The effect and result of such reclamation was to place the discharging end of such sewer at a distance of two thousand two hundred feet from high-water mark in the said Bay or Cove. No sewer was made by those carrying out the said reclamation in connection with the said sewer so as to continue it and carry out its discharging end into the tidal waters of the said bay or cove as it had been previously. The result of this was that the sewage matters which used previously to be discharged into the tidal waters of the said bay, and so to be carried away as hereinbefore mentioned, was led or allowed to run through open and shallow drains and pools of stagnant water on the said reclaimed land, and thence through a cutting or sewer, part of the works in connection with the carrying out of such reclamation, under the Pymont Bridge Road on to the said Blackwattle Swamp or Bay. By this means this sewage was deposited along the sides of the said bay, as in the said information and bill and in the said affidavit of the said Arthur Hill Coates Macafee complained and mentioned, and it has been from such sewage matter that some part of the exhalations, gases, and stenches complained of in the said information and bill has arisen and been emitted.

7. Previously to the carrying out of such reclamation works, and the consequent cutting off of the discharging end of the said sewer from the said tidal waters of the said bay as hereinbefore mentioned, I never heard or knew of any complaint being made, and so far as I have been able to ascertain and learn no complaint was ever made, that the said sewer was or caused any such nuisance as is now complained of; and from all I know and believe, the said sewer did not as then constructed and working cause any such nuisance. In my opinion, from personal inspection and knowledge, the nuisance complained of, so far as the same is caused or created by the sewage matter emptied or discharged by the said sewer, is not in any way attributable to any defect or insufficiency in the construction or working of the said sewer, but from the same being so as aforesaid cut off from the tidal waters of Blackwattle Bay or Cove, and the sewage which but for such reclamation would have been diffused and carried out by the ebb of the tide in the harbour of Port Jackson, being as and in the way aforesaid deposited along the side of the said bay.

8. The said Arthur Hill Coates Macafee is incorrect in saying, and it is not the fact as alleged in the said information and bill, that the whole of the sewage of the districts of Strawberry Hills, Redfern, and Chippendale, or of any of them or any part of them, is poured through the said sewer mentioned and referred to in the said affidavit of the said Arthur Hill Coates Macafee and the said information and bill. The whole of the sewage of each of those districts is carried away and poured through other sewers and drains, and there is no drain or connection whatever by which any of the sewage of either of those districts can be carried into the said sewer. Some parts of the sewage of Parramatta-street is carried through the said sewer.

9. The largest part of the sewage emptied into the said Blackwattle Swamp or Bay passes on to the sides of and into that bay from a creek or open watercourse known as the Blackwattle Creek. Down that creek or watercourse then passes sewage from the several Municipalities of Redfern, Darlington, The Glebe, and Camperdown. The aggregate area of those Municipalities, from which the sewage is so carried down the said creek or watercourse, is as follows:—

	a.	r.	p.
Municipality of Redfern	117	0	26
" Darlington	29	1	14
" The Glebe	137	0	0
" Camperdown	52	0	0
Making a total of 335 acres 2 roods	335	2	0

The whole of the sewage is discharged from the said creek or watercourse close to the outlet of the said sewer, and the two streams or masses of sewage there join and flow together through the said drains and stagnant waters into and through the said Municipality of the Glebe, as hereinbefore described.

10. The area drained and the sewage of which is carried off by the said sewer, is 112 acres 2 roods 26 perches.

11. It will, in my opinion, be impossible to purify or deodorise the sewage passing through and from the sewer before it is discharged at the outlet of the said sewer. This is not my opinion alone, but being a member of the Commission appointed to inquire and inquiring into the sewage of the city, I know that the matter was in my presence and hearing under discussion and the consideration of the members of the said Commission; and from the consideration of the question then given to the matter, it was the opinion of such members that this would be impossible. The only way in which an end could be put to such nuisance as is now complained of, so far as the said sewer is concerned, is that a proper sewer be made in continuation of such other sewer through the said reclaimed land into the waters of the harbour running up into the said bay, as was the case before the said reclamation works were carried out, so that the sewage can be effectually carried away.

12. If the defendants are compelled to prevent the sewage which ought to be carried away by the said sewer from being so carried away, as would be the result of an injunction in terms of the prayer of the said information and bill, the effect and result would be most disastrous, as the sewage would then be either left scattered over or would be driven back upon the various parts of the city now drained by the said sewer, and in such case a very much more serious injury will be done than can now be said to be done by the said sewer, as a very much larger body of the public than those who now complain of the nuisance alleged to arise from the way in which the sewage from the said sewer is discharged into the said bay would thereby suffer.

Sworn by the deponent, on the day first above }
written, at Sydney, before me,—

FRANCIS BELL.

PETER C. CURTIS,

A Commissioner for Affidavits.

Affidavit of Geoffrey Eagar, filed 8th October, 1875.

On the eighth day of October, in the year one thousand eight hundred and seventy-five, Geoffrey Eagar, of the Treasury, in the city of Sydney, Under Secretary for Finance and Trade, being duly sworn, maketh oath and saith as follows:—

1. I am the owner of property situate in the Glebe, the value of which is being seriously deteriorated and injured by the exhalations from Blackwattle Swamp.

2. I have received the letter hereunto annexed, marked A, from a tenant of one of my properties, situate near the vicinity of the said swamp or bay.

Sworn by the deponent, on the day first above—

G. EAGAR.

mentioned, at Sydney, before me,—

FREDK. CURTIS,

A Commissioner for Affidavits.

A.

My dear Sir,

Sydney, 29 September, 1875.

As you are doubtless aware, I have been compelled to remove my family temporarily from the Glebe Point, owing to ill health, brought on, my medical adviser says, by the proximity of my house to the Blackwattle Swamp. I considered myself settled at Glebe heights for years, both the house itself and the neighbourhood being all I could possibly wish; but in face of the intolerable stink arising from the swamp, and the sickness of my family, I am very reluctantly compelled to look out for another residence in some more wholesome locality. Being as per arrangement only a monthly tenant, I wish now to inform you of my determination to quit the house I occupy at end of October, and of which please accept the month's notice.

I am yours truly,

Geoffrey Eagar, Esq., the Treasury.

F. BRETNALL.

This is the letter referred to in the annexed affidavit of Geoffrey Eagar, sworn before me at Sydney, this 8th day of October, 1875,—

FREDK. CURTIS,

A Commissioner for Affidavits.

Affidavit of A. H. C. Macafee, filed 8th October, 1875.

On the eighth day of October, in the year one thousand eight hundred and seventy-five, Arthur Hill Coates Macafee, of the Glebe, near Sydney, merchant, and George Allen Mansfield, and Ferdinand Hamilton Reuss, of the same place, architects; and Ambrose Thornley, of the Glebe Point, builder, being duly sworn, severally make oath and say as follows:—

1. We have read the affidavit of Francis Bell, sworn herein on the seventh day of October instant.

2. It is not true as stated in the fourth paragraph of the said affidavit that the said main sewer therein, and in the information and bill referred to, ever since its construction by the defendants, terminated in the tidal waters of the said Blackwattle cove or bay; on the contrary, the said sewer always terminated at some distance from the said tidal waters, but the sewage therefrom was allowed to flow from the mouth of the said sewer to such waters and was not carried off in the said stream as alleged in the said affidavit, and the solid parts thereof were then deposited along the sides of the said bay and rapidly filled up the shallow parts of the said bay; and since the construction of the said sewer by the defendants there have been noxious exhalations from the said bay, and especially when the water was low, as the shallow parts and flats were then covered with a boggy marshy substance caused by the deposit of the solid parts of the sewage from the said sewer, and the nuisance thereby created had been increasing up till the time of the reclamation of the head of the said bay by the Government.

3. It is not the fact as stated in the seventh paragraph of the said affidavit that previous to the said reclamation the said sewer did not cause such a nuisance as is now complained of, as the said sewer has been and caused a nuisance since its construction, but we admit not such an alarming nuisance as it is and causes at present, and complaints were made concerning such nuisance previous to the said reclamation, and we believe that it was in consequence of such complaints and with a view to remedy such nuisance that the Government reclaimed the head of the said bay.

4.

4. On the tenth day of February, one thousand eight hundred and sixty-five, the defendants wrote a letter, in answer to a letter from the Municipality of the Glebe complaining of the nuisance caused by the defendants allowing sewage to flow into the said bay, which contains the following statement,—“The only remedy for the evil will be the reclamation of the shallow parts of the swamp, and this work will rest with the Government, to whom the land belongs.”

5. It is not the fact, as alleged in the said affidavit, that the largest portion of the sewage emptied into the said swamp or bay passes into that bay from Blackwattle Creek, which creek is however within the city of Sydney and under the control of the defendants.

6. The only portion of the sewage of Redfern which passes into the said creek passes through a culvert constructed by defendants across Parramatta-street near the Sugar Works, and only a portion of the sewage of Darlington and simply the surface water of the Glebe passes into the said creek, as the Glebe Corporation have constructed no sewer which runs into the said creek, and as far as we know and believe none of the sewage of Camperdown runs into the said creek or into the said Blackwattle Swamp as stated in the said affidavit.

7. We deny that it is impossible to purify or deodorise the sewage passing through and from the said sewer before it is discharged into the said bay, and we say that it is possible to do so, and the continuing of the said sewer through the said reclaimed land into the waters of the said harbour is not the only way an end can be put to the nuisance complained of, nor would such continuation put an end to the nuisance at all, as the sewage could not be effectually carried away by the waters of the said harbour, as the solid parts of the sewage, which at present run into the tidal waters of the said bay through the said open drains, remain deposited along the sides of the said bay, and such sewage would rapidly fill up the said bay and render further reclamation necessary.

8. With reference to the twelfth paragraph of the said affidavit, the residents of Darlington, Redfern, The Glebe, Pyrmont, Balmain, and a large portion of the city of Sydney, suffer seriously from the said nuisance, and a larger body of the public could not be injured by the stoppage of such sewer entirely than those who now complain and suffer from the said nuisance.

9. Large public meetings have been held for the purpose of complaining and protesting against such nuisance, and compelling the same to be abated, and letters have been published in the newspapers for the same purpose, but no steps have been taken by the defendants for that purpose.

Sworn by the several deponents, on the day first }

above mentioned, at Sydney, before me,— }

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

A. H. C. MACAFEE.
G. ALLEN MANSFIELD.
F. H. REUSS, SENR.
AMBROSE THORNLEY.

Affidavit of P. C. Bickley, filed 8th October, 1875.

On the eighth day of October, in the year one thousand eight hundred and seventy-five, Peter Collins Bickley, of the Glebe, near the city of Sydney, Overseer, being duly sworn, maketh oath and saith as follows:—

1. I am the Overseer of Works of the Municipality of The Glebe.

2. I remember when the defendants constructed the main sewer complained of in the information and bill herein, and I know that it is not the fact that the said sewer ever terminated in the tidal waters of Blackwattle Swamp, but terminated at some distance from such tidal waters, and was connected therewith by an open trench only, and has since its construction always been a nuisance continually increasing.

Sworn by the deponent, on the day first above- }

mentioned, at Sydney, before me,— }

W. G. PENNINGTON,
A Commissioner for Affidavits.

PETER C. BICKLEY.

Affidavit of John M'Laughlin, filed 8th October, 1875.

On the eighth day of October, in the year one thousand eight hundred and seventy-five, John M'Laughlin, of the city of Sydney, solicitor, being duly sworn, maketh oath and saith as follows:—

1. I am a clerk to the solicitor for the informant and plaintiffs herein, and have the conduct of this suit.

2. Before the filing of the information and bill herein, I searched in the office of the Town Hall, Sydney, and it appeared from a plan shown to me there, and from information I there received, that the sewer complained of in the bill and information herein was constructed and received tributaries as in the third paragraph of the said information and bill alleged.

Sworn by the deponent, on the day first above- }

mentioned, at Sydney, before me,— }

PETER C. CURTIS,
A Commissioner for Affidavits.

JN. M'LAUGHLIN.

Order for injunction, dated 8th October, 1875.

FRIDAY, the eighth day of October, in the year of our Lord one thousand eight hundred and seventy-five.

Upon motion this day made unto His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity, whereupon, and upon hearing the bill filed in this cause; the notice of motion filed herein on the first day of October last; the affidavits of the relators and plaintiffs, Arthur Hill Coates Macafee and the Reverend John Dwyer, and the affidavit of Andrew Moffitt, filed on the said first day of October; the affidavits of Walter John Carroll and Richard Ramsay Armstrong, filed on the fifth day of October; the affidavit of Francis Bell, filed on the seventh day of October, on behalf of the defendants; and the joint affidavit of the said Arthur Hill Coates Macafee, George Allen Mansfield, Ferdinand Hamilton Reuss, and Ambrose Thornley, and the affidavits of Peter Collins Bickley, Geoffrey Eagar, and John M'Laughlin, for the plaintiffs, in reply read, and what was alleged by Mr. Darley and Mr. Owen, counsel for the informant and plaintiffs, and Mr. Davis counsel for the defendants: It is ordered that a writ of injunction

do, on or after the eighth day of January next, issue out of and under the seal of this Honorable Court, to restrain the defendants, their agents and workmen, from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through the main sewer of the defendants, constructed from the suburb of Strawberry Hills to and near the head of the bay or arm of the sea known as Blackwattle Swamp, or down or through any other sewer or drain of the said defendants into the said bay or arm of the sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorized so as not to be or create a nuisance, or become injurious to health: And it is further ordered that a writ of injunction do issue out of and under the seal of this Honorable Court forthwith, to restrain the defendants from making any additional sewers to join or be connected with their said main sewer or otherwise, and from so further polluting the waters of the said bay, leave being reserved to the defendants to apply to this Court that the issuing of the writ of injunction hereinbefore ordered to be issued on or after the eighth day of January next may be postponed: And it is lastly ordered that the costs of the motion for the said injunction be costs in the cause.

ARTHUR T. HOLROYD, (L.S.)
Master-in-Equity.

Passed 10th November, 1875.—A.T.H. Entered same day.—P.R.

Answer filed 26th October, 1875.

The Answer of the Mayor, Aldermen, and Citizens of the city of Sydney, the above-named defendants, to the information and bill of complaint of the above-named informant and plaintiffs.

In answer to the said Bill, we the Mayor, Aldermen, and Citizens of the city of Sydney, say as follows:—

Read for plain-
ness.

1. [We admit that we are a Corporation constituted under the Act of the Legislature of New South Wales 20 Victoria number 36, intituled "*An Act to re-establish a Municipal Council of the City of Sydney.*"]

2. In the year one thousand eight hundred and sixty-nine we constructed a sewer, commencing on the western side of Elizabeth-street, and running under certain streets and ground in the said city, and terminating about three feet below high-water-mark in the tidal waters of Blackwattle Swamp or Bay, and such commencing point is in the suburb of Strawberry Hills, but such sewer does not in any way carry off the sewerage of that suburb. Except as aforesaid, we deny that we constructed a main sewer from the suburbs of Strawberry Hills, Redfern, and Chippendale, or some or either of them; and we make out the contrary as hereinbefore appearing, and also by stating that the said sewer has no connection whatever with the drainage of Redfern or Chippendale. The sewer in the third paragraph of the said information and bill referred to is not, nor is any other sewer in the said city of Sydney, connected with branch sewers from Chippendale, but some of the sewage from Parramatta-street, in the said city of Sydney, does fall and flow into and along the said sewer. The mouth of the said sewer in the third paragraph referred to when constructed by us was as before stated three feet below high-water mark in the tidal waters of Blackwattle Swamp Bay, and since certain reclamation works hereinafter referred to have been carried out the said bay has been so filled in by such works that the mouth of the sewer has been thereby placed above the now high-water-mark in the said bay; and it is not correct that the mouth of the said sewer was in the sense of not being carried out into the waters of the said bay near, but since the carrying out of the said works the mouth has been thereby caused to be and accordingly is near the head of such bay; and except as aforesaid we say it is not correct, as alleged in the said information and bill, that the mouth of the sewer in the said third paragraph referred to, or of any other sewer, is carried out near the head of a shallow bay and arm of the sea within the harbour of Sydney known as Blackwattle Swamp.

3. Before the carrying out of the said reclamation works herein mentioned, the sewage falling into and passing along and from the said sewer was always carried off into the open channel of the said Blackwattle Bay, and so was carried away and dispersed. Blackwattle Bay is part of Port Jackson, and as such is an arm of the sea within the meaning of the Act mentioned in the said information and bill, and such sewer was in every respect constructed and discharged its sewage in such way as to comply with and not in any way to offend against any of the provisions of the said Act.

4. The head of Blackwattle Bay aforesaid, in the fourth paragraph of the said information and bill referred to, was reclaimed recently by the Government of New South Wales under the provisions in the "*Blackwattle Bay Land Reclamation Act, 1873,*" and the works carried on and completed for such purpose were not in any way under the management or control of us, and we could not in any way interfere with the carrying out of such works, or do anything in connection therewith, either for the purpose of continuing the said sewers into the waters of that bay by carrying the same through the land reclaimed or otherwise. A considerable portion of the said bay has by such reclamation works been filled up, and in consequence thereof, and not otherwise, the mouth of the said sewer in the said fourth paragraph referred to is now at some distance from the tidal waters of the said harbour.

5. No provision was made in the carrying out such reclamation for the continuation of the said sewer into the tidal waters of the said harbour, and consequently, and not from any default or negligence on our part, the sewage which was discharged from the said sewer, and had previously been discharged into and carried away by the said tidal waters of the said harbour as hereinbefore mentioned, were allowed to and did in fact run through open and shallow drains and pools of stagnant water in the said land so reclaimed, and thence through a cutting or sewer, part of the said reclamation works, under Pyrmont Bridge Road, on to the said Blackwattle Swamp, and in fact on part of the Municipality of The Glebe. Except as aforesaid, the mouth of the said sewer was and is not connected with the said tidal waters of the said bay by open drains; and we make out the contrary as hereinbefore shown.

6. We admit that the districts of Strawberry Hills, Redfern, Chippendale, and Parramatta Streets, in the fifth paragraph of the said information and bill referred to, are densely populated, but it is not the fact that the whole of the sewage of the said districts, or of any of them save a part of Parramatta-street as hereinbefore mentioned, is poured through the sewer in the said fifth paragraph referred to. The sewage of Redfern passes into an open watercourse or creek, and is by that and not by any sewer under our control carried and emptied on to the said reclaimed land near the mouth of the said sewer, and from them it passes into the said drains and pools and is carried away in the same way as the sewage passing along the said sewer after it is discharged from it is as hereinbefore mentioned carried away. No part of the sewage of the districts of Strawberry Hills, Redfern, and Chippendale, or either or any of them,

them, is carried or passes into the waters of the said Blackwattle Swamp or bay, or in any way pollutes the same. The sewage from a part of Parramatta-street which is so as aforesaid carried away by the said sewer, and the rest of the sewage collected in and passing along the sewer, does, as hereinbefore mentioned, pass into the waters of the said bay; but except so far as the same lies on the said reclaimed land after leaving the said mouth of the said sewer, we deny that the same pollutes the said waters of the said bay, and as to that we say and submit that we are not in any way responsible. By reason of the failure to make such continuation of the said sewer and other proper provision in respect thereof in the carrying out of the said reclamation works, and not otherwise. We believe that some of the solid parts of the sewage passing along and poured from the said sewer, and so only of the sewage in the said fifth paragraph of the information and bill referred to, and also of the sewage passing down and from the said Blackwattle Creek, is deposited along the sides of the said bay, exhaling foul and noxious gases, and emitting a stench, but whether or not intolerable we cannot as to our knowledge or otherwise say, and rendering some of the low-lying lands in the surrounding district unhealthy, but whether or not unfit for human habitation we cannot as to our knowledge or otherwise say, save that we believe it is the fact that very many of the inhabitants of that surrounding district who live on comparatively high levels do not suffer any, or any great, inconvenience from the stench arising from the said deposits of sewage.

7. We believe that the plaintiffs and relators are proprietors or occupiers of such low-level lands and houses on such low levels as aforesaid, immediately bordering on the said bay; and that the plaintiff and relator, the Reverend John Dwyer, is the President of Lyndhurst College, situated in the Municipality of the Glebe, and at the head of the said bay, on such low-level land as aforesaid, and that the said college is a school where a number of boys are educated and reside. We also believe that the other plaintiffs and relators are owners of private residences, which are all on such low level-lands as aforesaid, and are thereby exposed to such stench, and are thereby rendered unhealthy by the sewage from the said sewer after it is discharged and while it is in such drains and pools on such reclaimed land as aforesaid; and except as aforesaid we say that such residences are not rendered unhealthy by reason of the discharge of the sewage in the sixth paragraph of the said information and bill referred to or any other sewage, through the said sewer in the said sixth paragraph referred to or any other sewer; and we make out the contrary so far as the same is made out as hereinbefore shown.

8. We say that the said sewer in the seventh paragraph of the said information and bill referred to was and is not, as constructed by us, a nuisance, or injurious to health, as the same was and is in all respects sufficient to discharge its sewage into the said Blackwattle Bay as an arm of the sea, except so far as the same has been and is prevented from so doing by the filling in and other works in the carrying out of the said reclamation. The only nuisance or thing injurious to health (if any) is the sewage as it passes along such open drains and pools as and under the circumstances hereinbefore mentioned and for the nuisance from which we submit we are not responsible.

9. We cannot as to our knowledge or otherwise say whether or not the sewage in the eighth paragraph of the said information and bill referred to is rapidly filling up the said bay, but we believe certain of the solid parts of the said sewage discharged through the said sewer may remain on some parts of the said reclaimed land, by reason of no proper provision having been made to carry the same away, and that thereby and not otherwise the nuisance created by such sewage or parts of it would, but for proper provision for carrying it away, continually increase, but the same will not continually increase; and we make out the contrary, as hereinafter shown.

10. The Government of New South Wales have undertaken to carry out, and are about to carry out as rapidly as possible, a proper and efficient continuation of the said sewer from its now mouth, so as to carry all the sewage passing into, along, and from such sewer out into the tidal waters of the bay, so that the same may be carried and discharged into an arm of the sea, and this will put an end to the nuisance complained of in the said information and bill.

11. We submit that under the circumstances herein appearing, we ought not to be restrained by the injunction of this Honorable Court, as in the prayer of the said information and bill is prayed, and that the said information and bill should be dismissed as against us with costs.

The common seal of the Mayor, Aldermen, and Citizens of the city of Sydney was affixed hereto by me, Thomas Archer Butterfield, Town Clerk of the city of Sydney, the twenty-sixth day of October, A.D. 1875.

G. C. DAVIS,
Counsel for the defendants.

THOS. A. BUTTERFIELD,
Town Clerk, *pro tem.*

Docquet, filed 14th January, 1876.

The Queen and so forth, to the Mayor, Aldermen, and Citizens of the city of Sydney and the agents and Workmen.

WHEREAS upon motion made unto us in our Supreme Court of New South Wales in Equity, before His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity of our said Court, on the eighth day of October last, by counsel for the informant and plaintiffs, in a cause wherein the Honorable William Bede Dalley, Her Majesty's Attorney General of the Colony of New South Wales, by and at the relation of George Wigram Allen, Arthur Hill Coates Macafee, the Reverend John Dwyer, and William Clark, is informant, and you, the said Mayor, Aldermen, and citizens of the city of Sydney, are defendants, and George Wigram Allen, Arthur Hill Coates Macafee, the Reverend John Dwyer, and William Clark are plaintiffs, and you, the said Mayor, Aldermen, and Citizens of the city of Sydney are defendants, and upon hearing the information and bill filed in this cause, the notice of motion filed herein on the first day of October last, the affidavits of the relators and plaintiffs, Arthur Hill Coates Macafee, and the Reverend John Dwyer, and the affidavit of Andrew Moffitt, filed on the said first day of October, the affidavit of Walter John Carroll and Richard Ramsay Armstrong, filed on the fifth day of October, the affidavit of Francis Bell, filed on the seventh day of October, on behalf of you the said Mayor, Aldermen, and Citizens of the city of Sydney, and the joint affidavit of the said Arthur Hill Coates Macafee, George Allen Mansfield, Ferdinand Hamilton Reuss, and Ambrose Thornley, and the affidavits of Peter Collins Bickley, Geoffrey Eagar, and John M'Laughlin, for the informant; and plaintiffs in reply read, and what was alleged by Mr. Darley and Mr. Owen, of counsel for the informant and plaintiffs, and Mr. Davis, of counsel

counsel for you the said Mayor, Aldermen, and Citizens of the city of Sydney, it was ordered that a writ of injunction should on or after the eighth day of January instant issue out of and under the seal of our said Court to restrain you the said Mayor, Aldermen, and Citizens of the city of Sydney, your agents and workmen, from causing or permitting to pass any sewage filth or other offensive matter, either solid or liquid, down or through the main sewer of or belonging to you, the said Mayor, Aldermen, and Citizens of the city of Sydney, constructed from the suburb of Strawberry Hills to and near the head of the bay or arm of the sea known as Blackwattle Swamp, or down or through any other sewer or drain of or belonging to you the said Mayor, Aldermen, and Citizens of the city of Sydney, into the said bay or arm of the sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorized, so as not to be or create a nuisance or become injurious to health: we therefore, in consideration of the premises, do hereby strictly enjoin and restrain you, the said Mayor, Aldermen, and Citizens of the city of Sydney, your agents or workmen, from causing or permitting to pass any sewage filth or other offensive matter, either solid or liquid, down or through the main sewer of or belonging to you the said Mayor, Aldermen, and Citizens of the city of Sydney, constructed from the suburb of Strawberry Hills to and near the head of the bay or arm of the sea known as Blackwattle Swamp, in the city of Sydney, or down or through any other sewer or drain of or belonging to you the said Mayor, Aldermen, and Citizens of the city of Sydney, into the said bay or arm of the sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorized so as not to be or create a nuisance or become injurious to health.

Witness, &c.,

JOHN F. HARGRAVE.

Order of 18th February, 1876, dismissing motion for commission of sequestration.

FRIDAY, the eighteenth day of February, in the year of our Lord one thousand eight hundred and seventy-six:

Upon motion this day made to His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity, by Mr. Darley and Mr. Owen, of counsel for the above-named informant, and the above-named plaintiffs, that a commission of sequestration do issue, directed to certain Commissioners to be therein named, to sequester the personal estate, and the rents, issues, and profits of the real estate of the defendants, the Mayor, Aldermen, and Citizens of Sydney, for disobedience of the writ of injunction issued under the order of this Court, made on the eighth day of October last, until the further order of this Court, and that the said defendants be ordered to pay the costs of and occasioned by the said motion: Whereupon, and upon hearing the affidavits of Ferdinand Hamilton Reuss, William De Burgh Hocter, Michael David Mitchell, Samuel Johnson, and Peter Bickley, respectively sworn on the seventh day of February inst., and the affidavits of Michael Gorden, and John M'Laughlin, respectively sworn on the eighth day of February inst., and the affidavits of Andrew Samuel Abbot, William Moore, Arthur Hill Coates Macafee, William Hattam Wilkinson, and Andrew Moffitt, respectively, sworn on the ninth day of February instant, read in support of the said motion, and the joint affidavit of Benjamin Palmer and Francis Bell, sworn on the seventeenth day of February instant; and upon hearing what was alleged by Mr. Darley and Mr. Owen, in support of the said motion; and upon hearing the defendants' said affidavits read by Mr. Davis and Mr. Salamons, of counsel for the said defendants, it is ordered that this motion be and the same is hereby dismissed, without prejudice to any future application by the said informant and plaintiffs as they may hereafter be advised herein, the Court also making no order as to the costs of this motion.

ARTHUR T. HOLROYD, (l.s.)

Passed, 3 March, 1876.—A.T.H. Entered same day.—P.R.

Master in Equity.

Notice of motion, filed 10th February, 1876.

TAKE notice that this Honorable Court will be moved on Tuesday next, the 15th day of February instant, at 11 o'clock in the forenoon, or so soon thereafter as counsel can be heard, before His Honor John Fletcher Hargrave, Esq., Primary Judge in Equity, on the part of the informant and plaintiffs, that a commission of sequestration may issue, directed to certain Commissioners to be therein named, to sequester the personal estate, and the rents, issues, and profits of the real estate of the defendants, the Mayor, Aldermen, and Citizens of Sydney, for disobedience of the writ of injunction issued under the order of this Honorable Court made on the 8th day of October last, until the further order of this Court, and that the said defendants may be ordered to pay the costs of and occasioned by this application; and, further, take notice that a list of the affidavits intended to be used in support of such motion is set forth at the foot of this notice. Dated this tenth day of February, A.D. 1876.

THOMAS KENDALL BOWDEN,

Solicitor for informant and plaintiffs.

Affidavit of Andrew Samuel Abbot,
Affidavit of William Moore,
Affidavit of John M'Laughlin,
Affidavit of F. H. Reuss,
Affidavit of W. D. B. Hocter,
Affidavit of M. D. Mitchell,

Affidavit of S. Johnson,
Affidavit of Peter Bickley,
Affidavit of M. J. Golden,
Affidavit of A. H. C. Macafee,
Affidavit of W. H. Wilkinson,
Affidavit of Andrew Moffitt,

This day filed herein.

Affidavit of service of order and notice by Andrew Samuel Abbot, filed 10th February, 1876.

ON this ninth day of February, in the year of our Lord one thousand eight hundred and seventy-six, Andrew Samuel Abbot, of Sydney, in the Colony of New South Wales, clerk to Messieurs Allen, Bowden, and Allen, solicitors, of the same place, being duly sworn, maketh oath and saith as follows:—

1. I did on the nineteenth day of November last serve a true copy of the order for injunction herein, at the office of Messieurs Driver and Merriman, solicitors for the above-named defendants, and I did also, on the twenty-second day of November last, duly serve a true copy of the said order upon Benjamin Palmer, Esquire, the Mayor of Sydney; and I did when serving the said copy orders, produce the original order.

2. A true copy of the said order is hereunto annexed, marked "A."

3. I did on the eighteenth and nineteenth days of October last post to the Mayor and each of the Aldermen of the city of Sydney, notices, a true copy of which is hereunto annexed, marked "B."

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me,— }

A. S. ABBOT.

C. J. BURNS,

A Commissioner for Affidavits.

A.

FRIDAY, the eighth day of October, in the year of our Lord one thousand eight hundred and seventy-five.

Upon motion this day made unto His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity, whereupon and upon hearing the bill filed in this cause, the notice of motion filed herein on the first day of October last, the affidavits of the relators and plaintiffs, Arthur Hill Coates Macafee and the Reverend John Dwyer, and the affidavit of Andrew Moffitt, filed on the said first day of October; the affidavits of Walter John Carroll and Richard Ramsay Armstrong, filed on the fifth day of October; the affidavit of Francis Bell, filed on the seventh day of October, on behalf of the defendants; and the joint affidavit of the said Arthur Hill Coates Macafee, George Allen Mansfield, Ferdinand Hamilton Reuss, and Ambrose Thornley; and the affidavits of Peter Collins Bickley, Geoffrey Eagar, and John M'Laughlin, for the plaintiffs, in reply read, and what was alleged by Mr. Darley and Mr. Owen, counsel for the informant and plaintiffs, and Mr. Davis, counsel for the defendants: It is ordered that a writ of injunction do, on and after the eighth day of January next, issue out of and under the seal of this Honorable Court, to restrain the defendants, their agents and workmen, from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through the main sewer of the defendants, constructed from the suburb of Strawberry Hills, to and near the head of the bay or arm of the sea known as Blackwattle Swamp, or down or through any other sewer or drain of the said defendants into the said bay or arm of the sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorized so as not to be or create a nuisance or become injurious to health: And it is further ordered that a writ of injunction do issue out of and under the seal of this Honorable Court forthwith, to restrain the defendants from making any additional sewers to join or to be connected with their said main sewer or otherwise, and from so further polluting the waters of the said bay, leave being reserved to the defendants to apply to this Court that the issuing of the writ of injunction hereinbefore ordered to be issued on or after the eighth day of January next, may be postponed: And it is lastly ordered that the costs of the motion for the said injunction be costs in the cause.

ARTHUR T. HOLROYD, (l.s.)

Master in Equity.

Passed 10th November, 1875.—A.T.H.

Entered same day.—P.R.

This is the copy order for injunction marked "A," referred to in the annexed affidavit of Andrew Samuel Abbot, sworn herein this ninth day of February, 1876, before me,—

C. J. BURNS,

A Commissioner for Affidavits.

B.

TAKE notice that His Honor John Fletcher Hargrave, Esquire, Primary Judge in Equity, of this Honorable Court, on the eighth day of October instant, granted an immediate injunction against the above-named defendants, restraining them from allowing any additional sewage to pass into Blackwattle Swamp or Bay through the main sewer referred to in the information and bill herein, and also granted an injunction to issue at the end of three calendar months from the said eighth day of October instant, to restrain the defendants, their agents, servants, and workmen, from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through the said main sewer referred to in the information and bill, or any other sewer or drain, into the bay or arm of the sea known as Blackwattle Swamp, unless and until the same shall be sufficiently purified and deodorized so as not to be or create a nuisance or become injurious to health, until the hearing of this cause or further order of the Court; and further take notice that the said order will be drawn up and served upon you as soon as practicable, and in the meanwhile you are required to obey the same.

Dated this thirteenth day of October, A.D. 1875.

THOMAS KENDALL BOWDEN,

Solicitors for informant and plaintiffs,

124, Elizabeth-street, Sydney.

To the above-named defendants, and to Richard Driver, Esq., their solicitor.

This is the copy notice marked "B," referred to in the annexed affidavit of Andrew Samuel Abbot, sworn this ninth day of February, A.D., 1876, before me,—

C. J. BURNS,

A Commissioner for Affidavits.

Affidavit of William Moore, filed 10th February, 1876.

On the ninth day of February, in the year one thousand eight hundred and seventy-six, William Moore, of the city of Sydney, in the Colony of New South Wales, clerk to Messieurs Allen, Bowden, and Allen, of Sydney aforesaid, being duly sworn, maketh oath and saith as follows:—

1. I did, on Saturday, the fifteenth day of January last past, duly serve the above-named defendants, the Mayor, Aldermen, and Citizens of the city of Sydney, with the writ of injunction issuing out of and under the Seal of this Honorable Court, now produced and shown to me and marked "A," by delivering true copies of the said writ to and leaving the same with Benjamin Palmer, Esq., the said Mayor of Sydney, and head officer of the defendant Corporation, and Thomas A. Butterfield, Esq., the temporary Town Clerk, personally, at the Town Hall, Sydney; and I at the same time produced and showed to the said Benjamin Palmer and Thomas A. Butterfield, respectively, the said original writ so under seal as aforesaid.

aforesaid. At the time of the service aforesaid there was on the said original writ and on the copies thereof so served as aforesaid, an indorsement in the words and figures following, that is to say:—"This writ was issued by Thomas Kendall Bowden, of number one hundred and twenty-four, Elizabeth-street, Sydney, solicitor for the said informant and plaintiffs.

Sworn by the deponent, on the day first above-mentioned, at Sydney, before me,—

WM. MOORE.

C. J. BURNS,

A Commissioner for Affidavits.

Affidavit of John M'Laughlin, filed 10th February, 1876.

On this eighth day of February, in the year one thousand eight hundred and seventy-six, John M'Laughlin, of one hundred and twenty-four, Elizabeth-street, in the city of Sydney, in the Colony of New South Wales, solicitor, being duly sworn, maketh oath and saith as follows:—

1. I am managing clerk to the solicitors for the informant and above-named plaintiffs herein, and have the conduct and management of this suit.

2. On the eighth day of October last an order was made by this Honorable Court for a writ of injunction in terms of the prayer of the information and bill herein, but the issuing of such writ was suspended till the eighth day of January last, with leave to the defendants to apply before the last-mentioned date that the issuing of the said writ should be further postponed.

3. No application for such further postponement was however made, and the said writ was issued on the fourteenth day of January last and served upon the following day.

4. The defendants are a Corporation constituted under the Act of the Legislature of New South Wales, Twentieth Victoria, Number thirty-six, intituled "*An Act to re-establish a Municipal Council in the City of Sydney*," with power to take, purchase, and hold land and personal estate, and to grant, sell, alien, assign, and assure the same, and the said defendants are as I am informed and verily believe possessed of considerable real and personal property.

5. On the nineteenth day of November last I wrote Messieurs Driver and Merriman, solicitors for the defendants, a letter a true copy of which is as follows:—

Dear Sirs,

124, Elizabeth-street, Sydney, 19 November, 1875.

The Attorney General and Allen and others *v.* The Mayor, &c., of Sydney, on the eighth day of October last an order for an injunction to restrain the serious nuisance complained of in this suit was obtained by us, the defendants being allowed three months to abate the nuisance before the writ should issue, and leave to apply for an extension of time if they should have grounds for such an application.

We have now to call your attention to the fact that although nearly half of the three months has elapsed your clients have not yet done one single act or procured any steps to be taken towards abating the nuisance in any manner whatever and appear to treat the order of the Primary Judge with indifference. Under these circumstances, we have to give you notice that we will oppose any application you may make to delay the issuing of the writ of injunction after the 8th of January next. We must therefore ask that something be at once done by your clients, so that they will be prepared to obey the injunction when it issues, as the injury sustained by our clients and the other residents in the vicinity of Blackwattle Swamp is too serious to admit of our consenting to any delay not allowed by the Court.

We are, &c.,

ALLEN, BOWDEN & ALLEN,

(*p.* J. M'LAUGHLIN.)

Messrs. Driver and Merriman, Solicitors.

and on the 20th day of November last received a reply to the following effect:—

Re Mayor and others *ats.* Attorney General and others.

Dear Sirs,

City Solicitor's Office, Sydney, 20 November, 1875.

I have forwarded a copy of yours of yesterday to the Council, and upon receipt of instructions will communicate with you.

Yours very truly,

Messrs. Allen, Bowden, & Allen, Solicitors.

RICHARD DRIVER,

City Solicitor.

but no further reply to the said letter has since been received.

6. I have been informed by Mr. George Wigram Allen that, on the twenty-fourth day of March, one thousand eight hundred and seventy-three, he wrote to the defendants a letter, a copy of which is hereunto annexed marked "A," and I verily believe such information to be true, having seen a press copy of the said letter.

7. I am instructed that the defendants have disobeyed and wholly disregarded the order and injunction of this Honorable Court.

Sworn by the deponent, on the day first above-mentioned, at Sydney, before me,—

JNO. M'LAUGHLIN.

AUBREY MOWLE,

A Commissioner for Affidavits.

A.

The Right Worshipful the Mayor of Sydney.

Sir,

Municipal Council Chambers, Glebe, 24 March, 1873.

I have the honor through you to call the attention of the Council of the city of Sydney to the effluvia and nuisance arising from the public sewer from Abercrombie-street, which empties itself at the head of Blackwattle Swamp.

At low tide the sewage matter flows upon and spreads itself upon the land, and even at high tide the matter is not carried off by the waters of the bay, but remains and causes a most disgusting stench, exceedingly injurious to the health of the Glebe and the southern parts of the city.

From the reports in the newspapers of the proceedings of the City Council, it would appear that it is the intention of that body to connect a further large portion of the city sewerage with the Abercrombie-street sewer, and thus add very greatly to the existing nuisance. The 9th section of the Sydney Sewerage Act of 1853 requires that all sewers shall be constructed, covered, and kept so as not to be a nuisance or injurious to health, and properly cleared, cleansed, and emptied into such places as may be fit and necessary, but not so as to create a nuisance."

I

I have therefore to require that the Council of the city of Sydney do take immediate measures for the abatement of this nuisance, and that they do not proceed with their declared resolution to unite further sewers with the one already existing.

Legal proceedings will be instituted and prosecuted in case the Council shall act in defiance of this notice.

I have, &c.,
G. WIGRAM ALLEN,
Mayor of the Glebe.

This is the copy letter marked "A," referred to in the annexed affidavit of John M'Laughlin, sworn before me, this eighth day of February, A.D. 1876,—

AUBREY MOWLE,
A Commissioner for Affidavits.

Affidavit of F. H. Reuss, filed 10th February, 1876.

ON this seventh day of February, in the year one thousand eight hundred and seventy-six, Ferdinand Hamilton Reuss, of Pitt-street, Sydney, architect and surveyor, being duly sworn, maketh oath and saith as follows:—

1. I reside on the Glebe, near the vicinity of Blackwattle Swamp, and know the locality and position of the main sewer of the defendants complained of in the information and bill herein.
2. I visited the mouth of the said sewer on the twentieth day of January last, and found that the whole of the sewage from the said sewer was being poured into the said swamp.
3. The said sewage was in no way purified or deodorized, and was and still is causing a most abominable stench, which was perfectly unbearable even at a considerable distance from the said sewer, and the effluvia arising from the said sewage so poured into the said swamp in my opinion renders the whole of the locality in the vicinity thereof unhealthy and unfit for human habitation.
4. The stench arising from the said sewage is far more intolerant now than in the month of October last, and is now and has been since the said month of October rapidly increasing, and has now produced a most disgusting and shocking nuisance.
5. The defendants have done nothing towards alleviating the said nuisance.
6. Since October last I suffered from a serious attack of typhoid fever, brought on as I verily believe through my living in the vicinity of the said swamp.

Sworn by the deponent, on the day first above } F. H. REUSS.
mentioned, at Sydney, before me,—

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

Affidavit of W. De B. Hocter, filed 10th February, 1876.

ON the seventh day of February, in the year one thousand eight hundred and seventy-six, William De Burgh Hocter, of the Glebe, near Sydney, Council Clerk, being duly sworn, maketh oath and saith as follows:—

1. I reside on the Glebe near the vicinity of Blackwattle Swamp, and know the locality and position of the main sewer of the defendants complained of in the information and bill herein.
2. I visited the mouth of the said sewer on the 20th day of January last, and found that the whole of the sewage from the said sewer was being poured into the said swamp.
3. The said sewage was in no way purified or deodorized, and was and still is causing a most abominable stench which was perfectly unbearable even at a considerable distance from the said sewer, and the effluvia arising from the said sewage so poured into the said swamp, in my opinion rendered the whole of the locality in the vicinity thereof unhealthy and unfit for human habitation.
4. The stench arising from the said sewage is far more intolerant now than in the month of October last, and is now and has been since the said month of October rapidly increasing, and has now produced a most disgusting and shocking nuisance.
5. The defendants have done nothing towards alleviating the said nuisance.

Sworn by the deponent, on the day first above } W. DE BURGH HOCTER,
mentioned, at Sydney, before me,— } Council Clerk and Surveyor.

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

Affidavit of Mr. D. Mitchell, filed 10th February, 1876.

ON this seventh day of February, in the year one thousand eight hundred and seventy-six, Michael David Mitchell, of Glebe Point Road, near Sydney, wine and spirit merchant, being duly sworn, maketh oath and saith as follows:—

1. I reside on the Glebe near the vicinity of Blackwattle Swamp, and know the locality and position of the main sewer of the defendants complained of in the information and bill herein.
2. I visited the mouth of the said sewer on the twenty-third day of January last, and also on the fifth day of February instant, and found that the whole of the sewage from the said sewer was being poured into the said swamp.
3. The said sewage was in no way purified or deodorized, and was and still is causing a most abominable stench which was perfectly unbearable even at a considerable distance from the said sewer, and the effluvia arising from the said sewage so poured into the said swamp in my opinion renders the whole of the locality in the vicinity thereof unhealthy and unfit for habitation.
4. The stench arising from the said sewage is far more intolerant now than in the month of October last, and is now and has been since the said month of October rapidly increasing, and has now produced a most disgusting and shocking nuisance.
5. The defendants have done nothing towards alleviating the said nuisance.

Sworn by the deponent, on the day first above } D. MITCHELL.
mentioned, at Sydney, before me,— }

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

Affidavit

Affidavit of S. Johnson, filed 10th February, 1876.

ON this seventh day of February, in the year one thousand eight hundred and seventy-six, Samuel Johnson, of Glebe Point, near Sydney, in the Colony of New South Wales, gardener, being duly sworn, maketh oath and saith as follows:—

1. I reside on the Glebe near the vicinity of Blackwattle Swamp, and know the locality and position of the main sewer of the defendants complained of in the information and bill herein.

2. I visited the mouth of the said sewer on the twentieth day of January last, and found that the whole of the sewage from the said sewer was being poured into the said swamp.

3. The said sewage was in no way purified or deodorized, and was and still is causing a most abominable stench which was perfectly unbearable even at a considerable distance from the said sewer, and the effluvia arising from the said sewage so poured into the said swamp in my opinion renders the whole of the locality in the vicinity thereof unhealthy and unfit for human habitation.

4. The stench arising from the said sewage is far more intolerant now than in the month of October last, and is now and has been since the said month of October rapidly increasing, and has now produced a most disgusting and shocking nuisance.

5. The defendants have done nothing towards alleviating the said nuisance.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me,—

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

S. JOHNSON.

Affidavit of Peter Bickley, filed 10th February, 1876.

ON this seventh day of February, in the year one thousand eight hundred and seventy-six, Peter Bickley, of the Glebe, near Sydney, Overseer of Municipality Works, being duly sworn, maketh oath and saith as follows:—

1. I reside on the Glebe near the vicinity of Blackwattle Swamp, and know the locality and position of the main sewer of the defendants complained of in the information and bill herein.

2. I visited the mouth of the said sewer on the twentieth day of January last, and found that the whole of the sewage from the said sewer was being poured into the said swamp.

3. The said sewage was in no way purified or deodorized, and was and still is causing a most abominable stench which was perfectly unbearable even at a considerable distance from the said sewer, and the effluvia arising from the said sewage so poured into the said swamp in my opinion renders the whole of the locality in the vicinity thereof unhealthy and unfit for human habitation.

4. The stench arising from the said sewage is far more intolerant now than in the month of October last, and is now and has been since the said month of October rapidly increasing, and has now produced a most disgusting and shocking nuisance.

5. The defendants have done nothing towards alleviating the said nuisance.

Sworn by the deponent, on the day first above- }
mentioned, at Sydney, before me,—

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

PETER BICKLEY.

Affidavit of M. J. Golden, filed 10th February, 1876.

ON this eighth day of February, in the year one thousand eight hundred and seventy-six, Michael Joseph Golden, of Glebe Point, near Sydney, freeholder, being duly sworn, maketh oath and saith as follows:—

1. I reside near the vicinity of Blackwattle Swamp, and am owner of house property of considerable value situate near the said swamp.

2. I am informed that a writ of injunction issued forth from this Honorable Court on the fourteenth day of January last, restraining the above-named defendants from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through their main sewer constructed from the suburb of Strawberry Hills to the head of the bay or arm of the sea known as Blackwattle Swamp, unless and until the same should be sufficiently purified or deodorized so as not to be or create a nuisance or become injurious to health.

3. The said defendants have in no way obeyed the said writ of injunction, and still allow the sewage to run down the said sewer into the said bay in the same manner as when the information and bill herein had been filed, and the said sewage so running into the said bay is in no way purified or deodorized and creates a most abominable nuisance.

4. I have frequently inspected the mouth of the said sewer since the month of October last, and since the fifteenth day of January last, and know that the defendants have taken no steps whatever towards remedying the said nuisance, or towards obeying the order and writ of this Honorable Court.

5. Property of the value of upwards of five thousand pounds belonging to myself and my sister is now unproductive in consequence of the disgusting nuisance caused by the said sewage running into the swamp as aforesaid, which nuisance is in my opinion most injurious to the health of the inhabitants of the district adjoining the said swamp.

Sworn by the deponent, on the day first above- }
mentioned, at Sydney, before me,—

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

M. J. GOLDEN.

Affidavit of A. H. C. Macafee, filed 10th February, 1876.

ON this ninth day of February, in the year one thousand eight hundred and seventy-six, Arthur Hill Coates Macafee, of York-street, Sydney, warehouseman, being duly sworn, maketh oath and saith as follows:—

1. I am one of the relators and plaintiffs herein.

2.

2. The nuisance complained of in the information and bill herein has been in no way abated since the order for injunction was made herein on the eighth day of October last, and the defendants have not done one single act towards obeying the said order and injunction of this Honorable Court, and appear to treat the same with indifference.

3. The defendants still allow sewage to flow down their main sewer complained of in the said information and bill to the head of Blackwattle Swamp in the same manner as before the filing of the information herein and before the making of the said order for injunction, and the nuisance caused by the said sewage is now far worse than it was in October last.

4. I have been compelled to abandon my house and residence on Glebe Point Road in consequence of the said nuisance, and cannot return thereto until the defendants obey the injunction of this Honorable Court, or until the said nuisance is otherwise abated, as my said house is rendered unfit for human habitation in consequence of the said nuisance caused by the said sewage as aforesaid.

5. Myself and the other relators and plaintiffs herein are serious sufferers from the said nuisance.
Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me, — } A. H. C. MACAFEE.

C. J. BURNS,
A Commissioner for Affidavits.

Affidavit of W. H. Wilkinson, filed 10 February, 1876.

On this ninth day of February, in the year one thousand eight hundred and seventy-six, William Hattam Wilkinson, of the Glebe Road, near Sydney, one of the Judges of the Metropolitan and Coast District Court, being duly sworn, maketh oath and saith as follows:—

1. I reside near Blackwattle Swamp.

2. The nuisance caused by the sewage running into the said swamp from the defendants' main sewer is most abominable and disgusting, and is I believe far worse now than it was in the month of October last.

3. The atmosphere near the said swamp is so horribly polluted that it appears to me inexplicable that a pestilence has not broken out among the inhabitants of the Glebe and other districts adjoining the said swamp before now.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me, — } W. H. WILKINSON.

ALEX. C. MAXWELL,
A Commissioner for Affidavits.

Affidavit of Dr. Moffitt, filed 10th February, 1876.

On this eighth day of February, in the year of our Lord one thousand eight hundred and seventy-six, Andrew Moffitt, of Castlereagh-street, in the city of Sydney, in the Colony of New South Wales, physician and surgeon, being duly sworn, maketh oath and saith as follows:—

1. I am a duly qualified medical practitioner, practising in the city and suburbs of Sydney.

2. I have been compelled to pass by Blackwattle Swamp very frequently, and have passed by there since the fifteenth day of January last, and saw the sewage still flowing from the defendants' main sewer, referred to in the information and bill herein, into the said swamp.

3. The said sewage is not purified or deodorized, and creates a most abominable and dangerous nuisance, which is most injurious to health.

4. I avoid passing near the said swamp as much as possible, lest I should be poisoned by the horribly polluted atmosphere surrounding that locality, caused by the said sewage.

5. The said nuisance has increased greatly since the time of my swearing my affidavit in support of the motion of injunction herein on the first day of October last, and it is most surprising that some serious pestilence has not broken out amongst the numerous population residing in the neighbourhood of the said swamp.

Sworn by the deponent, on the day and year first }
above mentioned, at Sydney, before me, — } A. MOFFITT,
Physician and Surgeon.

AUBREY MOWLE,
A Commissioner for Affidavits.

Affidavit of B. Palmer, Esq., Mayor, and F. Bell, C.E., filed 18th February, 1876.

On the seventeenth day of February, in the year one thousand eight hundred and seventy-six, Benjamin Palmer, of Sydney, in the Colony of New South Wales, Esquire, the Mayor of Sydney, and Francis Bell, of Sydney aforesaid, civil engineer, being duly sworn, severally make oath and say as follows:—

And I, the said Benjamin Palmer, say:—

1. After the making of the order of the eighth day of October, one thousand eight hundred and seventy-five, by which a writ of injunction was ordered to issue, as in such order particularly mentioned, proper instructions were given to Mr. Bell, the City Engineer, to prepare plans for the sewerage of Blackwattle Swamp in the Bill mentioned, in order to prevent the sewerage carried down by the main sewer in the said Bill mentioned being a nuisance or injurious to health.

And I, the said Francis Bell, say:—

2. On the fifteenth October one thousand eight hundred and seventy-five, I received such instructions as are hereinbefore mentioned. Up to the end of October I was deprived of the assistance of one of my assistant engineers, who was up to that time absent by reason of ill health, and from the middle of November, one thousand eight hundred and seventy-five, my only other assistant engineer was frequently absent, and ultimately he left altogether.

3. From the time of my so receiving such instructions I used every exertion and was as expeditious as it was possible in the preparation of the said plans. On the sixth day of January, one thousand eight hundred and seventy-six, the plans which I had prepared were submitted to the Committee of the Corporation having the management of such matters.

And we, the said Benjamin Palmer and Francis Bell, say :—

4. On the seventeenth day of January, one thousand eight hundred and seventy-six, we waited on the Honorable the Colonial Secretary with the said plans, which I the said Francis Bell had so prepared, and which had been carefully considered and approved of by the Mayor and Council. Mr. Moriarty, who is the Government Engineer for Harbours and Rivers, was with the Honorable the Colonial Secretary when we so waited upon the latter. The said plans were fully discussed at that interview, and ultimately, on the suggestion of the Honorable the Colonial Secretary, it was determined that the plans should be submitted to the Commissioners under a Royal Commission to inquire into and report upon the Sewerage and Health of the City of Sydney, in order that their opinion might be taken as to the best and most effectual way of carrying out and completing the drainage and sewerage of and in connection with Blackwattle Swamp aforesaid, in order to avoid the then nuisance and injury from the odours arising from the sewerage run into Blackwattle Swamp and not completely carried away.

5. The plans were accordingly so submitted to the said Commissioners, and were considered by them.

6. The said Commissioners recommended a certain plan for the purpose of carrying off the sewerage and drainage going into Blackwattle Swamp, and this the Government ordered should be carried out. The plan so proposed and determined to be carried out was that the main sewer constructed by the defendants, and which is particularly mentioned in the bill and several affidavits filed by and on behalf of the relators for the purpose of the motion for injunction, should be carried on and out into the deep water of Port Jackson running into Blackwattle Swamp Bay, so that the sewerage and drainage carried down by such sewer should be effectually carried away, and should not rest on and in the uncovered parts and small drains of Blackwattle Swamp in the way spoken of in the said affidavits. This work the Government not only undertook to do, but as I the said Francis Bell say, the said Mr. Moriarty informed me the defendants were not in any way to interfere with the doing of this work, the Government having determined that it was a work which should be done by them, and which accordingly they had determined that they alone should do.

7. According to the said plans made by me the said Francis Bell, it had been intended to make a covered brick sewer to collect and carry away the sewerage and drainage which for many years past was carried away by the Blackwattle Creek mentioned in the affidavit of me the said Francis Bell used on the hearing of the said motion for an injunction. This was overruled by the said Commissioners, according to whose plan large drain pipes were to be so laid so as to carry the said sewerage and drainage into the the main sewer so as aforesaid to be continued and carried by the Government into deep water, and thus to carry the said sewerage and drainage from the said Blackwattle Creek into the deep waters of Port Jackson. The drainage from the Municipality of the Glebe it was determined, under the advice and direction of the said Commissioners, was to be left to be disposed of and dealt with by such Municipality. The Government required the defendants to carry out the works according to such opinion and direction of the said Commissioners.

8. In consequence of the defendants being required to adopt a system and plan different from that originally intended, fresh plans had to be prepared, which necessarily occupied some further time.

9. Tenders were called for by and on behalf of the Government for the performance of this said part of the work, and the time for the coming in of such tenders expired on the fifteenth instant. Tenders were also called for the performance of the work which the defendants so had to do, and these tenders expire on the twenty-second instant. Large quantities of the pipes and material required for the laying the said connecting drain by the defendants have been during this week carted and laid to and on the ground, so as to be ready to carry out the work as soon as a tender for its performance is accepted.

10. Having regard to the very great difficulty in carrying out drainage and sewerage in the locality of Blackwattle Swamp, and to the necessity of exercising every precaution in the performance of any such work, the greatest possible expedition has been used, and it would have been impossible to proceed with the work any faster. The defendants have all along been most anxious and have used every exertion to comply with the order of this Honorable Court in such a way as to carry out that which they believed this Honorable Court intended them to do, namely, to prevent the drainage and sewerage carried down by the said main sewer being a nuisance and injurious to health.

And I the said Benjamin Palmer say :—

11. I was in the month of January last assured by the Honorable the Colonial Secretary on frequent occasions that the Government would take every care that the said main sewer should be properly carried out, so as to put an end to the cause of complaint in regard to it; and that the defendants need not, therefore, trouble themselves about it. In consequence of this I was led to believe that, as the information was by the Honorable the Attorney General, and as the Government undertook themselves to remedy that which formed the subject of complaint in the information, the defendants need not take any steps in reference to the order for injunction and the issue of the same, and accordingly I did not, on behalf of the defendants, take any such step.

Sworn by the two deponents, on the day first above }
mentioned, at Sydney, before me, — }

JONAS LANDER,

A Commissioner for Affidavits.

BENJAMIN PALMER.
FRANCIS BELL.

Memorandum of Appeal, filed 24 February, 1876.

Memorandum of Appeal to the full Court.

THE above-named informant and plaintiffs appeal from the order made by His Honor the Primary Judge in Equity of this Honorable Court in this cause, on the eighteenth day of February instant.

The said informant and plaintiffs, on the tenth day of February instant, gave notice to the above-named defendants of their intention to move this Honorable Court, on the fifteenth day of February instant, that a commission of sequestration might issue, directed to certain Commissioners, to be therein named, to sequester the personal estate, and the rents, issues and profits of the real estate of the defendants, the Mayor, Aldermen, and Citizens of Sydney, for disobedience of the writ of injunction issued under the order of this Honorable Court, made on the eighth day of October last, until the further order of this Court, and that the said defendants might be ordered to pay the costs of and occasioned by such application.

The

The informant and plaintiffs, on the eighteenth day of February instant, moved before His Honor the Primary Judge for an order in pursuance of the said notice, which motion was opposed by the said defendants, and His Honor refused the said motion, and made no order as to costs.

The informant and plaintiffs submit that the said order ought not to have been made, and that an order ought to have been made in the terms of the said notice of motion, for the following, among other grounds and reasons, that is to say :

1. The defendants did not, within the time limited by the order of the said Primary Judge, dated the eighth day of October, one thousand eight hundred and seventy-five, apply for an extension of time.
2. The defendants did not appeal to the full Court from the said order.
3. That the defendants took no steps to abate the said nuisance, until after the issue of the writ of injunction in the said cause, and that the nuisance still continues.

FREDERICK M. DARLEY,
WILLIAM OWEN,
Counsel for informant and plaintiffs.

Summons for production of documents, filed 6 March, 1876.

LET all parties concerned attend at my chambers at the Supreme Court House, King-street, Sydney, on Friday, the seventh day of April instant, at the hour of ten o'clock in the forenoon, to show cause why Benjamin Palmer, the Mayor of the city of Sydney, should not be ordered to make and file, within seven days from the hearing of this summons, in the office of the Master in Equity, a full and sufficient affidavit, stating whether the defendants have, or have had, in their custody, possession or power, any, and if any, what surveys, tracings, maps, plans, specifications, drawings, and documents, in anywise relating to the matters in question in this suit, and as to what he knows as to the custody they or any of them are now in; and as to whether the defendants object, and if so on what grounds, to the production of such as are in their possession or power, and specifically setting forth the same; and why the defendants should not, within five days from the filing of the said affidavit, produce and leave with the Chief Clerk of the Master in Equity of this Court, such of the said surveys, tracings, maps, plans, specifications, drawings, and documents, as by such affidavit shall appear to be in their possession or power; and why the relators and plaintiffs, and their solicitors, should not be at liberty to inspect and peruse the documents so produced and left, and to take copies thereof, or such extracts therefrom as the said relators and plaintiffs shall be advised; and that the informant and plaintiffs may be at liberty to make such further application as to all or any of the documents mentioned in the said affidavit as they may be advised; and why the costs of and occasioned by this application, and of the said inspection, and the taking of such copies or extracts, should not be costs in the cause to all parties.

Dated this fourth day of April, 1876.

THOMAS KENDALL BOWDEN,
Solicitor for informant and plaintiffs,
124, Elizabeth-street, Sydney. }

P. C. CURTIS,
Chief Clerk for the
Primary Judge in Equity.

Replication, filed 20 March, 1876.

The informant and plaintiffs in this cause hereby join issue with the defendants.

Dated this twentieth day of March, A.D. 1876.

THOMAS KENDALL BOWDEN,
Solicitor for the informant and plaintiffs.

Notice to take evidence orally, left 27 March, 1876.

Take notice that the informant and plaintiffs desire that the evidence to be adduced in this cause shall be taken orally.

Dated the twenty-seventh day of March, 1876.

THOMAS KENDALL BOWDEN,
Solicitor for the informant and plaintiffs,
124, Elizabeth-street, Sydney.

To the above-named defendants and to Richard Driver, Esq., their solicitor.

Affidavit of T. K. Bowden, filed 4 April, 1876.

ON this fourth day of April, in the year one thousand eight hundred and seventy-six, Thomas Kendall Bowden, of No. 124, Elizabeth-street, in the city of Sydney, solicitor, being duly sworn, maketh oath and saith as follows:—

1. I am the solicitor for the above-named informant and plaintiffs herein.
2. The replication in this suit was filed on the twentieth day of March instant, and the plaintiff has taken out a warrant to examine witnesses for the nineteenth day of April instant.
3. I am informed and verily believe that the defendants in this suit have in their possession, custody, or control, divers documents, accounts, letters, copy letters, reports, and plans relating to the subject matter of this suit, and particularly letters written and sent by the Municipal Council of the Glebe, and other persons, complaining of the nuisance caused by the said swamp, before and since the reclamation of a portion thereof; correspondence between the Government and the defendants in reference to the said nuisance and the reclamation of the head of the said bay or swamp; reports by Health Officers and Inspectors of Nuisances, and other officers of the city, in reference to the nuisance caused by the said swamp; and also books containing minutes of resolutions, and copy resolutions passed by the defendants, authorizing the construction of the main sewer complained of in the information and bill herein; and also resolutions and copies of resolutions authorising the connecting of any additional sewers with the said main sewer; and also plans showing the courses of all sewers directly or indirectly communicating with the said main sewer, or otherwise discharging into the said swamp, or any part thereof, or on the land adjoining the same; and also a certain plan referred to in the affidavit of Francis Henry Bell sworn herein on the hearing of the injunction motion herein.
4. I am of opinion that it is essential and necessary for the case of the said informant and plaintiffs that the said informant and plaintiffs should have discovery of all the documents mentioned and referred

referred to in this affidavit, and the opportunity of inspecting and taking copies of all such documents and writings; and the said informant and plaintiffs will derive material benefit therefrom, by enabling and assisting them in taking evidence in this suit, and for the further and better enabling them to support the several allegations and statements in the information and bill herein, and that the said informant and plaintiffs cannot safely proceed with the taking of such evidence, and to the hearing of this suit, without such discovery and inspection.

5. This application is made *bonâ fide*, and not for the purpose of delay, or for any other improper purpose.

Sworn by the deponent, on the day first above mentioned,
at Sydney aforesaid, before me,—

T. K. BOWDEN.

ALEXIS G. MACKENZIE,
A Commissioner for Affidavits.

Affidavit of Benjamin Palmer, Esq., filed 12 May, 1876.

On the tenth day of May, in the year one thousand eight hundred and seventy-six, Benjamin Palmer, of Upper William Street, in the city of Sydney, Esquire, being duly sworn, maketh oath and saith as follows:—

1. I am the Mayor of the city of Sydney.
2. The plans and documents hereinafter set forth are the only plans, tracings, documents, and writings in my possession or power, relating to the matters in question in this cause, and I do not object to the production of the same, or any of them, namely,—

1. Plan of the city of Sydney.
2. General plan system of sewer at Blackwattle Swamp, as prepared for contract.
3. Plan of sections of above.
4. Plan of details of silt pit of above.
5. Specification for works at Blackwattle Swamp.
6. Tracing of flow of sewage on reclaimed land.
7. 18th January, 1876, press copy letter from the Town Clerk to the Under Secretary.
8.)
9.) Abandoned plans system of sewer, &c.
10.)
11. 7th January, 1874. Press copy letter from Town Clerk to Council Clerk, Glebe.
12. 28th August, 1875. Same, same to same.
13. 13th September, 1875. Same, same to same.
14. 24th November, 1873. Health Officer and Inspector of Nuisances' Report.
15. 24th March, 1873. Letter from the Mayor of the Glebe to the Mayor of Sydney, with Engineer's, Health Officer's, and Inspector of Nuisances' report thereon, and opinion of the City Solicitor annexed.
16. 9th April, 1873. Press copy letter, Town Clerk to the Mayor of the Glebe.
17. 21st February, 1876. Letter from Under Secretary to Town Clerk, with Report of Sewage and Health Board annexed.
18. 15th September, 1875. Letter from Council Clerk of Glebe to Town Clerk, Sydney.
19. 9th October, 1875. Letter from Department of Works to Town Clerk.
20. 19th March, 1874. Report of Health Officer and Inspector of Nuisances.
21. 20th November, 1875. Letter from City Solicitor to Town Clerk, with copy letter annexed, dated 19th November, 1875, Allen, Bowden, & Allen to Driver & Merriman.
22. Copy order for injunction.
23. 12th March, 1874. Report of Sewerage Committee, with Engineer's report thereon.
24. 22nd February, 1872. Engineer's report.

3. According to the best of my knowledge, remembrance, information, and belief, I have not now and never have had in my own possession, custody, or power, either as Mayor as aforesaid or otherwise, any other document whatsoever relating to the matters in question in this suit or any of them, other than and except the documents hereinbefore set forth.

Sworn by the deponent, on the day first above
mentioned, at Sydney, before me,—

BEN. PALMER.

J. G. RAPHAEL, J.P.

Order on appeal, reversing the order of the Primary Judge of 18th February, 1876.

Monday, the twentieth day of March, in the year of our Lord one thousand eight hundred and seventy-six.

THE appeal filed by the above-named informant and plaintiffs against the order made in this cause by His Honor the Primary Judge in Equity, on the eighteenth day of February last, coming on this day to be heard before Sir James Martin, Knight, Chief Justice, and John Fletcher Hargrave, and Peter Faucett, Esquires, Puisne Judges of this Honorable Court. Upon opening and debate of the matter, and hearing the memorandum of appeal and the several affidavits specified in the said order of the eighteenth day of February last, read; and upon hearing what was alleged by Mr. Darley and Mr. Owen of counsel for the appellants, and by Mr. Davis and Mr. Salamons of counsel for the respondents, their Honors do order that the said appeal of the said informant and plaintiffs be and the same is hereby allowed, and the said order of His Honor the Primary Judge, of the eighteenth day of February last, be reversed. And it is further ordered that a commission of sequestration do issue, directed to certain Commissioners to be therein named, to sequester the personal estate, and the rents, issues, and profits of the real estate of the defendants, the Mayor, Aldermen, and Citizens of the city of Sydney, for disobedience of the writ of injunction issued under the order made in this cause on the eighth day of October last, but such commission is not to be enforced for and until the expiration of eight calendar months from the date of this order, and in the meantime the said commission is to lie in the office of the Master-in-Equity of this Court, whereupon and on the expiration of the said eight months the informant and plaintiffs shall be at liberty to enforce the same according to law. And it is further ordered that the costs of and occasioned by the said appeal, and the costs of and occasioned by the application for the said commission of sequestration, and the costs of said order of the eighteenth of February last, be costs in this cause.

Their

Their Honors do further order that the sum of thirty pounds, being the amount of security lodged on the said appeal be paid by the Master in Equity to Messieurs Allen, Bowden, and Allen, the solicitors for the said informant and plaintiffs.

ARTHUR T. HOLROYD, (l.s.)
Master in Equity.

Passed 16 June, 1876.—A.T.H.
Entered same day.—P.R.

JAMES MARTIN, C.J.
JOHN F. HARGRAVE.
PETER FAUCETT.

Præcipe ad test., filed 15th June, 1876.

Sealed subpoena *ad test* for the above-named informant and plaintiffs for Arthur Hill Coates Macafee, the Reverend John Dwyer, William Clarke, and Dr. Moffitt, returnable Monday 19th June, A.D. 1876.

THOMAS KENDALL BOWDEN,
Solicitor for informant and plaintiffs.

Dated this fifteenth June, 1876.

Præcipe for subpoena ad test. for plaintiffs, filed 16th June, 1876.

Præcipe for sealed subpoena *ad test* for four witnesses on behalf of the above-named defendants, returnable Monday 19th June, 1876.

THOMAS KENDALL BOWDEN,
Solicitor for plaintiffs.

Dated, &c., 16th June, 1876.

Evidence of Dr. Moffitt and Dr. Carroll taken, and portion of answer of defendant read for plaintiffs, 19th June, 1876.

EVIDENCE taken before the Master in Equity, Arthur Todd Holroyd, Esquire, Sydney, Monday, the nineteenth day of June, A.D. 1876 (prior to the hearing of the cause), on behalf of the above-named informant and plaintiffs.

Andrew Moffitt, being duly sworn, was examined by Mr. Owen, and stated:—

I am a duly qualified medical practitioner; I know the locality known as Blackwattle Swamp; my practice lies all round; there is a large population settled in that neighbourhood; I think I have seen the mouth of the main sewer situated at Blackwattle Swamp; I don't think the waters of the harbour go up so far as the mouth of the sewer; from the mouth of the sewer to the causeway and bridge it is an open drain; I think the health of the people in that neighbourhood is much lowered by the sewage coming down the open drain; the poisonous atmosphere created by the sewage lowers the general health of the people; it produces typhoid, which is very prevalent there: it is of a very bad character, worse than any other part of Sydney; the smell of the sewage has the effect of lowering the system so as to make people in the neighbourhood more liable to disease and less amenable to treatment; scarlatina is very prevalent around there; I think the germ of these diseases is carried down by the open sewers; when the tide is out it is quite intolerable to pass by there—there is a frightful smell from it; when the tide is out I should think that there are some acres left uncovered, which is full of the solid sewage; this is worse on the Glebe side; since I have known the bay it has been considerably silted up by the sewage; that is quite independent of the reclamation of the land by the Government; from the uncovered land when the tide is out there is an intolerable stench and noxious gases rising; even at the top of high-water there is a noxious smell arising from the mixture of the sewage with the water.

Q. Is the sewage brought down by the main sewer, of which you have spoken, in your opinion a nuisance to the public? [*Objected to by Mr. Davis; I admitted the evidence.—A. T. H.*]

A. I consider it a dangerous nuisance to the public; I think the prevailing winds would carry the germs of disease and the injurious effects arising from that sewage half a mile from the spot; I have smelt the stench close to Camperdown, about half a mile distant.

Cross-examined by Mr. Davis:—

Scarlatina prevails in that district, about the Glebe and Glebe Point; it is a fact that scarlatina is prevailing all through Sydney, and as far as I know through the Colony, but I think it is more malignant about the Glebe than elsewhere, which I attribute to the low state of health generally.

Q. What is the germ of scarlatina or any other disease which I understand you to say the winds carry from this swamp?

A. The germ or spore of a fungoid character as far as we know is cast off from the afflicted person or is in the excretions and is carried by the air or sewage; it is impossible to demonstrate these things.

Q. Do you say that spore germ of disease and fungoid germ of disease are the same or of the same character?

A. I look on the words "spore" and "germ" as synonymous; I say that this district is exceptionally unhealthy from the causes already stated.

Q. Do you not know that the vital statistics upon which the last health report of the city of Sydney and the suburbs was founded show that this district is the second in health of all the districts of Sydney and the suburbs?

A. I can't give you a definite answer on this matter, because I have not read the statistics.

Re-examined by Mr. Owen:—

[*Objected to by Mr. Davis; I admitted the evidence.—A. T. H.*] The state of things I have spoken of was worse last September than it is now; the rains have flushed the sewers and drains, and the stench is not quite so bad as it was; I have known the locality eighteen years, and the nuisance during last summer was worse than it ever was; it has been getting worse and worse for some years.

ANDREW MOFFITT,
Physician and Surgeon, &c.

Walter

Walter John Carroll, being duly sworn, was examined by Mr. Owen, and stated:—

I am a surgeon and a duly qualified medical practitioner; I know Blackwattle Swamp; my practice lies a great deal in that locality; the locality of the Glebe bordering on the Swamp is decidedly more unhealthy than other portions of the Glebe, and more unhealthy than most portions of the city, excepting reclaimed land at the head of Darling Harbour, which, if possible, exceeds Blackwattle Swamp in filth and abominable odours; Blackwattle Swamp is unhealthy in consequence of the slow flow of sewage through it, and also in consequence of the material whereby its reclamation was effected; the open condition of the mouths of the sewers facilitate decomposition and the rising of miasm, which pollutes the atmosphere; the sewage commenced from where the reclamation commenced, to the waters of Port Jackson, in open drains; I want to add further, that there is a portion of land between the commencement of the reclaimed land and the Sugar Works, through which several filthy and open drains permeate; these supply portion of the contents of the open cuttings to which I have adverted; I can't exactly fix the locality of the open mouth of the main sewer in Blackwattle Swamp; the sewage from the sewers and drains of which I have spoken pours down beyond the reclaimed land into the bay of Blackwattle Swamp; I noticed a tunnel under the road which forms the sea margin of the reclaimed land; through this tunnel the tidal waters flow, and carry with them, on the ebb of the tide, a portion of the filth supplied by those open drains; this cleansing process is imperfect; outside the road and the reclaimed land there is a deposit of black filthy-looking mud, which leaves an abominable stench at low-water, and along the sides of the bay a deposit of slimy ooze or mud; it is caused by the contamination of the salt water by the sewage; I can't say that there are particular types of disease in the unhealthy parts of the Glebe; I have spoken of typhoid fever as prevalent as it is in some other parts of the city; the cases I have had of it in this locality have been very protracted, and were always accompanied with a great prostration of vital force; other diseases not necessarily typhoid became in their course very difficult to manage, in consequence of loss of vital force and want of recuperative action during convalescence; I attribute this to the continual inhalation of an atmosphere charged with a miasm arising from decomposed animal excreta and vegetable refuse; I have felt the effect of the tainted atmosphere up the Pymont Bridge Road about half a mile from Blackwattle Swamp; in travelling on the Newtown Road I have felt it as high as Myrtle-street, Darlington, a quarter of a mile from the swamp; in hot close weather in summer the influence of the tainted atmosphere might be felt a mile from the swamp; as a focus from which other diseases, such as typhus or cholera, might be propagated, the Blackwattle Swamp fulfils the necessary conditions.

Q. Is the sewage brought down by the main sewer at Blackwattle Swamp in your opinion a nuisance to the public? [*Objected to by Mr. Davis; I admitted the evidence.—A.T.H.*]

A. Decidedly. The state of things I have spoken of now existed last September—I think worse then than now. I have known this locality eleven years.

Q. How long have you known this nuisance existing? [*Objected to by Mr. Davis; I admitted the evidence.—A.T.H.*]

A. I have known an abominable stench to exist ever since I first knew the place; the stench has become intensified since the reclamation commenced; I was for two years medical attendant to Lyndhurst College before the reclamation commenced, and frequently observed then that a very bad odour ascended from the swamp; I had one case of typhoid fever in that College, which took on the character of typhus fever, and ended fatally; this was six or seven years ago.

WALTER J. CARROLL.

[Portion of defendant's answer read for informant and plaintiffs, paragraph 1, the whole of the paragraph.]

Præcipe for subpoena ad test. on behalf of the plaintiffs, filed 21st June, 1876.

Præcipe for sealed subpoena ad test for five witnesses, on behalf of the above-named plaintiffs, returnable Friday, the twenty-third June, one thousand eight hundred and seventy-six. Dated this twenty-first day of June, one thousand eight hundred and seventy-six.

THOMAS KENDALL BOWDEN,
Solicitor for the plaintiffs.

Præcipe for subpoena ad test. on behalf of the plaintiffs, filed 21st June, 1876.

Præcipe for sealed subpoena ad test for one witness, on behalf of the above-named plaintiffs, returnable Thursday, June twenty-second, one thousand eight hundred and seventy-six.

THOMAS KENDALL BOWDEN,
Solicitor for the plaintiffs.

Dated this twenty-first day of June, one thousand eight hundred and seventy-six.

Evidence of W. Hocter and H. H. Reuss, taken 3rd August, 1876.

EVIDENCE taken before the Master in Equity, Arthur Todd Holroyd, Esquire, Sydney, Thursday, the third day of August, A.D. one thousand eight hundred and seventy-six (prior to the hearing of the cause), on behalf of the above-named informant and plaintiffs.

William De Burgh Hocter, being duly sworn, was examined by Mr. Owen, and stated:— I am the Council Clerk and Surveyor of the Glebe Municipality, I know the main sewer referred to in this suit which runs from Abercrombie-street into Blackwattle Swamp. I knew that sewer in 1869, before the land was reclaimed at the head of the swamp. In 1869 the mouth of the sewer did not extend to the tidal waters of Port Jackson; the sewage brought down by that sewer was not carried away by the tide, not being extended sufficiently far for the tide to carry away the sewage; at that time the levels were, in my opinion, too low, and worked, as I believe, as an under-current under the tide; owing to this, the sewage as it came out of the sewer remained stagnant; I observed that for the last seven years; the effect of the sewage coming out in that way created an intolerable stench; there were frequently large deposits of solid fecal matter, which were partly removed from time to time by heavy floods; they were only carried a little further on and deposited elsewhere on the area of the swamp; on the side of the swamp under Lyndhurst College, and under the properties of plaintiff Macafee and others, the waters were polluted, emitting a dangerous stench injurious to health; I have noticed solid matter deposited on the margin of the swamp under the properties I have just mentioned; no sewers from the Glebe Municipality open into this swamp or bay, but there are two open drains (which we call watercourses), one from the University ponds, and the other from the Bishopthorpe Estate, which carry off surface water; to my knowledge we don't allow any sewage or offensive matter to go by these drains into the swamp; both these

these drains are covered by culverts where they pass under streets or lanes in the Glebe Municipality; the nuisance from the Abercrombie and Wattle Streets' sewer has existed ever since this sewer was formed; the nuisance that I have spoken of has increased and become worse and worse since the sewer was constructed; the reclamation of the swamp has concentrated the nuisance into one open canal or channel, instead of being diffused over the swamp by the tide as it was before; there have been repeated public meetings held at the Council Chamber of the Glebe in reference to this nuisance.

Cross-examined by Mr Davis: I don't know Blackwattle Creek, there is no such creek to my knowledge in the Glebe Municipality; I know of no creek in the Glebe that I can call a creek emptying itself into Blackwattle Swamp; I know two watercourses or open drains discharging water to the Blackwattle Swamp; neither of those go near the Sugar Works in Parramatta-street; the University pond drain empties itself into Blackwattle Swamp through the city side of Bay-street, after passing under Bay-street; I have never known any offensive matter in that drain; I have not seen any offensive matter go down the Bishopthorpe drain; the water sewage of the Glebe goes into Blackwattle Swamp by the two watercourses of which I have spoken. There is another open watercourse through Forest Lodge, emptying into Orphan School Creek at Johnson's Bay; no offensive sewage goes down that watercourse—it is always kept clean; I know of no sewer in the Glebe for carrying faecal or nuisance matter—this is carried away to Botany by night carts; one half of Bay-street is in the Glebe Municipality and the other half in the city of Sydney; I have been in Bay-street, and am there weekly; from the Glebe side of Bay-street the land as far as the Sugar Works drainage slopes towards the Sugar Works sewer; no offensive matter drains from the Glebe side of Bay-street down towards the Sugar Works sewer to my knowledge; the sloping land is all in the city.

W. DE BÜRGH HOCTER,
Council Clerk and Surveyor.

Ferdinand Hamilton Reuss, being duly sworn, was examined by Mr. Owen, and stated:—I am an architect and surveyor; I reside at the Glebe, in Pyrmont Bridge Road, near Blackwattle Swamp; I know the main sewer referred to in this suit, and have known it ever since it was built, six or seven years ago; the tide never came to the mouth of the sewer, not even when it was first built; there was always a small piece of flat swampy land between the mouth of the sewer and ordinary high-water; the accumulation of sewage spread out and made a mud flat, not very deep—I have crossed on stones laid across it; these stones were gradually covered over with the sewage matter; there was always a great effluvium from this mud flat, especially when the tide was low; it affected the waters of the bay by making them muddy; I don't think the smell was from the waters themselves; when the land was reclaimed by the Government no provision was made to carry off the sewage, but it spread over the reclaimed land and made its way to the waters of the harbour; there have been deposits of solid faecal matter all round the sides of the bay; wherever there was a small inlet, or any obstruction, there the deposit was made; at low tide the stench from this was as bad as the other part of the swamp; I had an attack of typhoid fever myself in consequence of attending to this matter preparing plans for the plaintiffs.

F. H. REUSS.

Evidence of A. H. C. Macafee, taken 4th September, 1876.

EVIDENCE taken before the Master in Equity, Arthur Todd Holroyd, Esquire, Sydney, Monday, the fourth day of September, A.D. one thousand eight hundred and seventy-six (prior to the hearing of the cause), on behalf of the above-named informant and plaintiffs.

Arthur Hill Coates Macafee, being duly sworn, was examined by Mr. Owen, and stated:—I am one of the relators and plaintiffs in this suit, and I reside in the neighbourhood of the sewer mentioned in this case; my residence is at Glebe Point; I have known this sewer since 1869—that was before the land was reclaimed at Blackwattle Swamp; the sewer was finished in the early part of 1869, by the Corporation of Sydney; it opened into a sort of creek which apparently had been cut to take the sewage towards the high water of Blackwattle Bay; I should say the mouth of the sewer was at least 100 feet from the high-water-mark, and as the sewage flowed out it daily made the mouth of the sewer further from high-water-mark, owing to the solid deposit from the sewer; the channel from the mouth of the sewer was open and very shallow; the solid matter from the sewer was also washed round the sides of the bay; the effect of that was very bad smells continually, and injurious to the health; at that time we perceived it in my house, especially when a southerly or south-easterly wind prevailed; the land in the bay began to be reclaimed, I think, about 1873; at first there was no mode of the sewage getting away except by an open drain, which ran past the western side of the bay; it was running that way up to the filing of the information and bill; just before the filing of the information and bill there was a thick black deposit at the mouth of the sewer and round the bay, emitting a most obnoxious smell; in consequence of this myself and family were obliged to go away every summer, sometimes for five months at a time; I suffered personally from it; I had typhoid fever on two or three occasions, and suffered on one occasion for four or five months; I went about because my doctor would not let me lay up; and whenever I went away I got better, and when I returned I had a relapse; at times the smell has been so bad on our verandah facing the bay, when the wind happened to blow towards us, that many people have been sickened by the stench, and we have been sometimes forty-eight hours without having the windows towards the bay opened, and have had to use disinfectants throughout the house; the nuisance I have mentioned has been much increased since I first knew the place; the deposit has filled up the bay very much, and is fast filling up the outer bay since the reclamation; the sewer also brings down street-washings, which tend to fill up the bay; there is a large population round Blackwattle Bay, and their dwellings are exposed to this stench and noxious gases. I know of my own knowledge there has been much sickness among the population, especially of the Glebe and Darlington, from this cause I believe; the nuisance is felt also in Sydney when there is a westerly wind, and causes us to close our windows on the west side of the warehouse in York-street; as a matter of fact I know that several houses that were empty at Glebe Point might have been let but for the nuisance; and when let they have been let at a reduced rental; I have a water frontage below my house, and the foreshore is quite covered with this deposit; it was a nice sandy beach when I first went there.

A. H. C. MACAFEE.

Evidence

Evidence of M. J. Dwyer and P. Bickley, taken 12 September, 1876.

EVIDENCE taken before the Master in Equity, Arthur Todd Holroyd, Esquire, Sydney, Tuesday, the twelfth day of September, A.D. 1876 (prior to the hearing of the cause), on behalf of the above-named informant and plaintiffs.

Michael Joseph Dwyer, being duly sworn, was examined by Mr. Owen, and stated:—I am one of the relators and plaintiffs in this suit, and called in the bill the Reverend John Dwyer; I am the President of Lyndhurst College; it is situated near the head and on the west side of Blackwattle Bay; it is a school for the education of boys; there were 42 boarders at the time the bill was filed in September, 1875, and about 25 day boys; there are about the same number of boarders now; some of the boys suffered in health, which the doctors attributed to the neighbourhood of the swamp; we have had five or six down at one time; some of the parents removed their children from the College expressly on the account of the nuisance. I know the sewer that empties itself into the swamp; I have known it ever since it was placed there; it appears to me that the entire drainage from a large area densely populated is poured down that sewer; the mouth of the sewer before the reclamation was some distance from high-water-mark, if I might except the neap tides; since the reclamation the sewage from the mouth of the sewer is carried on to the Lyndhurst ground, and so out into the bay by open drains; the water frontage of the Lyndhurst property is about 170 feet, and the sewage is washed up along a portion of that frontage about one-half; the smell from the sewage twelve months ago was almost unendurable; up to twelve months ago the nuisance appeared to be increasing; the stench from the sewage is still very bad, but at some times worse than others; last Friday the stench was very bad; the effect of this nuisance has been most injurious to the College, especially in respect to numbers of pupils; we could accommodate 65 boarders, and a much larger number of day boys than we do at present; I am sure that we could get many more boarders but for this nuisance.

M. J. DWYER.

Peter Bickley, being duly sworn, was examined by Mr. Owen, and stated:—I am the Overseer of Works to the Glebe Municipality; I know the sewer from the city of Sydney which brings down the sewage into Blackwattle Swamp; the solid part of the sewage used to settle along the surface of the swamp; that went on increasing from time to time; after the reclamation the sewage was carried away in an open trench, and the solid matter used to lie there about 18 inches deep; the sewage that escaped from the drain was deposited on the western side of the bay; the stench from it was very bad; it had a very bad effect upon me for some time; you could not sleep in bed on the Glebe Road, and you could smell the stench as far as Camperdown; there has been a great deal of fever and deaths in the neighbourhood the last twelve or eighteen months.

PETER BICKLEY.

Evidence of G. A. Mansfield, taken 2 October, 1876.

EVIDENCE taken before the Master in Equity, Arthur Todd Holroyd, Esquire, Sydney, Monday, the second day of October, A.D. 1876 (prior to the hearing of the cause), on behalf of the above-named plaintiffs and informant.

George Allen Mansfield, being duly sworn, was examined by Mr. Owen, and stated:—I am an architect, and I reside at Glebe Point, in the neighbourhood of Blackwattle Swamp; I have known that neighbourhood for twenty years; I know the Corporation sewer which runs into Blackwattle Swamp, and I have known it ever since it was built; it carries down the sewage from parts of Sydney that are very densely populated; at first the sewage when discharged ran into the waters of Blackwattle Bay; at that time it flowed into the waters by means of an open drain; since the reclamation by the Government it has been carried off by means of an open channel; it has been discharged by that channel on the western shores of the bay, the channel being expanded in places, so as to form shallow and stagnant pools filled with sewage fluid, and some of the solid matters are deposited there also; the sewage flows through this rugged and uneven channel, and is discharged under the causeway by means of earthenware pipes; at high tide the sea water flows inward through these pipes, and forces the sewage waters against the shores on each side; the sewage matter coming out of these pipes, after being discharged, lodges on the foreshores of the bay all round the vicinity; the stench from it is simply abominable; within the last eighteen months or two years there has been a great deal of sickness in the neighbourhood of the character of fevers and diphtheria of the throat—both low fever and scarlet fever; I think that a considerable part of the solid matter may be retained in silt pits, and prevented entering the waters, and that the effluent matter may to a great degree be purified and deodorized before it passes away, by means of charcoal gratings; the effect of carrying the sewer into deep water without the intervention of silt-pits would be useless—it would merely transfer the nuisance from its original site to a new position lower down the bay, and after a time further reclamation would be required, and the whole process would have to be repeated.

Cross-examined by Mr. Davis: I don't say that I condemn the system of carrying the sewage into the waters of Port Jackson—that is a very large question; I do condemn it without any attempt to purify or deodorize it; it has been the system for many years of carrying the sewage into the waters of Port Jackson without deodorizing or purifying; I do condemn the system which has been in use for years for the drainage of the whole of the city of Sydney; I don't specially condemn that system as adopted for the purpose of carrying the sewage into the tidal waters of Blackwattle Bay, except that that locality is of such a nature that the system operates there to the greatest possible disadvantage; so long as the sewers empty themselves into Port Jackson I am of opinion that there ought to be silt-pits and deodorization at every sewer; I want to guard against the approval of any system of emptying sewage waters into the harbours of Port Jackson; a reclamation was carried out in Blackwattle Bay by the Government some time ago; that reclamation interfered to some extent with the flow of the sewage water into Blackwattle Bay—that is to say, it diverted its course, and removed the nuisance in part from one portion of the bay to another; the Government filled in the centre portion of the causeway, and put down the pipes of which I have spoken; the reclamation, as now recently completed, keeps back the tidal waters to some distance from the original mouth of the sewer; I was present with a deputation which waited on the Minister for Works with reference to this reclamation; plaintiff Macafee was there; I could not undertake to remember what he did say; the object and statement of that deputation was to complain of the action of the Government in making the reclamation without making proper provision for carrying over the sewage

sewage which came down from this sewer; the fact that no such provision was made aggravated the nuisance which previously existed. This deputation was some time last year.

Q. Do you not know that the Government have been carrying on works for the purpose of extending the sewer into the tidal waters of Blackwattle Bay? [*Objected to by Mr. Owen; I admitted the evidence.—A.T.H.*]

A. Yes, I am aware of it.

By Mr. Owen: Q. Is that since the bill was filed?

A. Yes, it is.

They, the Government, have formed a sewer extending from the old sewer mouth to the waters on the north side of the causeway. They have also formed silt-pits in the upper part of the sewer with preparation for charcoal gratings. That would carry out all that is practicable in that locality, so long as the sewage is discharged into the waters of the harbour, it being understood that the silt-pits and charcoal gratings are properly attended to after their construction. This is the very plan that I recommended for adoption as an experiment. I believed then and I do now, that it would mitigate the nuisance to some extent—I believe that it would deodorize and purify the sewage to a limited extent; I can hardly say that I believe that to be the best available means for deodorizing and purifying the sewage, because I am aware that several processes have recently been adopted in England for that purpose, with the details of which I am not familiar; I believe this is the best available system for deodorizing and purifying sewage that I am acquainted with.

Re-examined by Mr. Owen: I am not very clear upon the point whether there was always an interval between the mouth of the sewer and Blackwattle Bay or the waters of Port Jackson; there was a very considerable nuisance before the reclamation; the reclamation was urged upon the Government by the inhabitants with the view of abating the nuisance occasioned by the deposit of sewage matter upon the low foreshores of the bay; the deposit on the foreshores extended all round the bay; that reclamation did not abate the nuisance; it abated the nuisance in particular spots, but carried the sewage elsewhere along the bay; Blackwattle Bay is shallow.

G. ALLEN MANSFIELD.

Evidence of G. Munro, H. G. A. Wright, M. D. Mitchell, and S. Johnson. Taken, 5 October, 1876.

EVIDENCE taken before the Master-in-Equity, Arthur Todd Holroyd, Esquire, Sydney, Thursday, the fifth day of October, A.D. 1876 (prior to the hearing of the cause), on behalf of the above-named informant and plaintiffs.

George Munro, being duly sworn, was examined by Mr. Owen, and stated:—I am a warehouseman; I reside at Glebe Point, and have done so for the last two years; I know the sewer in the Blackwattle Swamp; all the sewage and filth from the sewer is drifted back by the tide to the western shore of Blackwattle Bay; the sewage is right in front of my house; at low-water the smell is so offensive that we can neither open doors or windows; my family have suffered from the effect of the gases; we had fever in the house in January last; I am now obliged to take a house at Manly Beach for my family, to get rid of the smell, the doctor having advised me that it would be injurious to their health to remain at the Glebe; these smells can be noticed a quarter of a mile from the shore; the deposit of the sewage along the foreshore appears to be a considerable depth.

GEO. MUNRO.

Horatio George Anthony Wright, being duly sworn, was examined by Mr. M'Laughlin, and stated:—I am a duly qualified medical practitioner, and reside in Sydney; I know Blackwattle Swamp—I cross it to the Glebe nearly every day; there is a large population on the Glebe side; I knew the mouth of the main sewer constructed by the Corporation of Sydney, which empties itself into the swamp; the mouth of the sewer is connected with the waters of the harbour by an open ditch; I have been attending, among other patients, Mr. George Munro's family; this was last January; the little girl had a mild attack of fever and gastric disturbance, and the boy had scarlatina; these fevers were attributable to atmospheric causes, but they prevailed in all parts of the city at that time; the gases from the swamp had nothing to do with the scarlatina, but it most probably caused the elder child's sickness; the smell from the swamp was most offensive at Mr. Munro's house; and on some occasions, to my knowledge, they had to shut the house up to keep out the foul air; the stench was of a very sickening nature; I have observed the stench along the Glebe Point Road and in Derwent-street, which is off St. John's Road; Derwent-street is about a quarter of a mile from the swamp; I should imagine that the stench would be likely to cause fever and gastric derangement; and in cases of persons suffering from illness, the foul air would retard convalescence and would probably render what would otherwise only be a slight illness a very severe one; the sewage brought down by the Corporation sewer is, in my opinion, a disgusting nuisance.

H. G. A. WRIGHT.

Michael David Mitchell, being duly sworn, was examined by Mr. M'Laughlin, and stated:—I am a merchant; I reside at Pyrmont Bridge Road at present, but have resided for seven years previous to August last at the Glebe Point Road directly opposite the Blackwattle Swamp; I have known the Corporation sewer in the Blackwattle Swamp since its construction and found it more offensive the last three years than previously; it was only since they reclaimed the swamp that the smell became more offensive; previously the smell would be occasionally at low-water, but now it is almost always—low or high; I walk across the swamp very often; before the reclamation the solid portions of the sewage were deposited on the western shore uncovered by the tidal waters; the area of the swamp before the reclamation was large—the sewage was spread all over it; sometimes walking across of late the smell was so disgusting that it made me vomit, and I had to keep my nose closed and my breath in; the smell was greater the last two years than previously; the locality round Blackwattle Swamp is not healthy so far as I believe.

Cross-examined by Mr. Davis: I think the reclamation made things ever so much worse than they were before.

Re-examined by Mr. M'Laughlin: The nuisance was increasing before the reclamation; the nuisance gradually increased every year since; I went to live there before the reclamation.

D. MITCHELL.

Samuel Johnston, being duly sworn, was examined by Mr. McLaughlin, and stated:—I reside on the Globe Point Road; I am in Mr. Macafee's employment as gardener; I know the sewer which empties itself into Blackwattle Swamp, and have known it since its first construction by the defendants in this suit—in I believe 1869; I believe it carries the sewage from Chippendale, Parramatta-street, and that neighbourhood, which is very thickly populated.

By Mr. Owen: The sewer terminated some distance from high-water-mark; before the reclamation the tide used to come up and take the sewage and spread it round on the ground about the mouth of the sewer and adjoining land; there was a very offensive smell from it at that time, which could be perceived half a mile or three-quarters from it if the wind was in that direction; the smell has been much worse since the reclamation; since then the mouth of the sewer had been connected with tidal waters by an open drain nearly twenty feet wide in a zig-zag direction; the sewage matter collects in that open drain to some feet in depth; the sewage where it gets out of the open drain is deposited all along the foreshore on the western side of the bay; there has been considerable sickness in the Glebe for some time past; I suffered myself several times from low fever.

S. JOHNSTON.

Præcipe for subpoena, filed 12th October, 1876.

Sealed subpoena *ad test.* for Michael J. Golden, Glebe Point, returnable on Monday, the sixteenth day of October, 1876.

Dated this 12th day of October, A.D. 1876.

THOMAS KENDALL BOWDEN,
Solicitor for the plaintiffs,
124, Elizabeth-street, Sydney.

Evidence of A. Thornley and M. J. Golden, taken 16th October, 1876.

EVIDENCE taken before the Master in Equity, Arthur Todd Holroyd, Esq., Sydney, Monday, the sixteenth day of October, A.D. 1876 (prior to the hearing of the cause), on behalf of the above-named informant and plaintiffs.

Ambrose Thornley being duly sworn, was examined by Mr. Owen, and stated:—I was a master builder for twenty or twenty-five years; I live in Kennedy-street, Glebe Point; I know the Corporation sewer that was made in 1868 or 1869—I have known it since it was first made; the mouth of the sewer did not at first connect with the waters of Blackwattle Bay; there was an open cutting from it; the sewage spread itself out on the flat for a considerable distance, and was an intolerable nuisance; the smell from it was very offensive, and could be perceived at some distance—half a mile away; I perceived it where I live; it was very bad there when the wind was in that direction, and I live about half a mile away from it; that was before the reclamation of the swamp; the nuisance was increasing up to the time of the reclamation; the sewage matter, as far as I could judge, I have seen 18 inches deep in the drain; after the reclamation the sewage spread across towards Lyndhurst; it followed in a zig-zag direction, and formed a stagnant pool; now, when the sewage reaches the waters, it is cast up and deposited on the sides of the bay; there was sickness on the Glebe and at Lyndhurst; the sewage drains a very populous neighbourhood; before the reclamation we had several meetings, and a deputation waited on the Government in consequence of the nuisance.

Cross-examined by Mr. Davis: I am an Alderman of the Glebe Municipality, and have been for seventeen years. A. THORNLEY.

Michael Joseph Golden being duly sworn, was examined by Mr. Owen, and stated:—I reside at Glebe Point, and I and my brothers and sisters own considerable property at Glebe Point; last summer the smell from the sewer was something frightful; in consequence of this I could not let three of the houses; I let one two months ago to Professor Pell at a reduced rent; during last summer I could not go near the sewer for the smell, and there was a nasty black liquid flowed from there; the properties I have mentioned are worth now £9,000 or £10,000. M. J. GOLDEN.

Evidence of G. W. Allen and J. McLaughlin, taken 30th October, 1876.

EVIDENCE taken before the Master in Equity, Arthur Todd Holroyd, Esquire, Sydney, Monday, the thirtieth day of October, A.D. one thousand eight hundred and seventy-six (prior to the hearing of the cause), on behalf of the above-named informant and relators and plaintiffs.

George Wigram Allen, being duly sworn, was examined by Mr. Owen, and stated:—I am one of the relators and plaintiffs in this suit; I have resided for many years at Glebe Point; I know the City Corporation sewer running from Abercrombie-street to Blackwattle Swamp, and I have known it from the time of its formation; before the formation of that sewer a large quantity of drainage came into the swamp from Parramatta-street and the neighbourhood through an open cutting; the open cutting still remains, and the sewer brings down a large portion of additional drainage; when the sewer was first constructed the mouth of the sewer did not reach the waters of the bay at low-tide, and for several years it has not reached the waters at high-tide, that is, the ordinary high-tide; the space in front of the mouth of the sewer was silted up partly by sewage and partly by the washings of the adjoining lands; there has been an offensive smell in the swamp from the drainings from Parramatta-street so far back as 1864, and even previously, sufficient to create a nuisance in the neighbourhood at that time; that nuisance has very much increased by the formation of the Corporation sewer; that nuisance existed in a very severe form before any reclamation was made by the Government; the mouth of the City Corporation sewer is very much further from the waters of the bay since the reclamation, the swamp on the southern side of the causeway having been now filled in; since the reclamation the sewage found its way to the waters of the bay by surface drainage uncovered; the nuisance was increased to the relators and all the residents on the western side of the bay by the sewage being brought in an open drain to the neighbourhood of their properties; a large portion of the sewage spreads over the beach, and is washed up by the tide, and creates a great nuisance; during the westerly winds particularly the water on the northern side of the embankment is much blackened by the stirring up of the sewage matter, and gives out a most offensive smell; there was a great deal of sickness in the neighbourhood last year, and in previous years in another portion of the Glebe Municipality, and that is the part that felt the nuisance most before the reclamation; since the reclamation the nuisance has been brought more to the western side of the bay, and to the north of the

the embankment; before the reclamation several public meetings were held to protest against the nuisance; I was then and am still Mayor of the Glebe Municipality, since 1858; I remember writing to the Mayor of Sydney on the subject of the nuisance some years back; and the Council Clerk of the Glebe has also written by my direction; the letter produced is one of my letters to the Mayor of Sydney on this subject; (*letter put in, and marked Exhibit A.1*); nothing, so far as I am aware, was done by the Sydney Corporation up to the time of filing the present information and bill, and the nuisance exists to the present time.

Cross-examined by Mr. Davis: The open cutting of which I have spoken leads from the Sugar Works in Parramatta-street to the head of the swamp; it is not in the same place as the sewer was erected; that cutting was in the line of the Blackwattle Creek, which ran from land above the Sugar Works, through the land belonging to the Sugar Company, and through occupied land within the city to the head of the swamp; Blackwattle Creek was the natural course for the surface waters collected above and below Parramatta-street: the open cutting was made along this watercourse; I think it still exists; this is distinct from the covered sewer referred to in the information; any complaint made before 1869—that is, I mean before the construction of the sewer—had reference to sewage and drainage along this open cutting.

Re-examined by Mr. Owen: The open drain I have spoken of is within the boundaries of the city of Sydney.
G. WIGRAM ALLEN.

John M'Laughlin, being duly sworn, was examined by Mr. Owen, and stated:—I am a clerk in Allen, Bowden, and Allen's office, solicitors for the informant and plaintiffs, and I have the conduct of this suit; no communication has been received from the City Solicitor since the date of Exhibit A. 4 until the sequestration was made, and as far as I know none has been received up to the present time.

JNO. M'LAUGHLIN.

Informant and relator and plaintiffs' documentary evidence.

Exhibit A. 1.—Letter from G. W. Allen, Mayor of the Glebe, to the Mayor of Sydney, dated March 24, 1873.

Exhibit A. 2.—Letter, John Rae to the Town Clerk, Sydney, dated 9 October, 1875.

Exhibit A. 3.—Letter from Allen, Bowden, and Allen, to Driver and Merriman, dated November 19, 1875, and letter from Driver to the Town Clerk, dated November 20, 1875.

Exhibit A. 4.—Letter from Driver to Allen, Bowden, and Allen, dated November 20, 1875.

The Town Clerk to The Principal Under Secretary.

Sir,

Town Clerk's Office, Sydney, 18 January, 1876.

Referring to various correspondence on the subject of the abatement or removal of the nuisance caused by the flow of sewage over the swamp at Blackwattle Swamp, for which an injunction has been issued, and referring more particularly to a letter from the Honorable the Secretary for Public Works, of date the 9th October last, requesting that the Mayor of Sydney will cause the necessary sewers to be constructed at once for the effectual drainage of that portion of the city in the vicinity of the reclaimed lands at Blackwattle Swamp, also requesting immediate attention thereto,—I have the honor, by direction of the Right Worshipful the Mayor, to state, for the information of the Honorable the Premier, that plans and estimates of the works necessary for carrying out the requirements contained in the letter above referred to have been prepared by the City Engineer, namely—(£32,761) thirty-two thousand seven hundred and sixty-one pounds.

I am desired to mention that His Worship the Mayor has received intimation that a portion of the work, namely, the construction of a sewer and large silt-pit, has been carried out, or is about to be carried out, under the directions of the Engineer-in-Chief for Harbours and Rivers, from the termination of the present 6-feet oviform deep water. In the event of this work being so carried out, the sewers to be undertaken by the Corporation, on behalf of the Government, will be as follows:—

A 3 feet 6 inch oviform brick sewer for Blackwattle Swamp and Bay-street, £6,232.

2. A 4 feet 6 inch oviform brick sewer over Blackwattle Swamp, being the extension of Abercrombie-street and the branch which passes through the Sugar Company's paddocks as far as the city boundary, £5,988, being together £12,200. His Worship will therefore be glad to have this amount of £12,220 placed at the disposal of the Municipal Council, in order that the works may be immediately commenced and executed simultaneously with the portion referred to as proposed to be done by the Harbours and Rivers Department.

I am further desired to request that you will submit to the Honorable the Colonial Secretary the urgent necessity there is that instruction be given for all proceedings in connection with the injunction recently issued to be at once stayed.

I have, &c.,

THOS. A. BUTTERFIELD,
Town Clerk *pro tem.*

The Town Clerk, Sydney, to The Council Clerk, Glebe.

Sir,

Town Clerk's Office, Sydney, 7 January, 1874.

I have the honor, by direction of the Right Worshipful the Mayor, to forward to the perusal and attention of the Glebe Municipal Council, a report from the City Health Officer and the Inspector of Nuisances upon the condition of the culvert passing under the Parramatta Road from the University Pond, and the nuisance arising from the drainage from several streets in your municipality into Blackwattle Bay.

I have, &c.,

CHARLES H. WOOLCOTT,
Town Clerk.

The Town Clerk, Sydney, to The Council Clerk, Glebe.

Sir,

Town Clerk's Office, Sydney, 28 August, 1875.

Referring to my letter of the 7th January, 1874, forwarding a copy of a report from the City Health Officer, and the Inspector of Nuisances, respecting the nuisance arising from the drainage from several streets in your municipality into Blackwattle Bay, I have the honor, by direction of the Right Worshipful

Worshipful the Mayor, to request that the attention of the Mayor of the Glebe may be directed to the matter, with a view to some steps being taken to immediately abate the very serious nuisance complained of.

I have, &c.,

CHARLES H. WOOLCOTT,
Town Clerk.

The Town Clerk, Sydney, to The Council Clerk, Glebe.

Sir,

Town Clerk's Office, Sydney, 13 September, 1875.

I have the honor, by direction of the Right Worshipful the Mayor, again to call your attention to a letter from the City Council, of date 7th January, 1874, enclosing a copy of a report from the City Health Officer and the Inspector of Nuisances, respecting the drainage from several of the streets of the Glebe into Blackwattle Bay, and also to a letter of the 28th August, requesting that the attention of the Mayor of the Glebe might be called to this matter, with a view to some steps being taken immediately to remedy this serious nuisance.

His Worship directs me to request the favour of an early reply to the letters above referred to, stating whether your Council have decided to take measures for the abatement of this long standing and much complained of nuisance.

I have, &c.,

CHARLES H. WOOLCOTT,
Town Clerk.

To the Right Worshipful the Mayor and Aldermen of the city of Sydney.

Gentlemen,

Town Hall, Sydney, 24 November, 1873.

We have the honor to report that, by direction of His Worship the Mayor, we visited the culvert under the Parramatta Road, used by the busmen and boys as a closet, and found it in a most disgusting and filthy state. The pond at the junction of the Newtown and Parramatta Roads, known as the University Pond, drains under the Parramatta Road, as also several houses in this Road, also Grose-street, the tannery off Grose-street, Francis-street, Greek-street, Glebe-street, Reeve's Place (lying between Greek-street and Glebe-street, at this part the culvert is partly open and partly covered; the stench is most disgusting from closets, &c., emptying into it; the smell from this part is most unhealthy for all the inhabitants around), and Queen-street. Opposite the bottom of this last street the drain empties into Bay-street, crossing under the Glebe part of the street into the city side, then running down and turning eastward through Chambers lane, and thence making its way into Blackwattle Swamp; a short distance to the north of the opening of the above drain into Bay-street, the drainage of Crown and Eliza streets passes under the same street, and joins the above. In following the culvert we found the stench arising therefrom to be highly obnoxious and dangerous to health, at parts so bad as to cause nausea, and if it had that effect on us, who were merely passing, how much more dangerous must it be to the persons living in the vicinity, and continually breathing this polluted atmosphere.

We have, &c.,

G. F. DANSEY,
City Health Officer.
RICHARD SEYMOUR,
Inspector of Nuisances.

The Right Worshipful the Mayor of Sydney.

Sir,

Municipal Council Chambers, Glebe, 24 March, 1873.

I have the honor through you to call the attention of the Council of the City of Sydney to the effluvia and nuisance arising from the public sewer from Abercrombie-street, which empties itself at the head of Blackwattle Swamp.

At low tide the sewage matter flows upon and spreads over the land, and even at high tide the matter is not carried off by the waters of the bay, but remains and causes a most disgusting stench, exceedingly injurious to the health of the Glebe and the southern parts of the city.

From the reports in the newspapers of the proceedings of the City Council, it would appear that it is the intention of that body to connect a further large portion of the city sewerage with the Abercrombie-street sewer, and thus add very greatly to the existing nuisance. The 9th section of the Sydney Sewerage Act of 1853 requires that all sewers shall be constructed, covered, and kept so as not to be a nuisance to health, and properly cleared, cleansed, and emptied into such places as may be fit and necessary, but not so as to create a nuisance.

I have therefore to require that the Council of the city of Sydney do take immediate measures for the abatement of this nuisance, and that they do not proceed with their declared resolutions to unite further sewers with the one already existing.

Legal proceedings will be instituted and prosecuted in case the counsel shall act in defiance of this notice.

I have, &c.,

G. WIGRAM ALLEN,
Mayor of the Glebe.

The intention in constructing the sewer from Tooth's brewery to Abercrombie-street is merely to cover in the existing open sewer or drain. No further portion of the city sewerage or drainage area will be conducted into the present sewer so as in any way to add to the existing nuisance complained of.—FRANCIS BELL, C.E., 28/3/73.

The covering is only of the present open sewer leading from Tooth's Brewery to Abercrombie-street—will not increase the nuisance at Blackwattle Swamp.—G. F. DANSEY, City Health Officer. R. SEYMOUR, Inspector of Nuisances.

From the report of the City Engineer it will appear that all that is now being done is to cover in an existing open sewer or drain, and that being the case the Mayor of the Glebe can have no cause of complaint. It is quite clear that the Council would not be disposed in wilfully taking a nuisance to the premises of their neighbours, but in my opinion they are entitled, under the Sewage Act, to construct and cover any sewers they may think fit, provided they are constructed and covered in the best possible manner to avoid becoming a nuisance.—R. DRIVER, City Solicitor, 3/4/73.

The Glebe M.C. to be informed, in accordance with reports as herewith attached.—3/4/73. Informed, 9/4/73.—C.H.W. The

Sir, The Town Clerk, Sydney, to The Mayor of the Glebe.

Town Clerk's Office, Sydney, 9 April, 1873.

Referring to your letter of the 24th ultimo, respecting the proposed construction of a sewer from the Kent Brewery to Abercrombie-street, I have the honor, by direction of the Right Worshipful the Mayor, to inform you that the work which the City Council are about to carry out is merely the covering in of the existing open sewer or drain in the locality in question, and will not in any way add to the nuisance arising from the public sewer at present discharging from Blackwattle Swamp.

I have, &c.,

C. H. WOOLCOTT,

Town Clerk.

The Principal Under Secretary to The Town Clerk.

Sir,

Colonial Secretary's Office, Sydney, 21 February, 1876.

With reference to your letter of the 18th of January, concerning projected works for the draining of the portion in the city, in the vicinity of Blackwattle Swamp, I am now directed by the Colonial Secretary to transmit to you, for the information of the Right Worshipful the Mayor of Sydney, a copy of the report which has been obtained on this subject from the Sydney City and Suburban Sewage and Health Board. 25 Jan., 1876.

I have, &c.,

(Pro the Under Secretary).

WM. GOODMAN.

The Vice-Chairman to The Principal Under Secretary.

Sir,

Sydney City and Suburban Sewage and Health Board, Sydney, 25 January, 1876.

In reply to your letter of the 20th instant, asking for a speedy report from the Sewage and Health Board on certain projected works in the vicinity of Blackwattle Swamp, I am directed by the Vice-Chairman to furnish you with copy of a report of the Engineering Committee, adopted by this Board at a meeting held yesterday.

1. The letter from the Mayor to the Colonial Secretary, dated 18th instant, concerning projected works in the vicinity of Blackwattle Swamp, having been referred to the Engineering Committee of this Board,—

2. The Committee report that they have considered the plans, more particularly with reference to the low-lying land along the present course of Blackwattle Creek, and that they agree to recommend the adoption of the design prepared by Mr. Moriarty for a sewer from the end of the present Abercrombie-street sewer to Blackwattle Bay, across the retained land with a slight modification of the transverse decline of the sewer.

3. They also recommend that, in lieu of the 3 ft. 6 in. sewers proposed by Mr. Bell, 18-in. pipe drains be laid down in Bay-street and the Blackwattle Creek, with a silt pit at junction connecting with the main sewer above the filter by a 2-ft. pipe.

4. They consider that the sewers proposed by Mr. Bell at the upper end of the Abercrombie-street sewer, being designed to suit the existing state of things, should be constructed as proposed by Mr. Bell.

5. In advising the construction of these works, the Committee do so on the understanding that ample provision is made on the surface for the discharge of storm waters, by curbing, guttering, &c. By omitting provision for such discharge in the sewers they have been able to reduce the estimates considerably.

6. The estimated cost for the main sewer silt pit and filter will be £11,500; for the pipe drains and sewer proposed by Mr. Bell, £7,582, making a total of £19,082.

7. The Central Board, having considered the recommendation of the Committee, beg to intimate their concurrence.

8. Tenders have been invited for the first-mentioned work by the Harbours and Rivers Department.

9. The other works, amounting to £7,582, are, we understand, to be carried out by the city authorities.

10. In considering this question the Board have not included the Glebe drainage, which was not referred to them. They are of opinion that the necessary works for dealing with the sewage in a proper manner should be undertaken by the Glebe Municipal Council.

E. O. MORIARTY,

V.-Chairman.

I have the honor herewith to return the papers referred to in this Board in connection with this subject, with the exception of the plans, which are in the possession of the Engineering Committee.

I have, &c.,

CHARLES H. BARLEE,

Secretary.

The Council Clerk, Glebe, to The Town Clerk, Sydney.

Sir,

Municipal Chambers, Glebe, 15 September, 1875.

I have the honor, by direction of the Mayor, to acknowledge receipt of your letters of 28th August and 13th September, referring to a report from the City Health Officer and Inspector of Nuisances, to which I am directed to reply.

The culvert on the Parramatta Road, which the report of your officers states to be in a filthy state, is in no way under the control of the Council of the Glebe. The pond which drains into this culvert is, I am given to understand, leased by the Council of the city of Sydney, who have, therefore, the power to remedy some of the evils mentioned in that report.

The Mayor is not aware by what authority your Council deems it their duty to censure the Council of the Borough for any acts or omissions of duty with which your officers may suppose them to be chargeable within the limits of the Borough, but, in reply to that portion of your complaint having reference to the Blackwattle Swamp nuisance, I am to inform you that there is no sewer in this Borough discharging into the swamp into which closets or cesspools are authorized to be drained.

The Glebe Council have, however, great cause to complain of the large covered culvert erected by your Council on the Pyrmont side of the swamp, and of the open drain running from the Sugar Works. Through the culvert and open drain the drainage from houses and closets has been for years discharged upon the land or mud, which has been allowed to fester and pollute the air.

Repeated complaints have been made to your Council, beginning so far back as 1864, and on several occasions since, but no action of any kind has been taken by it to remedy this very serious nuisance.

In

In that year you wrote to my predecessor in office, in reply to a letter complaining of the nuisance arising from the Parramatta-street drainage into Blackwattle Swamp—"The only remedy for the evil will be the reclamation of the shallow parts of the swamp, and this work rests with the Government."

This reclamation has been made, but no action has been taken by the City Council to continue its culvert into deep water, but the drainage is still left to pollute the atmosphere.

The charge, therefore, of creating and continuing the dangerous and offensive nuisance rests upon the City Council, and not on the Council of this Borough.

I have, &c.,

H. DE BURGH HOCTER,
Council Clerk and Surveyor.

The Under Secretary for Public Works to The Town Clerk.

Sir,

Department of Public Works, Sydney, 9 October, 1875.

See letter 18-1-76
to Col. Sec.

I am directed by the Secretary for Public Works to request that you will move the Right Worshipful the Mayor of Sydney to cause the necessary sewers to be constructed at once for the effectual drainage of that portion of the city in the vicinity of the reclaimed land at Blackwattle Swamp.

Requesting your immediate attention to this important work,—

I have, &c.,

JOHN RAE.

The City Health Officer and the Inspector of Nuisances to The Mayor.

Sir,

City Health Officer's Office, and Office of Inspector of Nuisances,
Town Hall, Sydney, 19 March, 1874.

We have the honor to report that according to instructions we have visited and inspected the Blackwattle Creek and vicinity, and have made the following observations thereon:—

The creek commences on the north side of Parramatta-street, and runs northward to Blackwattle Swamp, receiving in its course the drainage of the following streets, and also that of the patent closets of these streets, viz., Darling-street, Brisbane-street, May-street, May-lane, Athlone-place, Athlone-street, Ultimo-street, west side of Parramatta-street, Bay-street, Chambers-street, Johnston-street, and Owens-street.

There are seventy-seven open closets which empty into the creek, three dairies, and one paddock full of decaying sugar-bags, which blow into the creek. All the drainage from the Sugar Works, as also the drainage of Darlington, a great portion of Redfern, Shepherd's Paddocks, and Chippendale, discharges into the creek, the effluvia arising from which are most disgusting, and can be distinctly felt by persons passing along Parramatta-street. The air in dwellings along this line of creek must be very poisonous, and consequently highly deleterious to health.

We would beg to suggest that were the creek covered in from its commencement to the place of discharge a very serious nuisance would be obviated.

We have, &c.,

G. F. DANSEY,
City Health Officer.
RICHARD SEYMOUR,
Inspector of Nuisances.

The City Solicitor to The Town Clerk.

Sir,

City Solicitor's Office, Sydney, 20 November, 1875.

I do myself the honor to forward herewith a copy of a letter received by me from Messrs. Allen, Bowden, and Allen, with reference to the suit the Attorney General and others v. the Mayor and others. As this is a matter of very great importance, I beg to request that you will furnish me with instructions as to the intentions of the Council without any delay.

I have, &c.,

RICHARD DRIVER,
City Solicitor.

The Attorney General and Allen and others v. the Mayor and others of Sydney.

Dear Sirs,

124, Elizabeth-street, Sydney, 19 November, 1875.

On the 8th day of October last an order for an injunction to restrain the serious nuisances complained of in this suit was obtained by us, the defendants being allowed three months to abate the nuisance before the writ should issue, and leave to apply for an extension of time if they should have grounds for such an application.

We have now to call your attention to the fact that, although nearly half of the three months has elapsed, your clients have not yet done one single act, or procured any steps to be taken, towards abating the nuisance in any manner whatever, and appear to treat the order of the Primary Judge with indifference. Under these circumstances we have to give you notice that we will oppose any application you may make to delay the issuing of the writ of injunction after the 8th of January next.

We must, therefore, ask that something be at once done by your clients, so that they will be prepared to obey the injunction when it issues, as the injury sustained by our clients and the other residents in the vicinity of Blackwattle Swamp is too serious to admit of our consenting to any delay not allowed by the Court.

We are, &c.,

ALLEN, BOWDEN, & ALLEN.
p. J. M'LAUGHLIN.

Messrs. Driver & Merriman.

Passed by the Municipal Council, 24th March, 1874. T. A. Butterfield, Town Clerk, pro tem., 8th May, 1876.

REPORT of the Sewage Committee recommending the laying of a brick sewer from Parramatta-street to Ultimo-street, and from Abercrombie-street to the large sewer laid under Peck's contract.

YOUR Committee have the honor to recommend to the Council that along the course of the Blackwattle Swamp Creek from Parramatta-street to Ultimo-street, a 3 feet 6 inch brick sewer be laid, at a cost not exceeding

exceeding £1,050, and in conjunction with this, a 4 feet 6 inch brick sewer from Abererombie-street to intercept and provide for the effectual discharge of storm water into the large sewer (recently laid by Peck, at a cost not exceeding £946, together £1,996).
Town Hall, Sydney, 12 March, 1874.

STEPHEN S. GOOLD,
Chairman.

Drain across Parramatta-street, connection with sewer.

Sir,

Sydney Sewerage Works, Engineer's Office,
Sydney, 16 October, 1873.

In accordance with instructions from the Sewerage Committee to report upon the advisability and cost of connecting the open drain running across Parramatta-street with the sewer adjoining,— I have the honor to state that this matter was reported on the 22nd February, 1872. To abolish the old watercourse from Parramatta-street to Ultimo-street, I should recommend the construction of a 3 feet 6 inch brick sewer. In conjunction with this, it will be necessary to construct a 4 feet 6 inch brick sewer from Abererombie-street to intercept and provide for the effectual discharge of storm water. I estimate the cost of the 3 feet 6 inch at £1,050; 4 feet 6 inch at £946; total, £1,996.

I have, &c.,
FRANCIS BELL,
Engineer.

The City Engineer to The Mayor.

Sir,

Sydney Sewerage Works, Engineer's Office,
Sydney, 22 February, 1872.

In accordance with instructions from the Sewerage Committee to report upon the advisability and cost of covering in the old natural watercourse between Parramatta-street and Blackwattle Swamp,— I have the honor to state that, contingent upon this work being done, it will be necessary to intercept the water in the creek above the Sugar Company's dam and divert it into the Abererombie-place sewer, as was originally intended to be done; and also to construct two first-class gully shafts in Parramatta-street to intercept the storm waters eastwards. If this be done I consider a 2-feet stoneware pipe will be sufficient for the creek, and I estimate the cost will be as follows:—

	£	s.	d.	£	s.	d.
497 yards, 24-inch pipes... ..	665	15	0			
Labour, do.	65	10	0			
				732	5	0
Two first-class gully shafts and connections				41	0	0
502 feet of 4 feet 6 inch oviform brick sewer with wing walls and apron	558	0	0			
Total				£1,331	5	0

I have, &c.,
FRANCIS BELL,
Engineer.

Notice of motion, filed 15 November, 1876.

TAKE notice that this Honorable Court will, at 11 o'clock in the forenoon of Friday, the seventeenth day of November now instant, or so soon thereafter as counsel can be heard, be moved on behalf of the above-named defendants, that the time for the enforcing of the commission directed to issue to certain Commissioners to sequester the personal estate of the defendants for disobedience of the writ of injunction issued under the order made in this cause on the eighth day of October, one thousand eight hundred and seventy-five, and which said commission was ordered to issue by the order of this Honorable Court on the twentieth day of March, one thousand eight hundred and seventy-six, and was by such order directed not to be enforced for and until the expiration of eight calendar months from the date of the said order, and in the meantime to lie in the office of the Master in Equity of this Honorable Court, be extended for, and that such commission be not enforced for and until the expiration of three calendar months from the expiry of the said eight calendar months, and do in the meantime lie in the office of the said Master in Equity, on the ground that the defendants have been exerting themselves to the utmost to carry out the necessary works in order to a compliance with the said injunction, and that so far as the defendants are concerned the same are concluded, but that the part of the said works which was to be and is being done by the officers in that behalf of the Government is not finished and cannot be finished for fully two calendar months from the present time, and upon the further grounds appearing in and by the affidavit of Mr. Benjamin Palmer, the Mayor of Sydney, sworn and filed this day.

Dated this fifteenth day of November, in the year of our Lord one thousand eight hundred and seventy-six.

RICHARD DRIVER,
Solicitor for defendants,
176, Pitt-street, Sydney.

Affidavit of B. Palmer, Esq., Mayor of Sydney, filed 15 November, 1876.

On the fifteenth day of November, in the year one thousand eight hundred and seventy-six, Benjamin Palmer, of Sydney, in the Colony of New South Wales, Mayor of the said city of Sydney, being duly sworn, maketh oath and saith as follows:—

1. From the time of the hearing before His Honor John Fletcher Hargrave, Esquire, of the application for the order for the commission for sequestration of the personal estate of the defendants, the defendants have been using their utmost exertions to complete the making of silt-pits and charcoal screens or strainers, and to extend out into the deep waters of the Blackwattle Bay the sewer complained of, by means of which pits and screens or strainers the solid sewage matter will be prevented from passing into the waters of the said bay, and the liquid matter will pass from the said sewer in as purified a state as possible. The plan adopted is such as I understand and believe Mr. Mansfield, the architect and surveyor, who was called and gave evidence for the informant and plaintiffs as a scientific witness, stated was in his opinion the best known method of preventing the sewer being a nuisance; it is the plan which has been adopted on the recommendation of the Government officers.

2. The part of the said work which the defendants had to do according to the arrangement in that behalf with the Government is completed; the Government, by their proper officers, are carrying on their part of the work, and will not with the utmost exertion be able to finish it for fully two months from this date.

3. When the said work is complete there will not, I believe, be any nuisance from the said sewer, and the order for the injunction will be complied with so far as the same restrains the committing of any nuisance; in order that the work may be so fully completed three months further time is necessary.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me,— }

B. PALMER.

WM. CRANE,

A Commissioner for Affidavits.

Affidavit of G. A. Mansfield, filed 21 November, 1876.

ON this twenty-first day of November, in the year one thousand eight hundred and seventy-six, George Allen Mansfield, of the Glebe, near the city of Sydney, in the Colony of New South Wales, architect, being duly sworn, maketh oath and saith as follows:—

1. I am the person named in the affidavit of Benjamin Palmer, Mayor of the city of Sydney, sworn herein on the fifteenth day of November instant.

2. Since the said date I have at the request of the informants visited the *locus in quo*; the works performed thereat, other than that performed by and at the expense of the Government, consist of a small silt-pit erected on or near to the reclaimed land, a short brick drain about 3 feet by 2 feet 6 inches on the southern side of Bay-street, at present uncovered, and an 18-inch pipe drain leading therefrom to the said silt-pit; this work could easily have been done in six weeks; the drain-pipe is not connected with the silt-pit, and there is no appearance of any drain or pipe from the silt-pit to the sewer referred to in the said affidavit.

3. A large silt-pit of the kind I recommended, and a sewer from the said pit to the northern or outer side of the embankment or causeway across Blackwattle Bay has been built by and at the expense of the Government, but the sewer complained of has not been connected with the new sewer or silt-pit, the silt-pit and new sewer have remained in their present state for nearly three months, and no drainage has been turned into either or any use made thereof. The drainage from the Corporation sewer complained of continues to flow in an open drain or cutting across the reclaimed land to the Glebe side of the bay, and to flow upon the shore as at the time of the commencement of this suit.

4. I am informed that the delay in connecting the old and new sewer with the silt-pit is attributed by the defendants to the want of a door or flap, which is said to be in course of construction for the outer mouth of the sewer. This door or flap might and should have been made, and constructed in readiness for the completion of the sewer, and could have been made in less time than has elapsed since the building of the sewer.

5. I have passed over the embankment daily, and I have not seen any workmen employed on the sewer for upwards of two months.

6. The nuisance originally complained of has in no way diminished, but rather increased. The sides of the open drain and cutting, and the Glebe shore of the bay, are after a week without rain covered to the depth of some inches with a black slime; the smell arising therefrom is almost intolerable, and the injury to health and danger to life is great, and must necessarily be very prejudicial if allowed to continue during the summer months.

7. Since the commencement of the summer and the prevalence of easterly breezes, no less than seven cases have occurred in my own family of diphtheria, scarlet fever, and typhoid fever; tendency to such diseases my medical adviser attributes to the nuisance from the drainage referred to.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, aforesaid, before me,— }

G. ALLEN MANSFIELD.

G. M. HOLMES,

A Commissioner for Affidavits.

Affidavit of T. H. Bradridge and John Doherty, filed 22 November, 1876.

ON this twenty-second day of November, in the year one thousand eight hundred and seventy-six, Thomas Henry Bradridge, of Sydney, in the Colony of New South Wales, City Surveyor, and Acting City Engineer; and John Doherty, of Sydney aforesaid, Inspector of Sewerage Works, being severally duly sworn, make oath and say as follows:—

1. We have read the affidavit of George Allen Mansfield, Esquire, sworn herein on the twenty-first day of November instant, and say that the work which the defendants had to perform in and about the sewer in the information and bill mentioned has been for some time past completed, with the exception of covering with wood and earth of the short brick drain in the second paragraph of Mr. Mansfield's affidavit mentioned; the timber for such covering is now on the ground, and such covering will at once be completed. The said brick drain is made for the purpose of carrying off the sewage matters that flow from the Glebe Municipality across Bay-street, in the city of Sydney; it is not a fact that the work the defendants had to perform at the said sewer could have been performed in six weeks, as in Mr. Mansfield's affidavit stated.

2. The drain-pipe in the said second paragraph of Mr. Mansfield's affidavit mentioned, was on the twenty-fourth day of October last connected with the silt-pit in the said paragraph mentioned, but such connection is covered over, and cannot be observed without minute examination. The work of the defendants was, on the said twenty-fourth day of October, complete; and if the works to be done by the Government were then ready the nuisance complained of would have been abolished.

3. Since the fifteenth day of November instant the connecting pipe from the sewer to the silt-pit before mentioned has been diverted in order to enable the said silt-pit to be emptied, and the solid matter removed, in order to prevent the connecting pipes being silted up.

4. The Government have erected a wall at the place where it is intended to connect the defendants' sewer with that constructed by the Government, and therefore the sewage cannot yet flow into the sewer constructed by the Government until it is completed and ready to receive the sewage matter; the officer in charge of the Government part of the work is now waiting the casting of valves and pipes to extend the sewer from the foreshore into the deep water of Blackwattle Bay. 6.

6. The delay in connecting the defendants' sewer with that of the Government is not occasioned by reason of the want of a door or flap, but for the reasons aforesaid—no such door or flap being required for the work performed by the defendants.

7. The silt-pit constructed by the defendants has considerably diminished the nuisance complained of, but the nuisance in the locality of the said sewer will not after the said sewer is finished be completely abated, inasmuch as sewage matter and filth to a considerable extent keeps flowing from the Glebe to the south-west end of the land reclaimed by the Government and will not be carried away by the defendants' said sewer.

Sworn by the two several deponents, on the day first }
above mentioned, at Sydney, before me,—

THOS. H. BRADBRIDGE,
JOHN DOHERTY.

AUBREY MOWLE,

A Commissioner for Affidavits.

Affidavit of Alfred Williams, filed 22nd November, 1876.

ON this twenty-second day of November, in the year one thousand eight hundred and seventy-six, Alfred Williams, of the Glebe Point, Sydney, in the Colony of New South Wales, being duly sworn, maketh oath and saith as follows:—

1. I am Assistant Engineer in the Department of Harbours and Rivers, and the person in charge of the construction of works for that Department in and about the neighbourhood of Sydney.

2. I have read the the affidavit of George Allen Mansfield, Esquire, sworn herein on the twenty-first day of November instant; it is not correct, as in the third paragraph of that affidavit stated, that the silt-pit and new sewer therein mentioned have remained in their present state for nearly three months; the work has constantly been going on, and the Government has been dredging a channel in Blackwattle Bay, so as to bring the mouth or outlet of the sewer into deep water, and it is found necessary to still make that channel larger and deeper, so as to carry the sewage that may be discharged at low tide into a depth of ten feet of water at least.

3. For the past six weeks men have been constantly employed and at work at the said sewer, and in cleansing the open drains on the reclaimed land, so that stagnant water or sewage matter should not remain along the open channel, and so that it should run away freely into the waters of the bay; also in making valves and castings for the outfall of the sewer, and erecting gantry or lifting gear for discharging silt from the new filtering-beds.

4. The door or flap mentioned in the affidavit of Mr. Mansfield is a part of the Government work, and the castings of it and the valves and pipes are of a very complicated class of work and take a considerable time to prepare; they are in the course of preparation at the works of Messrs. Chapman & Co., where they are cast.

5. The Chief Engineer and the Minister for Works would not allow of this work being started until a work of the same class then erecting at the Fort Macquarie sewer had been completed and tested; the action of the valves and pipes at the last-named sewer proved such a complete success that the Board of Health advised the Minister for Works to have a similar class of work carried out at the sewer at Blackwattle Bay, which work is now in progress.

6. I have within the last three weeks had a conversation with Mr. Mansfield on the embankment referred to in the sixth paragraph of his said affidavit, and at a time when several men were at work at the said sewer; and on that occasion Mr. Mansfield asked me when the said sewer would be likely to be completed, when I answered him that I expected in about six weeks, and that the delay was caused by having to wait for the castings of the said valves, pipes, and door or flap.

7. I am a resident at the Glebe Point; the nuisance has been considerably abated, and is now but trifling to what it was some twelve months back.

8. The tide passes freely up and down the open channels through the reclaimed land, and to a considerable extent carries off the nuisance complained of, a large portion of which is contributed by the Glebe Municipality.

9. The defendants have some time since completed their part of the said sewer, and at least two months further time is necessary for the Government to complete their part of the works.

Sworn by the deponent, on the day first above }
mentioned, at Sydney, before me,—

ALFRED WILLIAMS.

AUBREY MOWLE,

A Commissioner for Affidavits.

Notice of motion for appointment of Commissioners, filed 23rd November, 1876.

TAKE notice, that this Honorable Court will be moved in its Equitable Jurisdiction, on behalf of the informant and plaintiffs above named, before His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity, on Friday next, the twenty-fourth day of November instant, at the hour of eleven o'clock in the forenoon, or so soon thereafter as counsel can be heard, special leave having been granted by His Honor in this behalf, that John Want, of the city of Sydney, barrister-at-law, John Young, of the city of Sydney aforesaid, contractor, Hugh M'Laurin, of Sydney aforesaid, doctor of medicine, Josiah Mullens of the city of Sydney aforesaid, accountant and broker, John Sutherland, of Sydney aforesaid, formerly Mayor and Minister for Works, S. A. Murray, of Sydney aforesaid, engineer of P. N. Russell & Co., Morris Birbeck Pell, of Sydney aforesaid, President of the Health Board and Sewage Commission, or any four or more of them, be the Commissioners to whom the writ of sequestration to be issued in this suit under the order made in this cause on the twentieth day of March last is to be directed, on the ground that the said persons are fit and proper persons to be named and appointed as such Commissioners, and upon the grounds disclosed by the affidavit of Arthur Hill Coates Macafee, sworn and filed in support of this motion.

Dated this twenty-third day of November, in the year of our Lord one thousand eight hundred and seventy-six.

To R. Driver, Esq., Solicitor for the defendants.

Yours, &c.,
THOMAS KENDALL BOWDEN,
Solicitor for the informant and plaintiffs,
124, Elizabeth-street, Sydney.

Affidavit of Mr. Macafee in support of appointment of commission, filed 23rd November, 1876.

ON this twenty-third day of November, in the year one thousand eight hundred and seventy-six, Arthur Hill Coates Macafee, of the city of Sydney, in the Colony of New South Wales, merchant, being duly sworn, maketh oath and saith as follows:—

1. I am one of the relators and plaintiffs in this suit.

2. By an order made in this cause by the Court, on the twentieth day of March last, a commission of sequestration was ordered to issue, directed to certain Commissioners, to be therein named, to sequester the personal estate, and the rents, issues, and profits of the real estate of the defendants, but such commission was not to be enforced for and until the expiration of eight calendar months from the date of the said order, whereupon and at the expiration of the said eight months the informant and plaintiffs were to be at liberty to enforce the same according to law.

3. The said period of eight months has now elapsed, and the relators and plaintiffs above named are desirous of having the said commission enforced, and of having the same directed to any four or more of the following persons, as the Commissioners for executing the said commission of sequestration, namely, John Want, of Sydney, in the Colony of New South Wales, barrister-at-law, John Young, of Sydney aforesaid, contractor, Hugh M'Laurin, of Sydney aforesaid, doctor of medicine, Josiah Mullens, of Sydney aforesaid, accountant, and John Sutherland, of Sydney aforesaid, formerly Mayor and Minister for Works, George A. Murray, of Sydney aforesaid, engineer of P. N. Russell & Co., and Morris Birkbeck Pell, of Sydney aforesaid, President of the Health Board and Sewage Commission.

4. The parties above mentioned are willing to act as such Commissioners; they are persons in good credit, they are all men of business habits, and they are all persons able to answer for what shall come to their hands in case they shall be called upon to account.

5. In my judgment and opinion, the said John Want, John Young, Dr. M'Laurin, Josiah Mullens, John Sutherland, G. A. Murray, and Morris Birkbeck Pell, are fit, proper, and eligible persons to be appointed Commissioners as aforesaid.

Sworn by the deponent, on the day first above mentioned, }
at Sydney, before me,—

A. H. C. MACAFEE.

COLIN MACKENZIE,

A Commissioner for Affidavits.

Order dismissing application for extension of time, of 23 November, 1876.

Thursday, the twenty-third day of November, in the year of our Lord one thousand eight hundred and seventy-six.

UPON motion made on Wednesday, the twenty-second day of November, and this day, unto His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity, upon hearing the affidavit of Benjamin Palmer, sworn herein on the fifteenth day of November instant, the affidavit of George Allen Mansfield, sworn herein on the twenty-first day of November instant, and the joint affidavit of Thomas Henry Bradridge and John Doherty, and the affidavit of Alfred Williams, sworn herein on the twenty-second day of November instant, and upon hearing Mr. Davis of counsel for the defendants, and Mr. Owen of counsel for the plaintiffs: It is ordered that the defendants' motion that the time for enforcing the commission directed to issue herein to sequester the personal estate of the defendants for disobedience of the writ of injunction, issued in this cause for a period of three calendar months, be, and the same is hereby dismissed: And it is further ordered, that the plaintiffs' costs of and incidental to this motion be paid by the defendants to Mr. Thomas Kendall Bowden, the solicitor for the plaintiffs, within fourteen days after the same shall have been taxed and certified by the Master in Equity.

Passed 23rd November, 1876.—A.T.H.

Entered same day.—P.R.

ARTHUR T. HOLROYD, (L.S.)
Master in Equity.

Order appointing Commissioners, of 24 November, 1876.

Friday, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and seventy-six.

UPON motion made this day unto His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity, upon hearing the affidavit of Arthur Hill Coates Macafee, sworn herein on the twenty-third day of November instant read, and upon hearing Mr. Owen of counsel for the informant and plaintiffs, and Mr. Davis of counsel for the defendants: It is ordered that John Henry Want, of the city of Sydney, barrister-at-law, John Young, of the city of Sydney aforesaid, contractor, Hugh M'Laurin, of the city of Sydney aforesaid, doctor of medicine, Josiah Mullens, of the city of Sydney aforesaid, accountant and broker, John Sutherland, of the city of Sydney aforesaid, formerly Mayor and Minister for Works, George Alexander Murray, of the city of Sydney aforesaid, engineer, and Morris Birkbeck Pell, President of the Board of Health and Sewage Commission, be named the Commissioners to whom the writ of sequestration to be issued in this cause is to be directed, and they are hereby nominated and appointed such Commissioners: And it is further ordered that the plaintiffs' costs of and incidental to this motion be paid by the defendants to Mr. Thomas Kendall Bowden, the solicitor for the plaintiffs, within fourteen days after the same shall have been taxed and certified by the Master in Equity.

Passed 28th November, 1876.—A.T.H.

Entered same day.—P.R.

ARTHUR T. HOLROYD, (L.S.)
Master in Equity.

Præcipe for commission of sequestration, filed 29th November, 1876.

SEAL a commission of sequestration against the Mayor, Aldermen, and Citizens of the city of Sydney, for disobedience of the writ of injunction issued under the order made in the above cause on the eighth day of October, one thousand eight hundred and seventy-five. Directed to John Henry Want, John Young, Hugh M'Laurin, Josiah Mullens, John Sutherland, George Alexander Murray, and Morris Birkbeck Pell, Commissioners.

Order dated twentieth day of March, 1876. Tested twenty-ninth day of November, 1876.

THOMAS KENDALL BOWDEN,
Solicitor for the informant and plaintiffs,
124, Elizabeth-street, Sydney.

Commission

Commission of sequestration, filed 29th November, 1876.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, &c., &c., &c.

To John Henry Want, of the city of Sydney, in the Colony of New South Wales, barrister-at-law; John Young, of the city of Sydney aforesaid, contractor; Hugh M'Laurin, of the city of Sydney aforesaid, doctor of medicine; Josiah Mullens, of the city of Sydney aforesaid, accountant and broker; John Sutherland, of the city of Sydney aforesaid, formerly Mayor and Minister for Works; George A. Murray, of the city of Sydney aforesaid, engineer, and Morris Birkbeck Pell, President of the Board of Health and Sewage Commission.

GREETING:—

Whereas, upon motion made unto us in our Supreme Court of New South Wales, in its equitable jurisdiction, on the twentieth day of March, in the year of our Lord one thousand eight hundred and seventy-six, by counsel for the informant and plaintiffs, in a cause wherein the Honorable William Bede Dalley, Her Majesty's Attorney General of the Colony of New South Wales, by and at the relation of George Wigram Allen, Arthur Hill Coates Macafee, The Reverend John Dwyer, and William Clark, informant, and the Mayor, Aldermen, and Citizens of the city of Sydney, defendants, and between George Wigram Allen, Arthur Hill Coates Macafee, The Reverend John Dwyer, and William Clark, plaintiffs, and the Mayor, Aldermen, and Citizens of the city of Sydney, defendants, our said Court did order that a commission of sequestration be issued in the said cause, directed to certain Commissioners to be therein named, to sequester the said personal estate and the rents and profits of the real estate of the defendants, the said Mayor, Aldermen, and Citizens of the city of Sydney, for disobedience of the writ of injunction issued under the order made in the said cause, on the eighth day of October, in the year of our Lord one thousand eight hundred and seventy-five, but such Commission was not to be enforced for and until the expiration of eight calendar months from the date of the said order; and in the meantime the said commission was to lie in the office of the Master in Equity of the said Court, whereupon and on the expiration of the said eight months the said informant and plaintiffs were to be at liberty to enforce the same according to law: And whereas, upon motion made unto us in our said Court in its equitable jurisdiction, on the twenty-fourth day of November instant, in the said cause, our said Court did order that you the said John Henry Want, John Young, Hugh M'Laurin, Josiah Mullens, John Sutherland, George A. Murray, and Morris Birkbeck Pell be named as such Commissioners, and you were by the said last-mentioned order severally nominated and appointed Commissioners accordingly:

Know ye, therefore, that we, in confidence of your prudence and fidelity, have given, and by these presents do give unto you or any four of you full power and authority to enter upon all the messuages, lands, tenements, and real estate whatsoever of the said Mayor, Aldermen, and Citizens of the city of Sydney, and to collect, receive, and sequester into your hands not only all the rents and profits of their said messuages, lands, tenements, and real estate, but also all their goods, chattels, and personal estate whatsoever: And, therefore, we command you, or any four of you, that you do, at certain proper and convenient days and hours, go to and enter upon all the messuages, lands, tenements, and real estate of the said Mayor, Aldermen, and Citizens of the city of Sydney; and that you do collect, take, and get into your hands not only the rents and profits of their said real estate, but also all their goods, chattels, and personal estate, and detain and keep the same under sequestration in your hands until the said Mayor, Aldermen, and Citizens of the said city of Sydney, shall clear their contempt for disobeying the writ of injunction issued under the said order of our said Court made on the said eighth day of October, one thousand eight hundred and seventy-five, and our said Court make other order to the contrary.

Witness the Honorable Sir James Martin, Knight, Chief Justice of our said Court, at Sydney, this 29th day of November, in the fortieth year of our reign, and in the year of our Lord one thousand eight hundred and seventy-six. ARTHUR T. HOLROYD, (l.s.)

JOHN F. HARGRAVE.

Master in Equity.

This writ was issued by Thomas Kendall Bowden, of No. 124, Elizabeth-street, in the city of Sydney, solicitor for the above-named informant and plaintiffs.

Præcipe for subpoena to hear judgment, filed 2 December, 1876.

Præcipe for subpoena to hear judgment on the fifth day of December instant.
Dated this second day of December, A.D. 1876.

ALLEN, BOWDEN, & ALLEN,
Solicitors, 124, Elizabeth-street, Sydney.

Consent to set down cause for hearing, 2 December, 1876.

We consent to this cause being set down for hearing for the purpose of the defendants consenting to a decree in terms of the prayer of the plaintiff's bill with costs.

Dated the 2nd December, 1876.

ALLEN, BOWDEN, & ALLEN,
Plaintiffs' Solicitors.

RICHARD DRIVER,
Defendants' Solicitor.

Decree of 5 December, 1876.

The fifth day of December, one thousand eight hundred and seventy-six.

This cause coming on this day to be heard and debated before His Honor John Fletcher Hargrave, Esquire, the Primary Judge in Equity, in the presence of Mr. Owen, of counsel for the informant and plaintiffs, and Mr. Davis, of counsel for the defendants, upon debate of the matter, and the defendants, by their counsel, consenting hereto, His Honor doth order and decree that the defendants, their agents, servants, and workmen, be restrained by the injunction of this Honorable Court from causing or permitting to pass any sewage, filth, or other offensive matter, either solid or liquid, down or through the main sewer in the pleadings mentioned, or any other sewer or drain, into the bay or arm of the sea known as Blackwattle Swamp, in the pleadings mentioned, unless and until the same shall be sufficiently purified and deodorized so as not to be or create a nuisance or become injurious to health; and His Honor doth further order that it be referred to the Master in Equity to tax the informant's and plaintiffs' costs of this suit, and that such costs, when taxed and certified, be paid by the defendants within twenty-one days after such certificate, to Mr. Thomas Kendall Bowden, the solicitor of the informant and plaintiffs, and His Honor doth reserve the further consideration of this cause, and any of the parties are to be at liberty to apply as they should be advised.

ARTHUR T. HOLROYD, (l.s.)

JOHN F. HARGRAVE.

Master in Equity.

Passed, 18 December, 1876.—A.T.H. Entered same day.—P.R.

Plaintiffs' Costs, under Order of November 23rd, 1876. Filed 29th January, 1877.

THE Bill of Costs of the abovenamed informant and plaintiffs, to be taxed as between party and party, pursuant to the Order made in this cause, dated the twenty-third day of November, 1876.

£ s. d.	November 15th, 1876.	£ s. d.	£ s. d.	Attending Court, motion heard, and, after long argument, Judge directed order for sequestration to lie in Master's Office for one month, on defendants' consenting to Commissioners named by His Honor being appointed to carry out the works, &c. Motion to be spoken to at a later period of the day.....	£ s. d.
	Attending on being served with a notice of motion for Friday, the 17th instant, for an extension of time for completing works, together with an affidavit of the Mayor in support of the motion—perusing same.....	0 6 8	1 8 8	Attending Court later in the day. Counsel for defendant would state in the morning what course his clients would take.....	2 2 0
	Instructions to oppose.....	0 6 8			
	Attending Mr. Mansfield reading over Mr. Palmer's affidavit to him, and taking instructions for his affidavit in reply.....	0 6 8			0 13 4
				<i>November 23rd.</i>	
	<i>November 16th.</i>		0 7 8	Attending Court. Defendants counsel declined to consent to appointment of Commissioners, whereupon His Honor dismissed the application with costs, and directed the writ of sequestration to be enforced.....	1 1 0
	The notice of motion being given for tomorrow, the 17th instant, attending defendant's solicitor agreeing to adjournment to the 21st (Tuesday).....	0 6 8		Drawing minutes of order and copy.....	0 10 0
	Drawing affidavit of G. A. Mansfield, folios 12.....	0 12 0		Attending to leave same.....	0 3 4
	Engrossing same.....	0 4 0		Appointment to settle.....	0 6 6
	Attending Mr. Mansfield reading same over, and to be sworn.....	0 6 8		Copy and service.....	0 3 0
	Paid oath.....	0 1 0		Copy minutes for defendants' solicitor—copy and service.....	0 6 8
	Attending to file affidavit and paid notice for filing for defendants.....	0 4 4		Attending before Judge—minutes settled.....	0 13 4
0 4 0	Solicitor.....	0 4 0		Attending for order, passed and entered.....	0 6 8
0 3 4	Attending to deliver.....	0 3 4		Paid for order.....	0 12 6
1 0 0	Instructions for brief to oppose this motion.....	1 0 0	0 3 4	Copy and service.....	0 6 8
0 3 4	Preparing same for counsel, six sheets.....	1 0 0	0 3 4	Drawing costs and copy.....	1 10 0
	Attending Mr. Owen with same.....	0 6 8		Copy for defendants' solicitor.....	0 10 0
	Paid his fee and clerk.....	5 10 0		Attending to deliver.....	0 3 4
0 6 8	Attending Mr. Owen to appoint conference.....	0 6 8		Warrant to tax, and paid.....	0 6 6
	Paid his fee and clerk.....	1 6 0	0 13 4	Copy and service.....	0 3 0
	Attending conference.....	0 13 4		Attending taxing costs.....	1 0 0
				Drawing and copy certificate.....	0 6 8
				Attending to settle and get same signed.....	0 6 8
				Paid for certificate.....	1 0 0
				Attending to file same.....	0 3 4
				Paid filing.....	0 3 4
				Attending to bespeak, and for office copy.....	0 6 8
				Paid for same.....	0 2 6
				Copy, and attending to serve.....	0 6 8
				Attending to demand and receive costs.....	0 6 8
				Letters, &c.....	0 10 0
				Taxed off.....	30 12 6
					5 7 0
				Percentage.....	25 5 6
				To be allowed in certificate at £25 15 6	
			19/2/77.		

Certificate of Taxation. Filed 23rd February, 1877.

In pursuance of the order made in this cause on the twenty-third day of November, one thousand eight hundred and seventy-six, I have been attended by the solicitors for the informant and plaintiffs, and for the defendants, and I certify as follows, that is to say,—

That the informant and plaintiffs brought in their bill of costs under the said order amounting to the sum of thirty pounds twelve shilling and sixpence, and that I have taxed and allowed the same at the sum of twenty-five pounds fifteen shillings and sixpence, and which said sum of twenty-five pounds fifteen shillings and sixpence is the sum to be paid by the defendants to Messieurs Allen, Bowden, & Allen, the solicitors for the said informant and plaintiffs.

All which I humbly certify unto this Honorable Court.
23rd February, 1877.

ARTHUR T. HOLROYD,
Master in Equity.

Plaintiffs' Costs, under Order of 24th November, 1876. Filed 29th January, 1877.

THE Bill of Costs of the abovenamed informant and plaintiffs is to be taxed as between party and party, pursuant to the Order made in this cause, dated the 24th November, 1876.

£ s. d.	November 23rd, 1876.	£ s. d.	£ s. d.	The like letter and subsequent attendance on John Sutherland, M.P.	£ s. d.
	Instructions to apply for an order appointing Commissioners to whom the writ of sequestration issued in this suit should be directed, His Honor naming several gentlemen if they would be willing to act, and we were to apply to them to know if they would accept the appointment.....	0 6 8		The like letter and subsequent attendance on G. Alexander Murray.....	0 11 8
	Writing Mr. John Henry Wait to know if he would act.....	0 5 0		The like letter and subsequent attendance on Professor Pell.....	0 11 8
	Attending Mr. Wait, subsequently he handed us written notification that he would act if appointed; conferring with Mr. Wait as to duties, &c.....	0 6 8	0 3 0	Drawing notice of motion and copy.....	0 10 0
	The like letter and subsequent attendance upon Mr. John Young, M.P.....	0 11 8	0 1 0	Attending to file same.....	0 3 4
	The like letter and subsequent attendance on Dr. McLaurin.....	0 11 8		Paid filing.....	0 2 0
	The like letter and subsequent attendance on Mr. Josiah Mullens.....	0 11 8	0 6 8	Instructions for affidavit of Mr. Macafee in support of motion.....	0 6 8
				Drawing same, folios 12.....	0 12 0
				Engrossing same.....	0 4 0
				Attending Mr. Macafee, reading over affidavit, and to be sworn.....	0 6 8
				Paid oath.....	0 1 0
				Attending to file affidavit and paid.....	0 4 4
				Instructions for brief in support of this motion.....	0 13 4
				Preparing same for counsel, six sheets.....	1 0 0
				Attending Mr. Owen with same.....	0 6 8
				Paid his fee and clerk.....	2 4 6

£ s. d.		£ s. d.	£ s. d.	£ s. d.
0 2 8	Instruction for affidavit of Dr. W. J. Carroll.	0 6 8	0 0 10	Copy for service on the defendant's solicitor...
	Drawing same and engrossing	0 13 4		Attending to deliver
	Attending Dr. Carroll reading over engrossment, and to be sworn	0 6 8		Copy for service on his Worship the Mayor
	Paid oath	0 1 0	0 7 6	Service on him
	Attending to file the forementioned affidavits.	0 6 8	0 7 6	The like on Alderman Moore
	Paid filing	0 4 0	0 7 6	The like on Alderman Palmer
	Notice to defendants' solicitor that affidavits filed, copy and service	0 5 0	0 7 6	The like on Alderman Kippax
1 1 0	Instructions for brief	1 1 0	0 7 6	The like on Alderman Fowler
0 13 4	Preparing same for counsel—16 sheets	2 13 4	0 7 6	The like on Alderman Harris
	Attending Mr. Darley with same	0 6 8	0 7 6	The like on Alderman Day
	Paid his fee and clerk	16 5 0	0 7 6	The like on Alderman Davis
0 13 4	Copy brief for Mr. Owen	2 13 4	0 7 6	The like on Alderman Oatley
	Attending him with same	0 6 8	0 7 6	The like on Alderman Rowe
	Paid his fee and clerk	11 0 0	0 7 6	The like on Aldermen Green
0 6 8	Attending Mr. Darley to appoint consultation	0 6 8	0 7 6	The like on Alderman Linsley
	Paid his fee and clerk	2 4 6	0 7 6	The like on Alderman Chapman
0 6 8	Attending Mr. Owen to apprise him	0 6 8	0 7 6	The like on Alderman Merriman
	Paid his fee and clerk	1 3 6	0 7 6	The like on Alderman Goad
	Attending consultation	0 13 4	0 7 6	The like on Alderman Macintosh
	Instructions for affidavit of Captain Armstrong	0 6 8		The like on Alderman Maize
0 2 8	Drawing and engrossing	0 13 4	0 4 4	Searching if defendant's answer duly filed and paid
3 9 0	(6.)	43 16 8	0 6 8	Perusing answer
	Attending Captain Armstrong, reading over engrossment, and to be sworn	0 6 8		Instructions for counsel to advise as to sufficiency of answer
	Paid oath	0 1 0	7 12 10	
	October 5th.			(9.)
0 7 8	Attending Court, motion called on, postponed to Friday, upon defendant's application.			Attending Mr. Owen with same
	Affidavits in reply to be served on Thursday	1 1 0		Paid his fee and clerk
	Search for affidavit of Mr. Bell	0 4 4		Attending Mr. Owen for opinion and perusing same
	Copy having been served, perusing same	0 6 8		Drawing minutes of order for injunction, fol. 10
	Brief copy for Mr. Darley—six brief sheets	1 0 0		Copy to leave
	Attending Mr. Darley with same, and conferring as to answering affidavits. He desired consultation with Mr. Owen	0 6 8		Attending to leave
	Brief copy Mr. Bell's affidavit for Mr. Owen, attending him with same, and fixing consultation with both counsel	1 0 0		Warrant to settle
0 6 8	Attending consultation	0 6 8		Copy and service
	Fee to Mr. Darley	2 7 0		November 8th.
0 6 8	Attending him	0 6 8	0 3 4	Attending before Primary Judge, minutes settled
	Fee to Mr. Owen	1 3 6	0 3 4	Attending for order passed and entered
	Instructions for affidavit of Mr. Macafee	0 6 8	0 3 4	Paid for order and entering
	Instructions for affidavit of G. A. Mansfield	0 6 8	0 3 4	Copy for service on defendant's solicitor
	Instructions for affidavit of F. A. Reuss	0 6 8	0 3 4	Attending to deliver
	Instructions for affidavit of Mr. Thornley	0 6 8	0 3 4	Copy for service on the Mayor
	Drawing affidavit joint and several, and engrossing	1 0 0	0 3 4	Personal service on him
	Attending deponents (4), reading over affidavit, and to be sworn	0 13 4		November 19th.
1 1 0	(7.)	12 10 2	0 6 8	Long and special letter to defendants' solicitor, pointing out the inaction on the part of the defendants, that they had not yet done anything to abate the nuisance, and that we should oppose any application for extension of time, in fact warning them of their contempt of the Primary Judge's order, copy and delivery
	Paid three oaths	0 3 0	0 6 8	Attending on letter in reply from defendants' solicitor
	Paid Commissioner for attending to swear Mr. Reuss at his office	0 5 0	1 0 0	Term fee
	Instruction for affidavit of Geoffrey Eagar, Esquire	0 6 8		
0 9 0	Drawing same and engrossing	0 13 4		(10.)
	Attending Mr. Eagar, reading over engrossment, and to be sworn at his office	0 6 8		1st TERM, 1876.—January 14th.
	Paid Commissioner	0 5 0		The time (three months) being elapsed within which the defendants were to abate the nuisance, the plaintiffs were entitled to issue the writ of injunction; drawing same accordingly
	Cab hire	0 2 6		Engrossing same
	Instructions for affidavit of Mr. Bickley	0 6 8	0 7 0	Parchment
0 9 0	Drawing and engrossing same	0 13 4		Drawing and engrossing docquet
	Attending Mr. Bickley reading over engrossment, and to be sworn	0 6 8	0 3 4	Attending leaving writ to be sealed and docquet to be signed by the Primary Judge
	Paid oath	0 1 0		Attending for the writ of injunction
0 6 8	Instructions for affidavit of John M'Laughlin	0 6 8		Paid for same
0 6 8	Drawing and engrossing same	0 13 4		Attending to file docquet
	Attending to be sworn and paid	0 4 4		Paid filing
	Attending to file above affidavit	0 6 8		Copy writ of injunction for service on defendants' solicitor
	Paid filing	0 4 0		Attending to serve him
	Notice to defendant's solicitor that affidavits filed—copy and service	0 5 0	0 3 4	Copy for service on the Mayor
0 6 8	Brief copy of the foregoing affidavits for Mr. Darley—six sheets	1 0 0		Personal service on him
	Attending him with same, and thereon	0 6 8		The defendants having utterly disregarded the writ of injunction, instructions to move the Court for a Commission of Sequestration
0 6 8	Brief copy affidavits for Mr. Owen	1 0 0		Drawing notice of motion, fol. 6
	Attending him with same and thereon	0 6 8	0 13 8	Copy to file
2 4 8	(8.)	8 3 2		Attending to file same
	October 8th.			Paid filing
1 1 0	Attending Court, motion heard at length, and injunction ordered to issue at the end of three months from this date	3 3 0		Copy for service on defendants' solicitor
	Drawing special notice, that injunction ordered to issue, and that pending its being drawn up the defendants are required to obey the same	0 5 0		
				(11.)
				Attending to deliver
				Copy for service on the Mayor

£ s. d.		£ s. d.		£ s. d.		£ s. d.
0 6 8	Attending Master for cheque, and giving receipt	0 6 8		0 6 8	Attending Master's office, signing and entering consent	0 6 8
	Term fee	1 1 8		0 6 8	Instructions for counsel to advise on evidence	0 6 8
<u>2 5 0</u>		<u>29 14 10</u>			Attending Mr. Owen with papers	0 6 8
	(17.)				Paid his fee and clerk	2 4 6
	2ND TERM, 1876.				Perusing opinion	0 6 8
	Instructions for replication	0 6 8			June 14th.	
	Drawing and engrossing same	0 6 8			Warrant to proceed with examination of plaintiff's witnesses for the 19th instant	0 6 6
0 3 4	Attending to file same	0 6 8			Copy and service	0 3 0
	Paid filing	0 5 0		<u>1 3 4</u>	(20.)	<u>8 10 10</u>
	Copy and service	0 6 8			Instructions for brief for the examination of plaintiffs' 16 witnesses	5 6 8
	Drawing notice of intention to take the evidence orally	0 5 0		3 4 8	Preparing same for counsel—14 sheets	2 6 8
	Copy and service	0 5 0		0 10 0	Brief copy, correspondence, and documents to accompany same, 16 sheets	2 13 4
	Warrant to proceed with examination of plaintiffs' witnesses	0 6 6		0 10 0	Attending Mr. Owen with same	0 6 8
	Copy and service	0 3 0			Paid his fee and clerk	5 10 0
	April 4th.				June 15th.	
	Instructions (after conference with counsel, and on their advice) to apply for an order for discovery, it being important that we should have inspection of all surveys, tracings, plans, specifications, and drawings relating to the question in issue	0 6 8			Subpœna and præcipe for four witnesses, viz., Macafee, Dwyer, Clark, and Dr. Moffitt	0 15 0
0 1 0	Drawing special summons, fol. 9	0 9 0			Attending to issue same	0 3 4
0 0 4	Copy for signature	0 3 0			Paid for same	0 5 6
	Attending to get same signed by Primary Judge, and fix time for hearing	0 6 8			Copy and service on Mr. Macafee	0 6 0
0 3 4	Attending entering summons in Master's office	0 6 8			Copy and service on Mr. Dwyer	0 6 0
0 0 4	Copy to file	0 3 0			Copy and service on Mr. Clark	0 6 0
	Paid for summons	0 2 6			Copy and service on Dr. Moffitt	0 6 0
0 0 4	Copy and service on defendants' solicitor	0 6 4			June 16th.	
0 6 8	Instructions for affidavit in support of the application	0 6 8			Præcipe and subpœna for Dr. Carroll, Samuel Johnson, and G. A. Mansfield	0 15 0
0 3 0	Drawing same, fol. 12	0 12 0			Attending to issue	0 3 4
<u>0 18 4</u>	(18.)	<u>5 13 8</u>			Paid for same	0 5 6
0 1 0	Engrossing same	0 4 0			Copy and service on Dr. Carroll	0 6 0
	Attending to read over, and to be sworn	0 6 8			Copy and service on Mr. Johnson	0 6 0
	Paid oath	0 1 0			Copy and service on G. A. Mansfield	0 6 0
	Attending to file and paid	0 4 4			Drawing proofs of Dr. Moffitt and Dr. Carroll, for examination on 19th—5 sheets	1 13 4
0 1 0	Copy for defendants' solicitor	0 4 0			Copy for Mr. Owen	0 16 8
	Attending to deliver	0 3 4			Attending him with same	0 6 8
0 6 8	Instructions for brief	0 6 8			Attending Mr. Reuss, instructing him to prepare sketch of the <i>locus in quo</i> , and for same and thereon	0 13 4
	Preparing same for counsel	0 10 0		<u>4 4 8</u>	(21.)	<u>24 3 0</u>
	Attending him with same	0 6 8			Paid him for same, and visits	5 5 0
	Paid his fee and clerk	2 4 6			June 19th.	
	April 7th.				Attending Master's office, plaintiff's evidence commenced and proceeded with, Dr. Moffitt and Dr. Carroll examined, three hours, adjourned to 22nd instant	1 6 8
	Attending chambers, hearing of summons postponed to Tuesday 11th, on application of defendants' solicitor	0 13 4			Paid Dr. Carroll's fees	3 3 0
	April 11th.				Attending to bespeak, and for copy evidence	0 6 8
	Attending chambers, further adjourned, applied for by defendants' counsel to the 18th	0 13 4			Paid for same	0 8 6
	April 18th.				Court fee, examining two witnesses	0 5 0
	Attending chambers, application heard, and order made as asked	0 13 4			Copy evidence of Dr. Moffitt and Dr. Carroll for counsel, five sheets	0 16 8
	Drawing order and copy	0 8 0			Attending Mr. Owen with same	0 6 8
	Copy for signature of Judge	0 2 0			June 21st.	
	Attending him for signature	0 6 8			Præcipe and Subpœna for Bickley, Reuss, Thomas, and Hoctor	0 15 0
	Attending to file copy in Master's office	0 3 4			Attending to issue	0 3 4
	Paid for the order	0 10 6			Paid for same	0 5 6
	Paid entering	0 1 6			Copy and service on Mr. Bickley	0 6 0
	Copy and service of order on defendants' solicitor	0 5 4			The like on Mr. Reuss	0 6 0
<u>0 8 8</u>	(19.)	<u>8 8 6</u>			The like on Mr. Thomas	0 6 0
	April 19th.				The like on Mr. Hoctor	0 6 0
	Attending Master's office on warrant for taking evidence, same allowed to lapse in consequence of the order made yesterday	0 6 8			June 21st.	
	May 10th.				Præcipe and subpœna on M. D. Mitchell	0 15 0
	Searching if affidavit of the Mayor filed as to discovery of documents	0 4 4			Attending to issue	0 3 4
0 3 4	Attending to bespeak, and for office copy	0 6 8			Paid for subpœna	0 2 6
	Paid for same	0 3 6			June 22nd.	
	Perusing same	0 6 8			Attending Master's office, warrant adjourned by consent to 30th instant	0 13 4
0 6 8	Attending to search if documents lodged	0 6 8			(22.)	<u>16 0 2</u>
	Attending to bespeak and for copies of documents, 7 to 24 inclusive	0 6 8			June 30th.	
	Paid for same	1 4 0			Attending Master's office, further adjourned by consent to 3rd August	0 13 4
	Perusing same	0 13 4			August 2nd.	
	May 15th.				Attending Mr. Reuss and Mr. Hoctor, to attend to-morrow	0 6 8
	Attending defendants' solicitor, appointing time to meet in Master's office to extend time for taking evidence, and agreeing to extend to 19th June	0 6			Drawing proofs of Mr. Hoctor and Mr. Reuss three sheets	1 0 0
	Drawing and copy consent	0 5 0			Brief, copy for Mr. Owen	0 10 0
					Attending him with same	0 6 8
					Paid him refresher for 3rd August	3 5 6

£ s. d.	August 3rd.	£ s. d.	£ s. d.	(25.)	£ s. d.
	Attending warrant, Mr. Hoctor and Mr. Reuss examined two hours, adjourned to 11th instant	1 0 0		Attending to bespeak and for copy evidence	0 6 8
	Attending to bespeak and for copy evidence	0 6 8		Paid for same	0 6 0
	Paid for same	0 5 6		Court-fee, four witnesses	0 10 0
	Paid Court fees, two witnesses	0 5 0		Copy evidence for Mr. Owen, four sheets	0 13 4
	Copy evidence for counsel, four sheets	0 13 4		Attending him with same	0 6 8
	Attending him with same	0 6 8			
	August 11th.			October 11th.	
	Attending Master's office, warrant adjourned to 23rd instant by consent	0 13 4		Attending adjourned warrant, same postponed to the 16th on consent	0 13 4
	Term fee	1 1 8		Præcipe and subpoena for J. Golden for 16th	0 15 0
	3RD TERM, 1876.		0 6 8	Attending to issue and paid 2s. 6d.	0 5 10
	August 23rd.			Copy and service on Mr. J. Golden	0 6 0
	Attending Master's office, warrant further adjourned by consent to 4th September	0 13 4		Letter to Mr. A. Thornley to attend on 16th	0 5 0
	September 3rd.			Drawing proofs of Messrs. Thornley and Golden, two sheets	0 13 4
0 3 4	Attending Mr. Macafee to ensure his attendance to-morrow	0 6 8		Copy for Mr. Owen	0 6 8
				Attending him with same	0 6 8
0 10 0		11 14 4		Paid him refresher fee for the 16th	3 5 6
	(23.)			October 16th.	
	Drawing proofs of Mr. Macafee, three sheets	1 0 0		Attending Master's office, Messrs. Thornley and Golden examined two hours, and adjourned to 23rd	1 0 0
	Brief copy for Mr. Owen	0 10 0		Attending to bespeak and for copy evidence	0 6 8
	Attending Mr. Owen	0 6 8		Paid for same	0 3 0
	Paid him refresher fee for the 4th	2 4 6		Paid fees, two witnesses	0 5 0
	September 4th.			Copy evidence for counsel, two sheets	0 6 8
	Attending Master's office, Mr. Macafee examined one hour, adjourned to 12th instant	0 13 4		Attending Mr. Owen with same	0 6 8
	Attending to bespeak, and for copy evidence of Mr. Macafee	0 6 8		October 23rd.	
	Paid for same	0 4 0		Attending adjourned warrant, further adjourned to the 30th by consent	0 13 4
	Court fee, one witness	0 2 6	0 6 8		
	Copy evidence for counsel, two sheets	0 6 8		(26.)	
	Attending Mr. Owen with same	0 6 8	0 6 8	Drawing proofs of G. W. Allen and J. M'Laughlin, three sheets	1 0 0
	September 11th.			Brief copy for Mr. Owen	0 10 0
	Attending Rev. Mr. Dwyer and Mr. Bickley to secure their attendance to-morrow	0 13 4		Attending him with same	0 6 8
	Drawing proofs of Messrs. Dwyer and Bickley, two sheets	0 13 4		Paid him refresher fee for the 30th	3 5 6
	Copy for Mr. Owen	0 6 8		October 30th.	
	Attending him with same	0 6 8		Attending Master's office, Messrs. Allen and M'Laughlin examined and plaintiffs' evidence closed, two hours	1 0 0
	Paid him refresher for 12th	2 4 6		Court fee and two witnesses	0 5 0
	September 12th.			Attending to bespeak and for copy evidence	0 6 8
	Attending Master's office, Messrs. Dwyer and Bickley examined one hour, adjourned to 26th	0 13 4		Paid for same	0 5 6
	Paid Court fee, two witnesses	0 5 0		Term fee	1 1 8
	Attending to bespeak, and for copy evidence	0 6 8		4TH TERM, 1876.	
	Paid for same	0 3 6		His Honor the Primary Judge having refused the defendants' application for extension of time, and directed a writ of sequestration to issue forthwith, instructions for commission	0 6 8
0 3 4	Copy evidence for Mr. Owen, three sheets	0 10 0	0 5 0	Drawing same	1 0 0
	Attending him with same	0 6 8		Engrossing same	0 10 0
0 3 4		12 10 8		Parchment	0 5 0
	(24.)			Præcipe for writ	0 3 0
	September 26th.			November 29th.	
	Attending adjourned warrant, same further adjourned to 2nd October, by-consent	0 13 4		Attending Master's office, lodging commission and præcipe for entering and signature of the Master, and for same	0 6 8
	September 30th.			Attending Mr. Justice Hargrave to sign the writ	0 6 8
0 6 8	Writing Mr. Mansfield to attend to-morrow	0 5 0		Paid for the commission	1 1 0
0 3 4	Drawing proofs of Mr. Mansfield, two sheets	0 13 4	0 5 0	Copy to file	0 10 0
	Brief copy for Mr. Owen	0 6 8		Paid filing	0 2 0
	Attending him with same	0 6 8			
	Paid his fee and clerk	2 4 6	1 0 0	(27.)	12 12 0
	October 2nd.			Attending to get the commission sealed with seal of Court	0 6 8
	Attending Master's office, Mr. Mansfield examined and adjourned to October 5th, two hours	1 0 0		Paid for the seal	0 10 6
	Paid court-fee, one witness	0 2 6	0 5 0	Copy Commission for Mr. Commissioner Want	0 10 0
	Attending to bespeak and for copy of evidence	0 6 8	0 5 0	Copy for Mr. Commissioner Young	0 10 0
	Paid for same	0 6 6	0 5 0	Copy for Commissioner Dr. M'Laurin	0 10 0
	Copy for counsel, four sheets	0 13 4	0 5 0	Copy for Commissioner Mullens	0 10 0
	Attending Mr. Owen with same	0 6 8	0 5 0	Copy for Commissioner Sutherland	0 10 0
	Copy and service of notice by letter on G. Munro to attend on Thursday the 5th	0 5 0	0 5 0	Copy for Commissioner Russell	0 10 0
	Copy and service of notice on Mr. Wright	0 5 0	0 5 0	Copy for Commissioner Pell	0 10 0
	Copy and service of notice on Mr. D. Mitchell	0 5 0		Attending Mr. Driver, defendants' solicitor, on his applying to us to postpone the execution of the commission until he had consulted with his clients, and we agreed to do so	0 6 8
0 6 8	Drawing proofs of the above four witnesses, four sheets	1 6 8		Term fee	1 1 6
0 3 4	Copy for Mr. Owen	0 13 4		4TH TERM, 1876.	
	Attending him with same	0 6 8		Writing Mr. Driver, referring to our interview with him of yesterday, and stating that we should have much pleasure in withholding the execution of the writ provided his clients undertook to complete the works within a fortnight, and consent to a decree in terms of the prayer of the bill with costs	0 5 0
	Paid his fee and clerk	3 5 6			
	October 5th.				
	Attending Master's office, Messrs. Munro, Wright, Mitchell, and Johnson, examined three hours, adjourned to 11th instant	1 6 8			
1 0 0		15 4 0			

£ s. d.	November 30th.	£ s. d.
	Not having received any reply to this letter, writing Mr. Driver for a reply by 10 o'clock to-morrow	0 5 0
<u>1 15 0</u>	(28.)	<u>6 5 0</u>
	Attending on receipt of a reply from Mr. Driver; which was not satisfactory, writing again that unless we received an affirmative answer to our letter of the 25th we should put the commissioners in motion	0 5 0
	December 1st.	
	Long and special attendance upon the Mayor and Mr. Driver; we at length agreed to withhold the execution of the commission, the works being at once proceeded with, and the defendants consenting to a decree against them in the suit.....	0 13 4
	Drawing and copy consent to set the case down for hearing.....	0 5 0
0 6 8	Attending defendants' solicitor to sign same, not in, left same, and afterwards for it	0 6 8
	Attending Mr. Justice Hargrave, reporting the arrangement come to, and to obtain his permission to set the case down for Tuesday, 5th instant—same granted.....	0 13 4
	Attending to file consent, and report direction of Judge in Master's Office	0 6 8
	Paid filing consent	0 2 0
	Copy and service on defendants' solicitor	0 4 4
	Subpoena to hear judgment and præcipe.....	1 0 0
	Attending to issue	0 3 4
	Paid for subpoena.....	0 5 0
	Attending to set down cause.....	0 6 8
0 5 0	Paid setting down cause.....	0 10 6
	Notice that cause set down for hearing for 5th December	0 5 0
<u>0 11 8</u>	(29.)	<u>5 6 10</u>
0 5 0	Copy and service	0 5 0
	Copy and service of subpoena to hear judgment	0 6 0
	Instructions for brief on the hearing	0 13 4
	Brief on the hearing	0 6 8
	Attending Mr. Owen	0 6 8
	Paid his fee	3 5 6
0 6 8	Attending Mr. Owen to appoint conference	0 6 8
	Paid his fee and clerk.....	1 3 6
	December 5th.	
	Attending Court, matter opened and debated, and decree made as prayed	2 2 0
	Paid Court fee	0 13 0
	Drawing minutes of decree and copy	0 10 0
	Attending Mr. Owen to settle	0 6 8
	Paid his fee and clerk.....	2 4 6
0 1 8	Copy to leave in Master's Office for Judge.....	0 5 0
	Attending to leave same.....	0 3 4
	Warrant to settle.....	0 6 6
	Copy and service	0 3 0
	December 15th.	
	Attending before Judge, minutes of decree settled	0 13 4
	Attending for decree	0 6 8
	Paid for same.....	2 15 6
0 1 8	Copy decree for defendants' solicitor	0 5 0
	Attending to deliver	0 3 4
	Drawing and copy consent for each party to take out their exhibits	0 5 0
0 6 8	Attending, signing, and leaving same in Master's office	0 6 8
	Term fee.....	1 1 8
<u>1 1 8</u>		<u>19 4 6</u>

	(30.)	£ s. d.
	1st TERM, 1877.	
£ s. d.		£ s. d.
	Drawing this bill of costs and copy.....	10 0 0
	Attending to file same.....	0 3 4
	Paid filing	0 2 0
0 10 0	Copy for defendants' solicitor	3 0 0
	Attending to deliver	0 3 4
	Warrant to tax.....	0 6 6
	Copy and service.....	0 3 0
1 6 8	Attending taxing.....	3 0 0
	Drawing and copy certificate.....	0 8 0
	Attending to get same sealed and signed	0 6 8
	Paid for certificate	1 0 0
	Attending to file same.....	0 3 4
	Paid filing same	0 3 4
	Attending to bespeak, and for office copy	0 6 8
	Paid for same	0 2 6
	Copy for defendants' solicitor	0 3 4
	Attending to deliver	0 3 4
	Attending to demand payment of costs and receive same	0 6 8
	Term fee	1 1 8
<u>1 16 8</u>		<u>21 3 8</u>

RECAPITULATION.		
Page.	Taxed off.	Amount on Bill.
	£ s. d.	£ s. d.
2	0 16 0	16 18 0
3	0 8 0	5 16 10
4	1 0 8	10 18 2
5	3 9 0	43 16 8
6	1 1 0	12 10 2
7	2 4 8	8 3 2
8	7 12 10	11 9 0
9	1 0 0	8 13 0
10	0 13 8	6 8 10
11	2 8 8	8 8 2
12	1 6 8	8 7 0
13	4 7 4	37 8 4
14	2 17 4	14 18 2
15	2 4 4	7 15 6
16	2 5 0	29 14 10
17	0 18 4	5 13 8
18	0 8 8	8 8 6
19	1 3 4	8 10 10
20	4 4 8	24 3 0
21	1 1 0	16 0 2
22	0 10 0	11 14 4
23	0 3 4	12 10 8
24	1 0 0	15 4 0
25	0 6 8	12 1 4
26	1 0 0	12 12 0
27	1 15 0	6 5 6
28	0 11 8	5 6 10
29	1 1 8	19 4 6
30	1 16 8	21 3 8
	<u>49 16 2</u>	<u>410 9 10</u>
	Taxed off	49 16 2
		360 13 8
	Percentage	7 4 0
	To be allowed in certificate at ...	£367 17 8

Certificate of Taxation, filed 23rd February, 1877.

In pursuance of the decree made in this cause on the fifth day of December, one thousand eight hundred and seventy-six, I have been attended by the solicitors for the informant and plaintiffs, and for the defendants, and I certify as follows, that is to say,—

That the informant and plaintiffs brought in their bill of costs under the said order, amounting to the sum of four hundred and ten pounds nine shillings and ten pence, and that I have taxed and allowed the same at the sum of three hundred and sixty-seven pounds seventeen shillings and eight pence, and which said sum of three hundred and sixty-seven pounds seventeen shillings and eight pence is the sum to be paid by the defendants to Messieurs Allen, Bowden, and Allen, the solicitors for the said informant and plaintiffs.

All which I certify and report unto this Honorable Court.

23rd February, 1877.

ARTHUR T. HOLROYD,
Master in Equity.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

MUNICIPALITIES.

(LIST OF THOSE CREATED UNDER ACTS OF 1858 AND 1867.)

Ordered by the Legislative Assembly to be printed, 12 June, 1877.

LIST showing the Municipalities created under the Acts of 1858 and 1867, and the dates of Proclamation.

Name of Municipality.	Date of Proclamation.	Name of Municipality.	Date of Proclamation.
Albury	4 June, 1859.	Newcastle.....	7 June, 1859.
Alexandria	27 Aug., 1868.	Newtown	12 Dec., 1862.
Armidale	13 Nov., 1863.	North Willoughby	23 Oct., 1865.
Ashfield	28 Dec., 1871.	Nowra	29 Dec., 1871.
Balmain	21 Feb., 1860.	Numba	24 Oct., 1868.
Bathurst	13 Nov., 1862.	Orange	9 Jan., 1860.
Broughton Creek and Bomaderry	24 Oct., 1868.	Paddington	17 April, 1860.
Broughton Vale	22 April, 1871.	Parramatta	27 Nov., 1861.
Burwood	27 Mar., 1874.	Penrith.....	12 May, 1871.
*Camperdown	13 Nov., 1862.	Petersham	14 Dec., 1871.
Central Illawarra	19 Aug., 1859.	Plattsburg	27 Dec., 1876.
Cudgegong	20 July, 1860.	Prospect and Sherwood	5 July, 1872.
Darlington	11 Aug., 1864.	Randwick	22 Feb., 1859.
Deniliquin	16 Dec., 1868.	Redfern	11 Aug., 1859.
Dubbo	16 Feb., 1872.	Richmond.....	18 June, 1872.
East Saint Leonards	17 Aug., 1860.	Ryde.....	11 Nov., 1870.
East Maitland	10 Mar., 1862.	Saint Leonards	31 May, 1867.
Five Dock	23 July, 1871.	Saint Peter's	13 Jan., 1871.
Forbes	27 April, 1870.	Shellharbour	4 June, 1859.
Gerrington	22 April, 1871.	Singleton	30 Jan., 1866.
Glen Innes	17 June, 1872.	Tamworth	17 Mar., 1876.
Goulburn	4 June, 1859.	The Glebe	1 Aug., 1859.
Grafton	19 July, 1859.	The North Illawarra	24 Oct., 1868.
Gulgong	5 Feb., 1876.	Tenterfield	22 Nov., 1871.
Hamilton	11 Dec., 1871.	Ulladulla	14 April, 1874.
Hay	10 June, 1872.	Ullmarra	16 Nov., 1871.
Hill End	6 Aug., 1873.	Victoria	20 Jan., 1871.
Hunter's Hill	5 Jan., 1861.	Wagga Wagga	15 Mar., 1870.
Inverell	4 Mar., 1872.	Wallsend	27 Feb., 1874.
Kinross	11 Aug., 1859.	Waratah	23 Feb., 1871.
Lambton	24 June, 1871.	Waterloo	16 May, 1860.
Leichhardt	14 Dec., 1871.	Waverley	13 June, 1859.
Liverpool	27 June, 1872.	West Botany	13 Jan., 1871.
Macdonald Town.....	23 May, 1872.	West Maitland	13 Nov., 1863.
Manly	6 Jan., 1877.	Wickham	25 Feb., 1871.
Marrickville.....	1 Nov., 1861.	Windsor	4 Mar., 1871.
Morpeth	1 Dec., 1865.	Wollongong.....	22 Feb., 1859.
Mudgee	21 Feb., 1860.	Woollahra	17 April, 1860.
Muswellbrook	13 April, 1870.	Yass	12 Mar., 1873.

* The Borough of Cook (proclaimed 13th November, 1862), was by proclamation of 19th February, 1870, united to Camperdown.

Colonial Secretary's Office,
Sydney, 7 June, 1877.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

INCORPORATION OF CENTRAL SHOALHAVEN.
(CORRESPONDENCE, &c.)

Ordered by the Legislative Assembly to be printed, 4 July, 1877.

RETURN to an *Order* of the Honorable the Legislative Assembly of New South Wales, dated 15th June, 1877, praying that His Excellency the Governor will be pleased to cause to be laid upon the Table of this House,—

“Copies of all Correspondence between the Government and any person or persons, and all Papers and other Documents having reference to the Inquiry or Inquiries held by Henry G. Morton, Esq., J.P., and Henry Connell, Esq., P.M., under the 11th, 12th, and 13th sections of the Municipalities Act of 1867, in the matter of the Petitions for and against the Incorporation of Central Shoalhaven.”

(*Mr. Warden.*)

INCORPORATION OF CENTRAL SHOALHAVEN.

No. 1.

Petition for Incorporation of Municipal District of Central Shoalhaven.

To His Excellency Sir Hercules George Robert Robinson, Knight Grand Cross of the most distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief of the Colony of New South Wales and its dependencies, and Vice-Admiral of the same.

The humble petition of the undersigned householders and residents of Shoalhaven,—

Showeth:—

That your petitioners are anxious that the area hereinafter described should be created a Municipality under the provisions of the "Municipalities Act of 1867" by the designation of the "Municipal District of Central Shoalhaven."

That your petitioners, upon incorporation, will be liable to be assessed for municipal taxes in respect of property or household residence within the proposed Municipal District.

That the proposed Municipality contains an area of less than 20 square miles, and that the population is upwards of 625.

That your Petitioners respectfully request that the following be declared the boundaries of the proposed municipal district, namely:—

Commencing on the south bank of the Shoalhaven River at the north-eastern corner of the Municipal District of Nowra, and bounded on the west by the eastern boundary of that Municipality as far as the junction of the Ulladulla Road to Nowra and Terrara; thence by a line south-easterly to the south-west corner of James M'Mahon's 37 acres 3 roods, known as Gerald's Yards; then east by the southern boundaries of that lot and the lots 44 acres 1 rood, 48 acres, and 45 acres 3 roods respectively to the south-east corner of the last-mentioned lot; thence by a line bearing about east 15 degrees north to the north-west corner of E. Lord's 640 acres on the Crookhaven River; thence to the junction of the northern branch of the Crookhaven, and along the western bank of that stream to the eastern boundary of Prosper de Mestre's 1,300 acres; thence north by the western boundary of the Municipal District of Numba to the Shoalhaven River, and by that river to the point of commencement.

And your petitioners pray that the same may be declared a Municipality under the "Municipalities Act," 31 Vic., No. 12, to be styled the "Municipal District of Central Shoalhaven."

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|--|--|
| <p>1 John Monaghan, J.P., Mayfield
her</p> <p>2 Ann x M'Donald
mark. Witness,—Chas. I. Watson</p> <p>3 Joseph Goodsell, Warrogee</p> <p>4 Eleanor M. Garven, Terrara</p> <p>5 Edward Aldous, Warrogee</p> <p>6 Thomas Pepper, Warrogee
his</p> <p>7 David x Lamond, Warrogee
mark. Witness,—Chas. I. Watson</p> <p>8 John M'Arthur, freeholder, Terrara</p> <p>9 Thomas Barker, leaseholder, Terrara</p> <p>10 R. H. Woods, photographer, Terrara</p> <p>11 Mark Walker, freeholder, Terrara</p> <p>12 Archibald Smith, freeholder, Terrara</p> <p>13 Elizabeth Isaacs, freeholder, Terrara</p> <p>14 Henry Thistleton, mariner, Terrara</p> <p>15 John N. Bradley, Terrara</p> <p>16 Daniel J. Lawler, Terrara</p> <p>17 Geo. Davis, Terrara</p> <p>18 Reuben Greentree, Terrara</p> <p>19 Charles Bailey, Terrara</p> <p>20 Michael Hyam, J.P., freeholder</p> <p>21 Wm. Griffiths, freeholder, Terrara</p> <p>22 James Sinclair, leaseholder, Terrara
his</p> <p>23 John x Utick
mark. Witness,—Chas. I. Watson</p> <p>24 Hy. Wheatley, freeholder, Terrara</p> <p>25 Chas. I. Watson, leaseholder, Terrara</p> <p>26 H. Gregsom, Terrara</p> <p>27 E. L. Taylor, householder, Terrara</p> <p>28 John Watson, Terrara</p> <p>29 William Myers, Terrara</p> <p>30 Peter Burke, freeholder</p> <p>31 James Wilson, J.P., freeholder</p> <p>32 John Meffan, householder</p> <p>33 William Brown, freeholder, Terrara</p> <p>34 John Kohler, Terrara
her</p> <p>35 Catherine x Goodman
mark. Witness,—Chas. I. Watson</p> | <p>36 Robt. Savill, freeholder</p> <p>37 Richard Bartlett, Terrara
her</p> <p>38 Catherine x M'Leod, Terrara
mark.</p> <p>39 John Aldous, Warrogee</p> <p>40 Jesse Larter, Warrogee</p> <p>41 F. W. Flatt, Manager, Commercial Bank,
Terrara</p> <p>42 Jas. Lamond, Terrara</p> <p>43 Thos. Lamond, per his agent, Jas. Lamond</p> <p>44 Jas. A. Chaseling, Terrara</p> <p>45 James Duff, Warrogee</p> <p>46 James Stanbury, Terrara</p> <p>47 John Somerville, Terrara
his</p> <p>48 Thomas x Adams, Terrara
mark.
her</p> <p>49 Margaret x Gosciny, Terrara
mark</p> <p>50 Isaiah Aldous, Worragee</p> <p>51 Henry Esplen, Terrara</p> <p>52 William Henry Wicks
his</p> <p>53 J. W. x Yates, Terrara
mark</p> <p>54 Michael Kearney, Terrara</p> <p>55 John Lamond, Oak Bank</p> <p>56 David Lamond, Oak Bank</p> <p>57 Wm. Woods, Brundee</p> <p>58 John M'Arthur, executor of the late John
Irvine</p> <p>59 James Dwyer</p> <p>60 Patrick M'Mahon, Crookhaven</p> <p>61 Samuel Elyard, trustee for Annette M'Guire</p> <p>62 James Monaghan, trustee for Annette
M'Guire</p> <p>63 S. Larter</p> <p>64 E. T. O. Sayer, Captain, steamer "Pearl"
his</p> <p>65 Daniel x Harris, farmer
mark</p> |
|--|--|

66 Thomas Freeman Herne, farmer	73 John Herne, Berrellen
67 Jacob Hewitt, farmer	74 John Hewitt, Brundee
68 William Strong	75 Arthur B. Elyard, freeholder, Brundee
69 John Pepper, freeholder, Worragee	76 W. R. Elyard, freeholder, Brundee
70 John James Emery, Crookhaven	77 Alexr. M'Lean, Crookhaven
71 James Phillips, Wesleyan Minister, Terrara	78 Edmund Bartlett
72 R. T. Earl, Church of England Clergyman	

I, Charles Isaac Watson, leascholder, Terrara, Shoalhaven, do solemnly declare that all the signatures affixed to the above petition, from No. 1 to No. 78 inclusive, and initialled "C.I.W.," are the genuine signatures of the persons whose signatures they purport to be; and that such persons are persons liable to assessment for municipal taxes in respect of property or household residence, within the boundaries of the proposed municipal district, as set forth in this petition.

CHAS. I. WATSON.

Taken and declared at Terrara, this 21st day of August, }
1875, before me, a Justice of the Peace,— }
A. DE MESTRE, J.P.

No. 2.

Minute Paper for the Executive Council.

Colonial Secretary's Office, Sydney, 6 September, 1875.

Petition for a Municipality, to be called the Municipal District of Central Shoalhaven.

I RECOMMEND the publication, in accordance with the provisions of section 10 of the "Municipalities Act of 1867," of the substance and prayer of the accompanying petition from seventy-eight persons, who would, upon incorporation, be liable to be assessed for municipal taxes in respect of property or household residence within certain boundaries therein set out, praying that the area so defined may be constituted a Municipality under the name of the "Municipal District of Central Shoalhaven."

JOHN ROBERTSON.

No. 3.

Extract of the Proceedings of the Executive Council.

At Government House, Sydney, 6 September, 1875.

PRESENT:—

His Excellency the Governor,
The Honorable the Colonial Secretary,
The Honorable the Colonial Treasurer,
The Honorable the Minister of Justice and Public Instruction,
The Honorable the Secretary for Lands,
The Honorable the Secretary for Works,
The Honorable the Secretary for Mines, and
The Honorable the Postmaster General.

Minute No. 43, 6 September, 1875.

His Excellency the Governor lays before the Council a minute paper by the Honorable the Colonial Secretary, submitting a petition from seventy-eight persons resident in the proposed Municipal District of "Central Shoalhaven," praying that the locality therein described may be constituted a Municipality under the above name.

2. The Council advise that the substance and prayer of the said petition be published in the Gazette in terms of the 10th clause of the "Municipalities Act of 1867."

ALEX. C. BUDGE,
Clerk of the Council.

No. 4.

Gazette Notice.

Colonial Secretary's Office, Sydney, 27 September, 1875.

PETITION FOR MUNICIPALITY—MUNICIPAL DISTRICT OF CENTRAL SHOALHAVEN.

His Excellency the Governor, with the advice of the Executive Council, directs the publication, in accordance with the "Municipalities Act of 1867," of the substance and prayer of a petition addressed to His Excellency, and signed by seventy-eight persons, praying that their locality may be constituted a Municipality, under the name of the Municipal District of Central Shoalhaven.

JOSEPH DOCKER.

The petitioners state their anxiety to be incorporated.

That upon incorporation they would be liable to municipal taxation.

That the population of the area proposed to be incorporated, which does not exceed twenty square miles, is upwards of six hundred and twenty-five.

And they suggest the following boundaries for the Municipality, viz. :—

Commencing on the south bank of the Shoalhaven River, at the north-eastern corner of the Municipal District of Nowra; and bounded on the west by the eastern boundary of that Municipality as far as the junction of the Ulladulla Road to Nowra and Terrara; thence by a line south-easterly to the south-west corner of James M'Mahon's 37 acres 3 roods, known as Gerald's yards; then east by the southern boundaries of that lot and the lots 44 acres 1 rood, 48 acres, and 45 acres 3 roods respectively, to the south-east corner of the last-mentioned lot; thence by a line bearing about east 15 degrees north

to

to the north-west corner of E. Lord's 640 acres on the Crookhaven River ; thence to the junction of the northern branch of the Crookhaven, and along the western bank of that stream to the eastern boundary of Prosper de Mestre's 1,300 acres ; thence north by the western boundary of the Municipal District of Numba to the Shoalhaven River ; and by that river to the point of commencement.

And pray that the Municipality may be constituted under the name of the "Municipal District of Central Shoalhaven."

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|---|---|
| 1 John Monaghan, J.P., Mayfield
her | 40 Jesse Larter, Warrogee |
| 2 Ann x M'Donald
mark. Witness,—Chas. I. Watson | 41 F. W. Flatt, Manager, Coml. Bank, Terrara |
| 3 Joseph Goodsell, Warrogee | 42 Jas. Lamond, Terrara |
| 4 Eleanor M. Garven, Terrara | 43 Thos. Lamond, per his agent, Jas. Lamond |
| 5 Edward Aldous, Warrogee | 44 Jas. A. Chaseling, Terrara |
| 6 Thomas Pepper, Warrogee
his | 45 James Duff, Warrogee |
| 7 David x Lamond, Warrogee
mark. Witness,—Chas. I. Watson | 46 James Stanbury, Terrara |
| 8 John M'Arthur, freeholder, Terrara | 47 John Somerville, Terrara
his |
| 9 Thomas Barker, leaseholder, Terrara | 48 Thomas x Adams, Terrara
mark |
| 10 R. H. Woods, photographer, Terrara | her |
| 11 Mark Walker, freeholder, Terrara | 49 Margaret x Gosciny, Terrara
mark |
| 12 Archibald Smith, freeholder, Terrara | 50 Isaiah Aldous, Worragee |
| 13 Elizabeth Isaacs, freeholder, Terrara | 51 Henry Esplen, Terrara |
| 14 Henry Thistleton, mariner, Terrara | 52 William Henry Wicks
his |
| 15 John N. Bradley, Terrara | 53 J. W. x Yates, Terrara
mark |
| 16 Daniel J. Lawler, Terrara | 54 Michael Kearny, Terrara |
| 17 Geo. Davis, Terrara | 55 John Lamond, Oak Bank |
| 18 Reuben Greentree, Terrara | 56 David Lamond, Oak Bank |
| 19 Charles Bailey, Terrara | 57 Wm. Woods, Brundee |
| 20 Michael Hyam, J.P., freeholder | 58 John M'Arthur, executor of the late John
Irvine |
| 21 Wm. Griffiths, freeholder, Terrara | 59 James Dwyer |
| 22 James Sinclair, leaseholder, Terrara
his | 60 Patrick M'Mahon, Crookhaven |
| 23 John x Utick
mark. Witness,—Charles I. Watson | 61 Samuel Elyard, trustee for Annette M'Guire |
| 24 Hy. Wheatley, freeholder, Terrara | 62 James Monaghan, trustee for Annette
M'Guire |
| 25 Chas. I. Watson, leaseholder, Terrara | 63 S. Larter |
| 26 H. Gregsom, Terrara | 64 E. T. O. Sayer, Captain, steamer "Pearl"
his |
| 27 E. L. Taylor, householder, Terrara | 65 Daniel x Harris, farmer
mark |
| 28 John Watson, Terrara | 66 Thomas Freeman Herne, farmer |
| 29 William Myers, Terrara | 67 Jacob Hewitt, farmer |
| 30 Peter Burke, freeholder | 68 William Strong |
| 31 James Wilson, J.P., freeholder | 69 John Pepper, freeholder, Worragee |
| 32 John Meffan, householder | 70 John James Emery, Crookhaven |
| 33 William Brown, freeholder, Terrara | 71 James Phillips, Wesleyan Minister, Terrara |
| 34 John Kohler, Terrara
her | 72 R. T. Earl, Church of England Clergyman |
| 35 Catherine x Goodman
mark. Witness,—Chas. I. Watson | 73 John Herne, Berrellen |
| 36 Robt. Savill, freeholder | 74 John Hewitt, Brundee |
| 37 Richard Bartlett, Terrara
her | 75 Arthur B. Elyard, freeholder, Brundee |
| 38 Catherine x M'Leod, Terrara
mark. | 76 W. R. Elyard, freeholder, Brundee |
| 39 John Aldous, Warrogee | 77 Alexr. M'Lean, Crookhaven |
| I, Charles Isaac Watson, leaseholder, Terrara, Shoalhaven, do solemnly declare that all the signatures affixed to the above petition, from No. 1 to No. 78 inclusive, and initialled "C.I.W.," are the genuine signatures of the persons whose signatures they purport to be ; and that such persons are persons liable to assessment for municipal taxes in respect of property or household residence, within the boundaries of the proposed municipal district, as set forth in this petition. | 78 Edmund Bartlett |

CHAS. I. WATSON.

Taken and declared at Terrara, this 21st day of August, }
1875, before me, a Justice of the Peace,— }
A. DE MESTRE, J.P.

No. 5.

Counter-Petition.

To His Excellency Sir Hercules George Robert Robinson, Knight Grand Cross of Saint Michael and Saint George, Governor of and for the Colony of New South Wales, &c., &c., &c.

The humble petition of the undersigned persons liable to be assessed for municipal taxes in respect of property or household residence within the proposed Municipality of Central Shoalhaven,—

RESPECTFULLY SHOWETH :—

That your petitioners are averse to the incorporation of Central Shoalhaven as a Municipality for the following reasons :—

That your petitioners believe that such incorporation would not, in consequence of the rates which would be raised, prove sufficient for the public works necessary to be performed within the area, and therefore of no benefit to your petitioners.

Your

Your petitioners further believe that most of the parties signing the petition for the proposed Municipality are possessed of a very small portion of the area of the said proposed Municipality, and therefore their assessments would not prove sufficient to carry out the necessary public works required in their own immediate quarter known as the village of Terrara.

Your petitioners therefore humbly pray that the incorporation of Central Shoalhaven may not take place.

And your petitioners as in duty bound will ever pray.

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|---|---|
| 1 A. De Mestre, J.P., freeholder, Berrung | 42 Joseph Crawford, leaseholder, Brundee |
| 2 Alfred Elyard, J.P., freeholder, Berrellan | 43 Thos. Connolly, jun., leaseholder |
| 3 Edward Pooley, storekeeper, Terrara | 44 Alexander Ikin, leaseholder, Brundee |
| 4 William Strong, leaseholder, Crookhaven | 45 John Rowan, sen., blacksmith, Berrallan |
| 5 John Miffan, householder, Terrara | 46 R. Sinkenleng, householder, Terrara |
| his | 47 M. S. Knight, householder, Terrara |
| 6 William x Yeates | 48 James Hanigan, leaseholder |
| mark Witness—John Smith | 49 James Behan, householder |
| 7 C. M. Bindon, storekeeper, Terrara | 50 Patrick Kelly, leaseholder, Berrellan |
| 8 James Dwyer, householder, Terrara | 51 Edward Connolly, leaseholder, Brundee |
| 9 Charles Bailey, householder, Terrara | 52 W. A. S. Elyard, leaseholder, Berrellan |
| 10 A. Buchanan, freeholder, Terrara | 53 John Herne, leaseholder, Berrellan |
| 11 John Mulley, householder, Terrara | 54 E. M. Elyard, freeholder, Brundee |
| 12 Henry Gregson, leaseholder, Terrara | 55 E. M. Garven, householder, Terrara |
| 13 Thomas Pepper, householder, Worrigeo | 56 Edward Aldous, householder, Worrigeo |
| 14 John Pepper (by his agent, Thomas Pepper), | 57 Robert Miller, freeholder, Crookhaven |
| leaseholder, Worrigeo | 58 James Stuchbury, leaseholder, Worrigeo |
| 15 William Henry Thistleton, householder, Wor- | 59 John Forsyth, leaseholder, Brundee |
| rigeo | 60 Hong Wong, householder, Terrara |
| her | 61 William Cummins, freeholder, Crookhaven |
| 16 Ann M. x M'Donald, householder | 62 Robert Allars, freeholder, Worrigeo |
| mark Witness—John Smith | 63 Donald M'Lean, J.P., freeholder, Crookhaven |
| 17 Patrick Ryan, freeholder, Crookhaven | 64 E. De Mestre, freeholder, Terrara |
| 18 Allan Flemming, freeholder, Crookhaven | 65 John Wilson, farmer, Terrara |
| 19 Edward Ryan, freeholder, Crookhaven | 66 George Rolfe, farmer, Terrara |
| 20 Patrick Cashin, leaseholder, Mayfield | 67 Thomas Polton, householder, Berrellan |
| 21 Joseph Forsyth, leaseholder, Brelland | 68 Matthias Duncombe, householder, Brelland |
| 22 William Bennett, jun., leaseholder, Brelland | his |
| 23 Thos. Connolly, sen., leaseholder, Brundee | 69 Charles x Benett, householder, Brelland |
| 24 Thomas Duff | mark Witness—Matthias Duncombe |
| 25 Abraham Davis, householder, Terrara | 70 Bernard Brown, freeholder, Nowra Creek |
| 26 Thomas Goulding, leaseholder, Terrara | 71 James Dwyer (by his agent, John Smith) |
| 27 Thomas Goulding, leaseholder, Terrara | 72 William Sayer, Captain of steamer "Pearl," |
| 28 James Wilson, leaseholder, Terrara | freeholder, Terrara |
| 29 James Smythe, householder, Terrara | 73 D. Hyam, freeholder, Terrara |
| 30 John Utick, leaseholder, Terrara | 74 A. E. H. M'Guire (by his special agent, John |
| 31 Peter Ah Wong, Terrara | Smith) |
| 32 Paul Ah Pown, Terrara | 75 W. T. M'Guire (by his special agent, John |
| 33 George Rolfe, leaseholder, Terrara | Smith) |
| 34 William Herne, leaseholder, Terrara | 76 William Griffiths, freeholder,—did not sign |
| 35 Richard Caddell, Worrigeo | any other within two years. |
| 36 John Herne, leaseholder, Terrara | 77 Martin Brown, householder, Terrara |
| 37 Thomas Freeman Herne | 78 Aizley Hyam, freeholder, Terrara |
| 38 John George Martin, leaseholder, Terrara | 79 George P. Slade, freeholder (by his special |
| his | agent, John Smith) |
| 39 Daniel x Harris, leaseholder, Worrigeo | 80 R. D. Ramsay, freeholder (by his special |
| mark Witness—John Smith | agent, John Smith) |
| 40 Robert Crawford, leaseholder, Worrigeo | 81 Stephen Bartlett, householder |
| 41 Richard Goulding, leaseholder, Brundee | 82 John Smith, leaseholder |

[Mr. Smith's initials, "J.S.," are attached to each of the above signatures.]

I, John Smith, leaseholder of part of Berrellan, &c., &c., solemnly declare that all the signatures affixed to the above counter-petition, from No. 1 to No. 82 inclusive, and initialled "J.S.," are the genuine signatures they purport to be; and that such persons are persons liable to assessment for municipal taxes in respect of property or household residence within the boundaries of the proposed Municipal District of Central Shoalhaven, as notified in the Government Gazette of Monday, 27th September, 1875; and that all the signatures to this counter-petition were signed in presence of me.

Declared, this 18th day of December, 1875, }
before me, at Shoalhaven,—

JOHN SMITH.

A. DE MESTRE, J.P.

No. 6.

Minute Paper for the Executive Council.

Colonial Secretary's Office, Sydney, 30 December, 1875.

COUNTER-Petition against incorporation of proposed Municipal District of Central Shoalhaven. WITH reference to the petition (of which the substance and prayer were published in a supplementary Government Gazette of the 27th of September, and in a local newspaper of the 2nd of October last) from 78 persons, who would upon incorporation be liable to be assessed for municipal taxes, praying for the incorporation of a Municipality under the name of the "Municipal District of Central Shoalhaven," I now recommend the publication in like manner of the substance and prayer of the accompanying counter-petition, signed by 82 persons, who would be similarly liable as above, against the incorporation of the proposed Municipality.

JOHN ROBERTSON.

No. 7.

No. 7.

Extract of the Proceedings of the Executive Council.

At Government House, Sydney, 4 January, 1876.

PRESENT :—

His Excellency the Governor,
The Honorable the Colonial Secretary,
The Honorable the Secretary for Works,
The Honorable the Secretary for Mines,
The Honorable the Postmaster General.

Min. 76/1, 4 January, 1871.

His Excellency the Governor lays before the Council a Minute paper by the Honorable the Colonial Secretary, recommending that the substance and prayer of the counter-petition, herewith submitted for the incorporation of the Municipal District of Central Shoalhaven, be published in the Gazette in the same manner as the original petition.

2. The Council advise that the substance and prayer of the counter-petition referred to be published in the manner herein proposed.

ALEX. C. BUDGE,
Clerk of the Council.

No. 8.

Gazette Notice.

Colonial Secretary's Office, Sydney, 14 January, 1876.

MUNICIPAL DISTRICT OF CENTRAL SHOALHAVEN—COUNTER-PETITION.

His Excellency the Governor, with the advice of the Executive Council, directs the publication, in accordance with the "Municipalities Act of 1867," of the substance and prayer of a petition, received on the 21st ultimo, addressed to His Excellency, and signed by eighty-two persons, against the incorporation of the proposed Municipal District of Central Shoalhaven, such petition being in opposition to the petition, the substance and prayer of which were published in the Supplementary Government Gazette of the 27th September last, and otherwise as required by law.

JOHN ROBERTSON.

The petitioners state that they would be liable to municipal taxation in the event of the proposed Municipality being created.

That they are opposed to the incorporation of Central Shoalhaven as prayed for, because they believe that the rates that would be raised would not be sufficient for the public works of the locality, and that most of the persons who have applied for incorporation are possessed of a very small portion of the area of the proposed Municipality, and that therefore their assessment would not prove sufficient to carry out the necessary public works required in their own immediate quarter, known as the village of Terrara.

And the petitioners pray "that the incorporation of Central Shoalhaven may not take place."

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|---|--|
| 1 A. De Mestre, J.P., freeholder, Berrung | 33 George Rolfe, leaseholder, Terrara |
| 2 Alfred Elyard, J.P., freeholder, Berrellan | 34 William Herne, leaseholder, Terrara |
| 3 Edward Pooley, storekeeper, Terrara | 35 Richard Caddell, Worrigeo |
| 4 William Stroug, leaseholder, Crookhaven | 36 John Herne, leaseholder, Terrara |
| 5 John Miffan, householder, Terrara | 37 Thomas Freeman Herne |
| his | 38 John George Martin, leaseholder, Terrara |
| 6 William x Yeates | his |
| mark Witness—John Smith | 39 Daniel x Harris, leaseholder, Worrigeo |
| 7 C. M. Bindon, storekeeper, Terrara | • mark Witness—John Smith |
| 8 James Dwyer, householder, Terrara | 40 Robert Crawford, leaseholder, Worrigeo |
| 9 Charles Bailey, householder, Terrara | 41 Richard Goulding, leaseholder, Brundee |
| 10 A. Buchanan, freeholder, Terrara | 42 Joseph Crawford, leaseholder, Brundee |
| 11 John Mulley, householder, Terrara | 43 Thos. Connolly, jun., leaseholder |
| 12 Henry Gregson, leaseholder, Terrara | 44 Alexander Ikin, leaseholder, Brundee |
| 13 Thomas Pepper, householder, Worrigeo | 45 John Rowan, sen., blacksmith, Berrallan |
| 14 John Pepper (by his agent, Thomas Pepper), | 46 R. Sinkenleng, householder, Terrara |
| leaseholder, Worrigeo | 47 M. S. Knight, householder, Terrara |
| 15 William Henry Thistleton, householder, | 48 James Hanigan, leaseholder |
| Worrigeo | 49 James Behan, householder |
| her | 50 Patrick Kelly, leaseholder, Berrellan |
| 16 Ann M. x M'Donald, householder | 51 Edward Connolly, leaseholder, Brundee |
| mark Witness—John Smith | 52 W. A. S. Elyard, leaseholder, Berrellan |
| 17 Patrick Ryan, freeholder, Crookhaven | 53 John Herne, leaseholder, Berrellan |
| 18 Allan Flemming, freeholder, Crookhaven | 54 E. M. Elyard, freeholder, Brundee |
| 19 Edward Ryan, freeholder, Crookhaven | 55 E. M. Garven, householder, Terrara |
| 20 Patrick Cashin, leaseholder, Mayfield | 56 Edward Aldous, householder, Worrigeo |
| 21 Joseph Forsyth, leaseholder, Brelland | 57 Robert Miller, freeholder, Crookhaven |
| 22 William Bennett, jun., leaseholder, Brelland | 58 James Stuchbury, leaseholder, Worrigeo |
| 23 Thos. Connolly, sen., leaseholder, Brundee | 59 John Forsyth, leaseholder, Brundee |
| 24 Thomas Duff | 60 Hong Wong, householder, Terrara |
| 25 Abraham Davis, householder, Terrara | 61 William Cummins, freeholder, Crookhaven |
| 26 Thomas Goulding, leaseholder, Terrara | 62 Robert Allars, freeholder, Worrigeo |
| 27 Thomas Goulding, leaseholder, Terrara | 63 Donald M'Lean, J.P., freeholder, Crookhaven |
| 28 James Wilson, leaseholder, Terrara | 64 B. De Mestre, freeholder, Terrara |
| 29 James Smythe, householder, Terrara | 65 John Wilson, farmer, Terrara |
| 30 John Utick, leaseholder, Terrara | 66 George Rolfe, farmer, Terrara |
| 31 Peter Ah Wong, Terrara | 67 Thomas Polton, householder, Berrellan |
| 32 Paul Ah Pown, Terrara | 68 Matthias Duncombe, householder, Brellan |

his
 69 Charles x Bennett, householder, Brellan
 mark Witness—Matthias Dun-
 combe
 70 Bernard Brown, freeholder, Nowra Creek
 71 James Dwyer (by his agent, John Smith)
 72 William Sayer, Captain of steamer "Pearl,"
 freeholder, Terrara
 73 D. Hyam, freeholder, Terrara
 74 A. E. H. M'Guire (by his special agent,
 John Smith)

75 W. T. M'Guire (by his special agent, John
 Smith)
 76 William Griffiths, freeholder,—did not sign
 any other within two years.
 77 Martin Brown, householder, Terrara
 78 Aizley Hyam, freeholder, Terrara
 79 George P. Slade, freeholder (by his special
 agent, John Smith)
 80 R. D. Ramsay, freeholder (by his special
 agent, John Smith)
 81 Stephen Bartlett, householder
 82 John Smith, leaseholder

[Mr. Smith's initials, "J.S.," are attached to each of the above signatures.]

I, John Smith, leaseholder, of part of Berrellan, &c., &c., solemnly declare that all the signatures affixed to the above counter-petition, from No. 1 to No. 82 inclusive, and initialled "J.S.," are the genuine signatures they purport to be; and that such persons are persons liable to assessment for municipal taxes in respect of property or household residence within the boundaries of the proposed Municipal District of Central Shoalhaven, as notified in the Government Gazette of Monday, 27th September, 1875; and that all the signatures to this counter-petition were signed in presence of me.

Declared, this 18th day of December, 1875, }
 before me, at Shoalhaven,—

JOHN SMITH.

A. DE MESTRE, J.P.

No. 9.

Mr. C. Watson to The Colonial Secretary.

Sir,

Shoalhaven, 20 January, 1876.

I beg respectfully to draw your attention to the counter-petition to the incorporation of the Municipal District of Central Shoalhaven, purporting to be signed by eighty-two persons liable to be rated for taxes, and verified by one John Smith, and published in the Government Gazette of the 14th, and the *Shoalhaven News* of the 19th instant.

Fully one-third of the persons whose names appear on that petition are not so liable, being farm servants and otherwise of several landowners, and who were removed from a former petition by the Commissioner appointed to inquire thereto.

Again, the declaration of the verifier, John Smith, is not *bonâ fide* qualified, is not liable to be rated, his claim (if any) being a mere sham; and, again, he is not a *resident* within the proposed boundaries of the proposed municipal district, as required by the 11th section of the "Municipalities Act of 1876." He is well known to be a resident of Nowra, and was only employed by the leaders of the petitioners against the proposed municipal district.

Therefore, on behalf of the original petitioners, I beg respectfully to request that Henry G. Morton, Esq., J.P., or some other disinterested gentleman may be appointed to make inquiry into the matter referred to.

I have, &c.,

CHAS. I. WATSON.

No. 10.

Minute of The Colonial Secretary.

A SCRUTINY may be authorized in terms of the Act, and Mr. Morton requested to perform the duty. 29/1/76.

Approved.—JOHN R., 1/2/76.

No. 11.

The Principal Under Secretary to original Petitioners.

Gentlemen,

Colonial Secretary's Office, Sydney, 7 February, 1876.

With reference to the counter-petition, of which the substance and prayer were published in a Supplementary Government Gazette of the 14th of January last, against the incorporation of the proposed Municipal District of Central Shoalhaven, I am directed by the Colonial Secretary to inform you that it has been decided, in consequence of representations made on behalf of the petitioners for incorporation, to cause an inquiry to be held under the 12th section of the "Municipalities Act of 1867" as to the validity of the signatures attached to your counter-petition, and as to the status of the person by whom the signatures were verified, as also generally concerning both petitions; and that Mr. Henry Gordon Morton, J.P., has been appointed to hold the proposed inquiry.

I have, &c.,

HENRY HALLORAN.

No. 12.

The Principal Under Secretary to Mr. C. Watson.

Sir,

Colonial Secretary's Office, Sydney, 7 February, 1876.

In reply to your letter of the 20th of January, I am directed by the Colonial Secretary to inform you that it has been decided, in consequence of the representations made by you on behalf of the petitioners for the incorporation of the proposed Municipal District of Central Shoalhaven, to cause an inquiry to be held, under the 12th section of the "Municipalities Act of 1867," as to the validity of the signatures attached to the counter-petition against such incorporation, and as to the status of the person by whom the signatures were verified; as also generally concerning both petitions; and that Mr. Henry Gordon Morton, J.P., has been appointed to hold the proposed inquiry.

I have, &c.,

HENRY HALLORAN.

No. 13.

No. 13.

The Principal Under Secretary to Mr. H. Morton.

Sir, Colonial Secretary's Office, Sydney, 8 February, 1876.

It having been decided, in consequence of certain representations made on behalf of the petitioners for the incorporation of a Municipality to be called the Municipal District of Central Shoalhaven, to cause an inquiry to be held, under the 12th section of the "Municipalities Act of 1867," as to the validity of the signatures attached to the counter-petition against such incorporation (of which the substance and prayer were published in a Supplementary Government Gazette of the 14th of January last), and as to the status of the person by whom the signatures were verified, as also generally concerning both petitions, I am directed by the Colonial Secretary to inform you that he has appointed you to hold the proposed inquiry.

2. I am desired to invite your attention to the 13th and 14th sections of the Municipalities Act, whereof the former sets forth the manner the inquiry may be conducted, while the latter fixes the time within which the report shall be made.

3. All the papers connected with the matter are enclosed for your information.

I have, &c.,

HENRY HALLORAN.

P.S.—Any expenses incurred by you will be defrayed by the Government upon accounts being furnished to this office.—H.H.

No. 14.

Mr. A. Elyard to The Colonial Secretary.

Sir, Berrellan, Shoalhaven, 12 February, 1876.

Having presented some time ago a petition from self and others, against the formation of a Municipality to be called Central Shoalhaven, and seeing in the *Shoalhaven News* of this day a copy of a letter from the Colonial Secretary's Office to Mr. I. C. Watson, stating that in consequence of representations made by him that an inquiry had been ordered into the matter of such petitions, to be taken before Mr. Morton, of Numba, as it is necessary for us to have a copy of Mr. Watson's letter before the inquiry takes place, I have the honor to request you will order me to be furnished with a copy of said letter.

I have, &c.,

ALFRED ELYARD,

For self and other parties signing the counter-petition.

No. 15.

The Principal Under Secretary to Mr. H. Morton.

Sir, Colonial Secretary's Office, Sydney, 17 February, 1876.

Referring to my letter of the 8th instant, respecting the inquiry to be held by you as to the validity of the signatures attached to the counter-petition against the incorporation of a Municipality to be called the Municipal District of Central Shoalhaven, I am directed by the Colonial Secretary to request that you will be good enough to furnish Mr. Alfred Elyard, of Shoalhaven, with a copy of the communication from Mr. I. C. Watson, containing the representations in consequence of which the inquiry is to be held.

I have, &c.,

HENRY HALLORAN.

No. 16.

The Principal Under Secretary to Mr. A. Elyard.

Sir, Colonial Secretary Office, Sydney, 17 February, 1876.

In reply to your letter of the 12th instant, I am directed by the Colonial Secretary to inform you that Mr. Morton, the gentleman appointed to hold an inquiry as to the validity of the signatures attached to the counter-petition against the incorporation of a Municipality to be called the Municipal District of Central Shoalhaven, has been requested to furnish you with a copy of the communication from Mr. I. C. Watson, containing the representations in consequence of which the inquiry is to be held.

I have, &c.,

HENRY HALLORAN.

No. 17.

Mr. A. Elyard to The Colonial Secretary.

Sir, Berrellan, Shoalhaven, 18 February, 1876.

Seeing Mr. Morton has been appointed to take the inquiry ordered in the matters of the Municipality of Central Shoalhaven, I beg to point out that I am informed and believe Mr. Morton is agent for the Terrara Estate, and therefore cannot be considered an impartial party. I have no personal feelings against Mr. Morton, and merely oppose his appointment on the ground of his being the agent of the Terrara Estate, which is included in the proposed Municipality.

I would suggest that a perfect stranger should be appointed who is entirely unacquainted with parties in the district.

I have, &c.,

ALFRED ELYARD.

Time alone would not admit of any alteration in the arrangements for the scrutiny, which is appointed to commence to-morrow, the 23rd instant.—22nd Feb.

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No. 18.

Telegram from Colonial Secretary to Mr. H. Morton.

Sydney, 23 February, 1876.

It has been objected that you are agent for the Terrara Estate. If so suspend inquiry to enable me to take legal advice.

No. 19.

Mr. H. Morton to The Principal Under Secretary.

Sir,

Numba, Shoalhaven, 21 February, 1876.

I have the honor to acknowledge your letter No. 76/593 of the 8th instant, containing the petitions for and against the incorporation of "Central Shoalhaven," and the documents in connection therewith, also your letter No. 76/1,247 of the 17th instant, instructing me to furnish Mr. Alfred Elyard, of Shoalhaven, with a copy of the communication from Mr. I. C. Watson, containing the representation in consequence of which the inquiry is to be held.

Previous to your letter of the 17th instant I received a letter from Mr. Alfred Elyard, referring to the same subject, a copy of which is herewith sent, and beg to state that I have furnished that gentleman with a copy of Mr. I. C. Watson's letter.

I beg further to inform you that the inquiry takes place on Wednesday, 23rd instant, in the Temperance Hall, Terrara—copy of advertisement sent herewith—and that already strong hostile feelings are displayed by the interested parties for both petitions.

I have, &c.,
HENRY G. MORTON.

[Enclosures to No. 19.]

Mr. A. Elyard to Mr. H. Morton.

Dear Sir,

Berrellan, Shoalhaven, 18 February, 1876.

Having applied to the Colonial Secretary for a copy of Mr. Watson's letter, I am informed that the letter and papers were forwarded to you.

I shall be obliged by your furnishing me with a copy of Mr. Watson's letter, as it will be wanted on the inquiry.

I shall send you a list of persons who will be required to be examined in the matter, that you may summon them to attend at such time as may be appointed, sec. 13, 31 Vic. No. 12.

As there are such serious matters to be gone into it will take three or four days before it is finished.

Yours, &c.,
ALFRED ELYARD.

Extract from the "Shoalhaven News" Newspaper of 19th February, 1876.

PROPOSED Municipal District of Central Shoalhaven.

WHEREAS a counter-petition having been sent to the Government against incorporation of the district to be called "Central Shoalhaven," it has been decided by the Government to cause an inquiry under the 12th section of the "Municipalities Act of 1867" as to the validity of the signatures attached to such counter-petition, and other matters in connection therewith, of which the substance and prayer were published in a Supplementary Gazette of the 14th January last past: And whereas the undersigned having been appointed by the Government to hold such inquiry, notice is hereby given that a Court of Inquiry will be held in the Temperance Hall, Terrara, Wednesday, February 23rd, 1876, at 10 o'clock in the forenoon, when all persons interested in the petition and counter-petition for and against incorporation of said Municipality are invited to attend.

HENRY G. MORTON, J.P.,

Numba, 14th February, 1876.

Commissioner for holding Inquiry.

No. 20.

Telegram from Mr. H. Morton to The Colonial Secretary,

Numba, 23 February, 1876.

RECEIVED Telegram, three-ten—examined eighteen counter-petitioners—proceedings suspended—agent for a portion of Terrara Estate who are opposed to incorporation—prepared to go on and do duty without favour or affection.

Minute on No. 20.

Cannot be continued. Another arrangement will be made.—Telegram, 24/2/76.

No. 21.

Telegram from Colonial Secretary to Mr. A. Elyard.

Sydney, 25 February, 1876.

SCRUTINY under Mr. Morton stopped. Another arrangement will be made.

No. 22.

Mr. H. Morton to The Principal Under Secretary.

Sir,

Shoalhaven, 25 February, 1876.

I have the honor to acknowledge the receipt of your telegram of this date, informing me that the scrutiny concerning the counter-petition, &c., against the incorporation of Central Shoalhaven cannot be continued under me, and that another arrangement will be made, and, in compliance with your instructions, I now forward you the papers in connection therewith.

I also enclose statement of expenses up to this date in connection with the above, with receipts for £8 2s. 11d. the payment of the same.

I have, &c.,
HENRY G. MORTON.

No. 23.

Mr. C. Watson to The Colonial Secretary.

Sir,

Shoalhaven, 28 February, 1876.

I have been requested by the petitioners for the incorporation of the proposed Municipal District of "Central Shoalhaven" to respectfully draw your attention to the irregularities of the so-called counter-petition to such incorporation.

In the first place the person who has taken the solemn declaration required by 11th section of the "Municipalities Act of 1867," verifying the genuineness of the signatures is an officer of the Court of Petty Sessions at Nowra, is also bailiff's deputy of the District Court, and has resided upon his own freehold in Nowra for nearly twenty years; that the said person (John Smith) was employed by certain Magistrates and others, who, as road trustees at the present time, and consequently opposed to incorporation, to collect indiscriminately the names of persons, with a view only of outnumbering the original petitioners, Smith being also provided with a sham but temporary qualification to sign such petition.

I am also desired to point out that a very large number of the signatures on the counter-petition are not the signatures of persons liable to be rated for municipal taxes, they being the house or farm servants of the Messrs. E. De Mestre, Alfred, and others who were removed from a previous counter-petition at an inquiry held by Mr. Moriarty, as having no qualification and not liable for taxation. Others are the names of minors residing with their parents, being neither householders or freeholders within the proposed boundaries. Again, several of the names on the counter-petition are forgeries, as was shown at the inquiry held before Henry G. Morton, Esq., J.P., on Wednesday last. Others of the signatures are those of persons who reside in Sydney and elsewhere, who only visited the district for gambling purposes at the time of the last Shoalhaven annual races.

Generally on behalf of the petitioners for incorporation, I am in a position to state that the solemn declaration taken by the said John Smith before Andrew De Mestre, Esq., J.P., on the 18th of December last was not true, and a violation of the 11th section of the "Municipalities Act of 1867." Subsequently to the publication of the original petition Smith, having discovered that the 11th section of the Municipalities Act rendered it imperative that the person verifying the signatures on any petition "shall be a householder resident within the boundaries of the proposed municipal district" usufructuary obtained occupancy of an empty hut on property for which others will be rated for taxes, but himself, wife, and family still resided in their own home at Nowra, which is situate in another municipal district, the sham or pretended occupancy of the hut being nothing more or less than a wilful perversion of the Municipalities Act.

The original petitioners also desire me to state that they regret exceedingly that the Government considered it advisable to suspend the inquiry after it had been opened and a whole day spent in examining witnesses. They also feel grieved and surprised that exception should have been taken by the counter-petitioners to Mr. Morton as Commissioner, on the grounds alleged. When that gentleman's name was suggested the original petitioners were fully aware that Mr. Morton was acting agent for several proprietors of land of no great value, but as he had taken no interest one side or the other in the movement, and did not reside in the locality, and from his long residence in the Shoalhaven district, the fact of his knowing almost every property, and resident within the proposed municipal district, and above all for a gentleman of honour, integrity, and impartiality Mr. Morton having few equals, the original petitioners suggested his name, and had he been appointed without their suggestion no one on the side of municipal institutions would have opposed him, and the fact of the objection having been made is the clearest evidence that the counter-petitioners were not prepared to submit their petition to the scrutiny of a gentleman who (as they say) knew too much about themselves and their properties.

In the event of the Government being pleased to appoint another gentleman to conduct the inquiry as prayed for, the original petitioners desire if not contrary to law that the witnesses on both sides during the examination shall be sworn, as was the case when Mr. Moriarty held a similar inquiry some two years ago.

I have, &c.,

CHAS. I. WATSON,

On behalf of the original petitioners for the incorporation of Central Shoalhaven.

No. 24.

Mr. J. Warden to The Principal Under Secretary.

Sir,

Sydney, 22 March, 1875, *sic* [1876].

I am in receipt of your note asking me whether I could suggest, for the consideration of the Colonial Secretary, a gentleman who would be willing and unobjectionable to perform the functions of scrutineer in regard to the Central Shoalhaven Municipal Petition, *vice* Morton.

In reply I have to inform you that I know of no gentleman who would be free from local influence in some way or other in Shoalhaven; I would therefore suggest that Mr. Connell, Police Magistrate of Kiama, would be a competent and proper person to undertake the duties.

I have, &c.,

JAS. WARDEN.

Mr. Henry Connell may be appointed scrutineer.—H.H., 31/3/76. Approved.—JOHN R., 1/4/76.

No. 25.

The Principal Under Secretary to Mr. C. Watson.

Sir,

Colonial Secretary's Office, Sydney, 4 April, 1876.

In acknowledging the receipt of your letter of the 28th of February last, concerning the interruption of the proceedings taken in that month, for the holding of an inquiry under the 12th section of the "Municipalities Act of 1867," as to the validity of the signatures attached to the counter-petition against

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against the incorporation of the proposed Municipal District of Central Shoalhaven, and as to the status of the person by whom the signatures were verified, as also generally concerning that petition and the original petition for incorporation, I am now directed by the Colonial Secretary to state that Mr. Henry Connell, J.P., Police Magistrate of Kiama, has been appointed to hold the proposed inquiry.

I have, &c.,

HENRY HALLORAN.

No. 26.

The Principal Under Secretary to Mr. H. Connell.

Sir,

Colonial Secretary's Office, Sydney, 4 April, 1876.

It having been decided, in consequence of certain representations made on behalf of the petitioners for the incorporation of a Municipality to be called the Municipal District of Central Shoalhaven, to cause an inquiry to be held under the 12th section of the "Municipalities Act of 1867," as to the validity of the signatures attached to the counter-petition against such incorporation (of which the substance and prayer were published in a Supplementary Government Gazette of the 14th of January last), and as to the status of the person by whom the signatures were verified, as also generally concerning both petitions, I am directed by the Colonial Secretary to inform you that he has appointed you to hold the proposed inquiry.

2. I am desired to invite your attention to the 13th and 14th sections of the Municipalities Act, whereof the former sets forth the manner in which the inquiry may be conducted while the latter fixes the time within which the report shall be made.

3. All the papers connected with the matter are inclosed for your information.

I have, &c.,

HENRY HALLORAN.

No. 27.

The Principal Under Secretary to Mr. A. Elyard.

Sir,

Colonial Secretary's Office, Sydney, 4 April, 1876.

With reference to your letter of the 18th of February last, and to my telegram of the 25th of the same month, announcing the interruption of the proceedings taken for the holding of an inquiry under the 12th section of the "Municipalities Act of 1867," as to the validity of the signatures attached to the counter-petition against the incorporation of the proposed Municipal District of Central Shoalhaven, and as to the status of the person by whom the signatures were verified, as also generally concerning that petition and the original petition for incorporation,—I am now directed by the Colonial Secretary to state that Mr. Henry Connell, J.P., Police Magistrate of Kiama, has been appointed to hold the proposed inquiry.

I have, &c.,

HENRY HALLORAN.

No. 28.

Mr. H. Connell to The Principal Under Secretary.

Sir,

Court House, Kiama, 28 April, 1876.

In conformity with the instructions contained in your letter of the 4th instant, directing me to hold an inquiry under the 12th section of the "Municipalities Act of 1867," as to the validity of the signatures attached to the counter-petition published in a Supplementary Gazette of 14th January last, against the incorporation of a Municipality under the name of the "Municipal District of Central Shoalhaven," and as to the status of the person by whom the signatures were verified—as also generally concerning both petitions,—I now do myself the honor to submit the following report:—

I. *Status of persons by whom the signatures to counter-petition were verified.*

The "John Smith" who verified the 82 signatures on the counter-petition was not in my opinion a householder *resident* within the proposed "Municipality of Central Shoalhaven," and that his declaration therefore made on the 18th December last was in violation of the 11th section of the Act. Smith has never resided there, but has resided with his family for the last twenty years in Nowra, an adjoining Municipality. He obtained occupancy of an empty hut in the proposed Municipality, and he alleges he slept in it nine nights in December last, believing he would thus become qualified under the Act. Objection is also taken that this tenement could not be legally sub-let, and I am of opinion, after reviewing the evidence taken before me, that the lessee had no power to sub-let the premises to Smith. Under the 11th section of 31 Vict., No. 12, it is indispensable that the person who verifies the signatures *shall* be a *resident householder* within the proposed Municipality. (See also 22 Vict., No. 12, section 8.)

It would therefore follow, I presume, that if Smith be disqualified under this section, and was unable to make the necessary declaration, the objection will be fatal to the whole of the signatures contained in the counter-petition. (See evidence of Smith and others—Appendix A.)

II. *As to the validity of the signatures attached to the counter-petition.*

The petitioners at the inquiry took exception to thirty-one signatures on the counter-petition on various grounds. After hearing the arguments on both sides, I am of opinion that twenty-five signatures, as set forth in Appendix B, were those of persons unqualified to be assessed for municipal rates.

III. *As to the validity of the signatures attached to the original petition.*

Exception was taken to forty signatures on the original petition. I am of opinion, after hearing the statements on both sides, and having duly considered my notes, that twenty-five names should be struck out as not having the necessary qualification, or for other reasons as assigned in Appendix C.

IV.—

IV.—Concerning both petitions.

It will thus be seen that the original petition, which contains seventy-eight signatures, has been reduced by twenty-five, leaving a balance of fifty-three persons who are qualified. Out of the twenty-five struck out thirteen were the names of persons who subsequently were induced to sign the counter-petition, and but for this proceeding (the second signing) the original list would have stood at sixty-six. Twelve had not the necessary qualification.

The counter-petition purports to be signed by eighty-two persons, including thirteen who signed the original petition. Under the decision formerly given by the Attorney General these thirteen names are allowed to remain on the list. After careful inquiry the list was reduced by the names of twenty-five persons, leaving a balance of fifty-seven qualified persons, thus giving the counter-petitioners a majority of four.

The technical question, however, arises: Are the counter-petitioners disfranchised by reason of a non-compliance with the terms required by the 11th section of the Act?

V.—Conclusion.

In conclusion, I may observe that the strong feeling which had provoked so much hostility between the contending parties has almost disappeared, and I am of opinion that if the arrangements had been placed in other hands than those who have taken so lively an interest in their work, the proposed Municipality of Central Shoalhaven would have met with a much larger support, and perhaps evoked considerably less opposition.

I have, &c.,

HENRY CONNELL, JUN., P.M.,
Commissioner for holding inquiry.

APPENDIX A.

Referred to in paragraph I, *in re* matter of counter-petition. Objection to the status of the person who verified the whole of the signatures thereon.

Thursday, 20 April, 1876.

By Mr. Richards, Solicitor: John Monaghan, being examined before me, states as follows:—I am a Magistrate of the territory, and reside in Shoalhaven; the signature verifying the names of the persons on the counter-petition and signed by John Smith, I believe to be the signature of John Smith, of Nowra; he is a married man, and I have known him for twenty years; he has been residing there for the last twelve years, and he still resides there with his wife and family; I have never known him to reside in the proposed Municipality of Central Shoalhaven up to this time; I object to his having signed a declaration under the 11th section of the Municipalities Act, verifying the signatures thereto, as he is not a householder resident within the proposed Municipality.

By Mr. Walker, Solicitor: I never knew him to reside within the proposed Municipality during the last twelve years; Worrigeo is a place situated in the proposed Municipality.

Taken before me, at the Temperance Hall, Terrara, }
this 20th April, 1876,—

JOHN MONAGHAN, J.P.

HENRY CONNELL, JUN.,
A Commissioner for holding Inquiry.

Senior-Constable Thomas Grieve, being examined before me, states:—I reside at Nowra; I know John Smith there; he has been residing there with his family for the last twenty years; during the last twenty years he never to my knowledge resided in the boundaries of the proposed Municipality; the signature to the declaration verifying the names of the persons attached to the counter-petition is, I believe, the signature of John Smith, who lives at Nowra; his name is on the Electoral List as John Smith, of Nowra, freeholder; to my knowledge his name is on and has been on the Electoral List as a freeholder at Nowra for the last fifteen years; his wife and family have never resided out of Nowra during that time.

By Mr. Walker: I could not say that Smith resided on the 18th December last at Nowra, but his wife and family resided there; he was a bailiff, and might have been serving summonses on that day; he might have had another house in the district, but I don't know that he has.

Taken before me, at the Temperance Hall, }
Terrara, this 20th April, 1876,—

THOMAS GRIEVE.

HENRY CONNELL, JUN.,
A Commissioner for holding Inquiry.

John Smith, being examined before me, states:—I reside with my family at Nowra; the signature "John Smith" to the declaration verifying the signatures of eighty-two persons, whose names are on the counter-petition against the incorporation of the proposed Municipality of Central Shoalhaven is mine; I signed the declaration before Mr. A. De Mestre, a magistrate, on the 18th December, 1876.

By Mr. Walker, Solicitor: At the time I made the declaration I resided in the village of Boston, within the proposed Municipality of Central Shoalhaven; I commenced to reside there at the latter end of November last; I slept there at night; I slept there on the night of the day I made my declaration; I go to the place occasionally to look after my business; I did not require any furniture; I have asked persons to take tea at Boston.

By Commissioner: My wife and family never resided at Boston; I might have slept at Boston during the month of December last twenty nights; I have not slept there since twice; I am a bailiff of the Small Debts Court at Nowra; my family never visited me when I stayed at Boston; I slept during the first week at Boston five nights, and the other two nights at my residence at Nowra; the next week I did not sleep more than one night at my residence in Boston; some of the other nights I slept out of the district; the third week in December I can't say I slept one night at Boston; I don't think I slept at Boston during the fourth week in December more than two nights; the other five nights I resided at Towerang, my wife being at my residence, Nowra; I could walk from my residence at Nowra to my place at Boston in an hour; I have resided with my wife and family at Nowra for twenty years or more; they never have resided anywhere else; they have visited occasionally; I reside at Nowra still; Nowra, where I reside, is not in the proposed boundaries of the proposed Municipality of Shoalhaven; in a direct line my residence is a full mile distant from the nearest boundary of the proposed Municipality of which I signed the declaration verifying the signature of the proposed Municipality.

By Mr. Walker: On the nights of the 17th, 18th, and 19th of December last I slept at my residence at Boston.

By Mr. Richards: The house I resided at in Boston is not my property; I rented it, and rent it now; I pay 1s. a week rent, and hand in two receipts for rent paid.

Taken before me, at the Temperance Hall, }
this 20th April, 1876,—

JOHN SMITH.

HENRY CONNELL, JUN.,
A Commissioner for holding Inquiry.

RECEIVED from Mr. John Smith the sum of 3s., being amount due to me for rent for the house in Boston Paddock.

Worrigeo, 13 December.

JOHN MARTIN.

RECEIVED from Mr. John Smith the sum of 13s., being amount due to me for rent for the house in Boston Paddock.

Worrigeo, 22 February.

JOHN MARTIN.

By

By Mr. Richards, solicitor: Michael Hyam, being examined before me, states:—I am a resident of Nowra; I know John Smith, the bailiff of the Small Debts Court, Nowra; he resides within the Municipality of Nowra with his wife and family, and has done for the last fifteen years; he is still a resident there; I never knew to my knowledge that he ever resided in any other part of Shoalhaven than in Nowra; I am a Magistrate of the territory.

By Mr. Walker, solicitor: He might have been a week absent from Nowra, or even a month absent in the performance of his duties as bailiff.

Taken before me, at the Temperance Hall, } MICHAEL HYAM, J.P.
 this 20th April, 1876,— }
 HENRY CONNELL, Jun.,
 Commissioner for holding inquiry.

Henry Gordon Morton, of Numba, land agent, &c., being examined before me states:—I am a Magistrate of the territory; I am Land Agent for part of the Terrara Estate on which Boston is situated; I know a man of the name of John Martin, who has occupied the land on which Boston is situated for the last seven years; John Martin holds a lease of the land by yearly tenancy, with a proviso not to sublet from me as attorney for the Terrara Estate; Martin could not legally sublet the house to Smith at Boston; if he did, I look upon Smith the bailiff at Nowra as a trespasser; the receipts for rent handed in by Smith are forgeries.

Taken before me, at the Temperance Hall, } HENRY G. MORTON, J.P.
 this 20th April, 1876,— }
 HENRY CONNELL, Jun.,
 A Commissioner for holding the inquiry.

APPENDIX B.

(Referred to in paragraph II.)

LIST of persons named in counter-petition not qualified as ratepayers.

No. on list.	Name.	Remarks.
10.	A. Buchanan	Not a resident, or liable to be rated.
12.	Hy. Gregson	Not liable to be rated.
14.	John Pepper	Name on list without his authority or approval.
15.	Wm. H. Thistleton	Do.
16.	Ann M'Donald	Married woman. No qualification.
25.	Abraham Davis	Non-resident.
27.	Thomas Goulding	A minor.
29.	James Smythe	Servant living in premises of his employer.
30.	John Hutick	Do. an unnaturalized Chinaman.
31.	Peter Ah Wing	Do. Do.
32.	Paul Ah Pown	Do. Do.
38.	John Geo. Martin	Signature of wife, and not verified.
42.	Robert Crawford	Not liable to be rated. Lease taken by his brother Joseph.
47.	M. S. Knight	Married woman. No qualification.
55.	E. M. Galvin	Do.
59.	John Forsythe	No qualification—not liable to be rated.
60.	Hing Wong	An unnaturalized Chinaman—servant—living on premises of his employer.
66.	George Rolfe	Not liable to be rated.
67.	Thomas Poulton	Servant living on premises of his employer.
68.	Matthias Duncombe	Do.
69.	Charles Bennett	Servant living on premises for which another party is liable to be rated.
74.	A. E. W. M'Guire	Married woman. Husband's name on petition.
81.	Stephen Bartlett	Not a resident, or liable to be rated.
82.	John Smith	Do.
65.	John Wilson	Resides with his father, who is only liable to be rated.

APPENDIX C.

(Referred to in paragraph III.)

LIST of persons who signed the original petition not qualified as ratepayers.

No. on list.	Name.	Remarks.
2.	Ann M'Donald	Married woman. No qualification.
4.	Ellen M'Garvane	Do.
38.	Catherine M'Leod	Do.
49.	Margaret Goseing	Do.
23.	John Utick	A Chinaman and servant. Not liable to be rated.
35.	Catherine Goodwin	Signed without her husband's authority during his absence from home.
52.	Wm. H. Wicks	Police station—premises exempt.
56.	D. Lamond	A minor.
60.	Patrick M'Mahon	A lodger. Not liable to be rated.
61.	Samuel Elyard	Trustees of a marriage settlement. Not liable to be rated.
62.	James Monaghan	
72.	R. T. Earl	Not liable to be rated.

C.

LIST of names appended both to original and counter-petitions, but retained only on the latter.

No.	Name.	No.	Name.
6.	Thomas Pepper.	63.	Jessie Larter.
19.	Charles Bailey.	64.	E. T. O. Sayer.
21.	William Griffiths.	65.	Daniel Harris.
32.	John Miffan.	66.	Thomas J. Herne.
45.	James Duff.	68.	Wm. Strong.
53.	Wm. Hy. Yates.	73.	John Hearne.
59.	James Dwyer.		

No. 28.

The Principal Under Secretary to The Under Secretary of Justice and Public Instruction.

COPIES of opinions of Mr. Salomons when Solicitor General, and of Sir W. M. Manning when Attorney General, herewith.

Perhaps the papers may be referred to the present Attorney General for his opinion. 5/4/76. Approved.—JOHN R., 10/5/76. The Under Secretary of Justice and Public Instruction.—H.H., B.C., 10/5/76.

[Enclosures.]

Mr. Salomons, respecting verifier of signatures under 11th section of Municipalities Act. THE petition would be invalid, that is to say, the Government, knowing that the person verifying the signatures was not "a householder resident within the proposed Municipality" (section 11), would not act upon the petition.

However, it now appears (see papers under B.C., 19th October, 1870) that the verifier is a householder, &c.

JULIAN E. SALAMONS,

Solicitor General.

The Under Secretary, Colonial Secretary's Department.—W.E.P., B.C., 26 October, 1870.

SIR W. M. MANNING, respecting verification of signature to petition for incorporation of Leichhardt, under "Municipalities Act of 1867."

I CANNOT think that the facts reported by Mr. St. Julian show Mr. Henderson to have been legally qualified to verify the petition. Granting that he was a "householder" within the meaning of the Act (which I doubt), he cannot be said to have been "resident" within the proposed Municipality in any proper sense of that term.

But I do not consider that a defect in Mr. Henderson's legal qualification, to make the declaration required by section 11 of the Act, is of itself sufficient to render it illegal for the Governor in Council to recognize the petition as a valid one for the purposes of section 10.

Under section 10 what is required is the genuine signatures of a sufficient number of duly qualified petitioners, and the substantial question is, whether a majority of persons qualified to petition have in fact testified under their hands their desire to have an incorporation of their district. Upon this question depends the power of the Governor to proclaim the Municipality.

Section 11 only provides a mode of verifying for the information of the Governor in Council the genuineness of the signatures, and the qualification of the persons signing; and it is therefore merely auxiliary to the main provision, and is not of the essence of the matter. Of course its terms ought to be faithfully observed; and it certainly appears to me that if they are not complied with the Government would be quite justified in refusing to proceed or inquire further.

But nevertheless if it should be brought home to the Governor's cognizance by other modes of ascertainment that the signatures are in fact genuine, and the signers qualified, I do not see why he should not be at liberty to accept the petition, and act upon it if he should think fit.

The 11th section may perhaps be regarded as directory only, and therefore as not being obligatory in so strict a sense as to oust the power of the Governor to give effect to the ascertained wishes of the majority of qualified persons.

Those persons have completed all that fell to their part in the matter by signing the petition, whereas the deficient verification is something subsequent, and with which they can hardly be said to have had any concern.

In this case therefore, I think, that it is competent to the Governor in Council to grant the incorporation if satisfied that in all other respects than the above a sufficient case is made out by the petitioners.

W. M. MANNING,

Attorney General.

The Under Secretary, Colonial Secretary's Department.—W.E.P., B.C., 12 December, 1870.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF PARRAMATTA—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 28th September, 1876.

BOROUGH OF PARRAMATTA.

BY-LAWS.

THE following By-laws made by the Council of the Borough of Parramatta to amend the By-laws for the care and management of the Public Roads, &c., of the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BY-LAWS to amend the By-laws for the care and management of the public roads, public streets, and public thoroughfares within the Borough of Parramatta passed on the 26th day of May, A.D. 1868, and to make further provision in that behalf.

1. The second By-law for the care and management of the public roads, public streets, and public thoroughfares in the Borough of Parramatta passed on the 26th day of May, A.D. 1868, is hereby repealed.

2. With regard to any buildings hereafter to be built or rebuilt, it shall not be lawful for any coping, parapet, overhanging eaves, cornice, window, string-course, dressing, or other architectural decoration forming part of any external wall, to project more than eighteen inches beyond the line of front in any street or road; all overhanging eaves to be properly guttered together with down pipes.

3. Nothing contained in these By-laws or any of the By-laws aforesaid shall be deemed or construed to prevent the erection of verandahs or balconies to any house within the boundaries of this Borough if wholly constructed in such a manner as shall meet with the approval of this Council or their properly authorized officer: Provided always that no part of such verandah or balcony be allowed to project into the street beyond the distance marked by the kerbing: Provided also that such verandah or balcony shall be at least ten feet clear above the height of the kerb-stone.

Passed at a meeting of the Borough Council held on Monday the 8th day of May, 1876.

CHARLES J. BYRNES,
Mayor.

SYDNEY WICKHAM, Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BY-LAWS—BOROUGH OF PARRAMATTA.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 19th December, 1876.

BOROUGH OF PARRAMATTA.

BY-LAWS.

The following By-laws, made by the Council of the Borough of Parramatta, further providing for the regulation and licensing of public carriers, carters, water drawers, drays, carts, or vans, and the drivers and conductors of passenger-carrying vehicles within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BY-LAWS to make further provision for the regulation and licensing of public carriers, carters, water drawers, drays, carts, or vans, and the drivers and conductors of passenger-carrying vehicles within the Borough of Parramatta, passed at a meeting of the Borough Council on the 2nd of June, A.D. 1868, and to make further provision in that behalf.

No. 22. No licensed vehicle shall be drawn past a place of public worship on Sundays during Divine Service by any animal or animals at a faster pace than a walk, and no bugle, horn, whistle, or other instrument shall be used on that day for the purpose of attracting the attention of passengers.

No. 23. No person suffering from an infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry, or permit to be carried, any such person, or (except to some Police Office or watch-house) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace; and no passenger shall carry inside any vehicle, except a dray, any animal or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers, and no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.

No. 24. No driver or conductor shall admit to the inside, or allow on the outside, of any omnibus at any one time, a greater number of passengers than the number it shall be licensed to carry inside or outside, as the case may be; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger a space of 18 inches, measuring in a straight line lengthwise on the front of each seat, nor shall any vehicle be taken off the line of road for which it shall be licensed: Provided that no child under five years of age sitting on the lap shall be deemed to be a passenger within the meaning of these By-laws; no passenger to carry more than one child.

No. 25. No owner, driver, or conductor of any omnibus, shall demand, receive, or take from any passenger, a larger fare than shall be shown in large unmovable figures in some conspicuous place both inside and outside the omnibus as the fare for which such omnibus plies: Provided that no fare shall be increased except between the hours of 10 o'clock at night and 5 o'clock in the morning. And no driver or conductor of an omnibus shall neglect or refuse to admit and carry any person for whom there is room, and to whom no reasonable objections can be made under these By-laws; nor, except in cases of accident or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot passengers usually cross the carriage-way.

No. 26. Any person having taken his seat in or upon an omnibus, shall pay the fare when demanded after the commencement of his journey. The owner of every omnibus plying for hire shall provide the same with a licensed driver and a licensed conductor.

No. 27. The driver of any carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case of property having been left in any vehicle by any person having used or hired the same, such property, if found by another passenger or other person, shall be delivered to the driver or conductor, who shall deliver the same with any other property found by him within eighteen hours after such finding, to the Council Clerk's Office, and there deposit it, and no owner shall detain any property delivered to him by any driver or conductor in his employment longer than the time before mentioned, but shall deposit it at the office at the Council Chamber with the Council Clerk or his assistant.

Passed at a meeting of the Borough Council, held on Monday, the 20th day of November, 1876.

CHARLES J. BYRNES,
Mayor.

SYDNEY WICKHAM,
Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF PARRAMATTA—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 21st June, 1877.

BOROUGH OF PARRAMATTA.

BY-LAW.

THE accompanying By-law, made by the Council of the Borough of Parramatta, amending the By-laws for the regulation of their proceedings, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

BY-LAW to amend the By-laws for the regulation of the proceedings of the Council of the Borough of Parramatta, passed on the 26th day of May, 1868, and to make further provision in that behalf.

When any Alderman shall have spoken to a resolution that is before the Council and afterwards rises and states his intention to move an amendment on the same, before being permitted to speak to any such amendment he shall state the same and hand it in writing to the Council Clerk.

Passed at a meeting of the Borough Council, held on Monday, the 21st day of May, 1877.

CHARLES J. BYRNES,
Mayor.

SYDNEY WICKHAM, Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF DENILQUIN—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 11th December, 1876.

MUNICIPAL DISTRICT OF DENILQUIN.

BY-LAWS.

THE following By-laws made by the Council of the Municipal District of Denilquin, to regulate the management of the permanent and temporary Town Commons of North and South Denilquin, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BY-LAWS to regulate the management of the permanent and temporary Town Commons, North and South Denilquin.

PART IV.

THE By-laws heretofore in use to regulate the proceedings of the Town Commons of Denilquin, and published in the Government Gazette of December 6th, 1870, No. 239, shall be repealed on and after the 30th September, 1876, and the following substituted in their stead.

All persons being Commoners shall be entitled to depasture on the said Commons not more than five horses, or fifteen cattle, or five sheep, or five goats, subject to the payment of fees, according to the following scale, namely:—

	s.	d.
For each horse, mare, gelding, colt, or filly, per annum	10	0
For each cow, heifer, bull, steer, or calf	5	0
For each sheep or goat	4	0

Commoners desirous of depasturing a larger number of stock than those restricted by previous By-law shall make their request in writing to the said Council, and the said Council shall have the discretion of granting such request or otherwise, as also as to the amount of extra fees to be charged for such additional stock if such application be entertained.

No fees shall be charged for the progeny of registered stock under the age of six months; above that age the owner or owners of such stock shall be charged full rates prescribed by these By-laws.

All fees shall be paid half-yearly in advance, and shall be payable at the Town Hall Council Chambers during the business hours of the said Council, on and after the 1st day of June and the 1st day of December in each and every year.

No animals of any kind will be considered as registered or entitled to be depastured on the said Commons, unless the fees be paid at the time of entering, and at the commencement of each succeeding half-year referred to.

No entire horse, bull, or goat, above the age of six months shall be allowed on the said Commons, without the consent in writing of the said Council; and all or any such may be im-

pounded by the said Council without any notice whatever to the owner or owners of any such animals, under the powers given for such purpose as contained in the Impounding Act, 29 Victoria No. 2.

All Commoners' stock depastured on the said Commons shall be branded with a private brand, and cattle and goats with the said Council's brand, and registered as so branded at the said Council's Chambers, whereat a book shall be kept (for the special purpose) containing an account of all such registered stock. The said book to be opened to the inspection of Commoners generally during the usual business hours of the said Council.

The said Council may from time to time, as occasion may require, appoint a competent person to perform the duties of herdsman, whose salary shall be paid by the said Council, from moneys derived from the said commonage fees. The amount of salary so paid, and duties to be performed, to be determined by the said Council from time to time, as to them may seem fit.

Any person or persons in charge of travelling stock shall depasture such stock on those portions of the said Commons as defined by the said Council, or by some person or persons duly appointed and authorized so to do on their behalf, and on entering or departing therefrom shall travel such road or roads only as the said Council may direct or define, or cause to be directed or defined; and any person or persons wilfully violating in any manner this particular By-law shall be liable to a penalty of not exceeding the sum of £20, to be recoverable in any competent Court of Justice within the Colony of New South Wales.

The owner or owners of travelling stock shall be compelled to travel such stock across the said Commons in accordance with the provisions of the Lands Amendment Act of 1875 (39 Victoria No. 13), namely, cattle 10 miles, and sheep 6 miles, every twenty-four hours.

Any person or persons in charge of stock neglecting or refusing to comply with this By-law will subject themselves and be liable to the penalties mentioned in the said Act: Provided, however, that special arrangements as to the said Council may seem fit, may be made to depasture stock so travelling, for a longer period than herein lastly specified.

The said Council, or their herdsman for the time being in charge of the said Commons, will not be answerable for any stock depasturing thereon; but immediately after it is made known to the said Council that any have strayed, information will be given to the owners, so far and as soon as practicable or possible.

The said Council's herdsman for the time being shall impound all unregistered stock, including those of traveller's and teamsters, remaining beyond the three days allowed by law, and shall charge the ordinary Commons fees for all so impounded; an account of which shall be kept in a book for that purpose at the said Council Chambers, so that all damages and fees accruing from the same shall be properly accounted for.

No pigs shall be allowed on any part of the said Commons, and the herdsman for the time being is hereby authorized to detain, impound, or destroy all pigs and all unregistered goats found illegally at large on the said Commons.

No horses or cattle the property of Commoners depasturing on the said Commons (excepting cows in milk and horses in daily use) shall be disturbed or removed without giving twelve hours notice in writing to the herdsman for the time being, or leaving the same at the said Council Chambers during the said Council's business hours. In cases of emergency, however, horses may be taken by procuring a written order, signed by one Alderman and the Council Clerk. Any infringement of this By-law will subject the offender, upon conviction before two or more Justices of the Peace, to a penalty of not less than 10s. nor more than £2.

All stock suspected to be diseased shall be removed by their owners after twenty-four hours' notice has been given to them by the herdsman for the time being, and in default of compliance with such notice the said Council shall have power to destroy such stock at the risk and cost of the owner, the expenses, including costs, to be recovered in a summary way before two or more Justices of the Peace acting in and for the Colony of New South Wales.

Any person or persons in charge of travelling stock shall give at least twelve hours' notice in writing to the said Council before entering on the said Commons with such stock, such notice to be delivered personally to the herdsman for the time being or addressed and sent to him through the post. Non-compliance with this By-law will subject the offender to a penalty not exceeding £10.

No portions of either the permanent or temporary Commons of North and South Deniliquin shall be occupied as sites for residence or for business purposes, unless by express permission of the said Council. Applications for such purposes must be made to the said Council in writing; and in the event of any such request being granted by the said Council, a fee shall be charged at the discretion of the said Council for such period or periods as may be decided upon. Any person or persons found in occupation of any portion of the said Commons after this By-law shall come into force shall, upon conviction before two or more Justices of the Peace acting in and for the said Colony, forfeit a penalty not exceeding £5 nor less than £1.

The said Council will grant licenses to cut and cart dry wood from those portions of the said Commons as the said Council may from time to time define, such timber to be for the use of or sale to Commoners only; also for digging and carting away gravel, clay, loam, earth, sand, or other materials from such places as may be set apart by the said Council, provided that such be for the use of or sale to Commoners only. All persons working for hire and not so licensed shall upon conviction before two or more Justices of the Peace as aforesaid be fined in the penalty of 40s., or not less than 5s., in addition to professional costs; and any such wood so cut by any person or persons without such license shall be and become forfeited to the said Council. For the above-mentioned purposes concerning such licenses the following fees shall be charged and paid half-yearly in advance, and be due and payable at the said Council's Town Hall Chambers, South Deniliquin, on and after the first day of June and the first day of December in each and every year respectively, namely:—

	£	s.	d.
Carters of firewood and splitters, per annum	1	0	0
Brickyard, including clay and sand	3	0	0
Sand, loam, earth, or gravel	1	0	0
If no license taken out, per load or cubic yard	0	0	6

Any person or persons found on any portion of the said Commons cutting green timber (unless where defined by the said Council) shall, upon conviction before two or more Justices of the Peace as aforesaid, forfeit and pay a penalty of 40s. or not less than 10s., to be recoverable in like manner as any of the aforesaid penalties.

Where any penalties are not expressly mentioned in these By-laws, any person or persons offending against the same or any or either of them will subject themselves to those enumerated in the "Crown Lands Occupation Act of 1861," the "Impounding Act" 29 Victoria No. 2, the "Sheep Diseases Prevention Act" 36 Victoria No. 23, and the "Crown Lands Amendment Act of 1875," 39 Victoria No. 13.

The said Council duly assembled shall at any time hereafter have full power to vary, alter, or amend any or either of the above-mentioned By-laws relating to the number of stock to be depastured upon the said Commons, and to vary the amount of the fee or fees to be charged and payable for the agistment of the same.

Interpretation clause.

The word "Commoner" shall mean "any person who shall have the permissive right, for the time being, from the Deniliquin Municipal Council, to depasture upon the said Commons horses, cattle, sheep, or goats."

The words "competent Court," shall mean "two or more Justices of the Peace, acting in and for the Colony of New South Wales in Petty Sessions assembled."

ALFRED W. FINCH NOYES,

Mayor.

Passed by the Council of the Municipal District of Deniliquin, this twenty-fifth day of September, A.D. 1876.

J. WARING,
Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF DENILIKUIN—BY-LAWS.)

Presented to Parliament pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 12th April, 1877.

MUNICIPAL DISTRICT OF DENILIKUIN.

By-LAWS.

THE following By-laws, made by the Council of the Municipal District of Deniliquin, for the regulation and management of bridge and road tolls, wood and other carters, and the lighting and licensing vehicles, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

PART No. 7.

BY-LAWS made by the Municipal Council of Deniliquin, for the regulation and management of the Municipality, concerning—

1. Bridge and Road Tolls.
2. Wood and other Carters.
3. Lighting and Licensing Vehicles.

As to Bridge and Road Tolls.

1. A toll for the several amounts hereinafter described shall be demanded and taken at the toll-gate, toll-bar, or lodge of the main bridge across the River Edward, in the Municipal District of Deniliquin, as mentioned and set forth in the schedule hereunder written marked A, and at such other place or places, toll-bar or toll-gate, as may from time to time be erected by the said Council across any road, street, track, or way within the said Municipal District.

2. A collector or collectors shall be appointed from time to time in the discretion of the said Council, by a resolution or resolutions of the said Council, to collect such tolls at each toll-gate or toll-bar, and such tolls shall be recoverable before any two or more Justices of the Peace in and for the Colony of New South Wales in Petty Sessions assembled.

3. Every such collector or collectors shall severally find two sufficient sureties to the satisfaction of the said Council, or find such other satisfactory surety for the faithful performance of his, her, or their duty or duties respectively.

4. All tolls shall be paid to the respective collectors thereof, to be appointed as aforesaid, in such several amounts as for the respective animals or vehicles are specified in the said schedule hereto; and if any person liable to the payment of any toll or tolls, other than those exempted from toll as hereinafter provided, shall after demand thereof neglect or refuse to pay any such toll or tolls, the collector or collectors thereof may prevent any such person, or any horse, beast, cattle, carriage, or other

vehicle in respect of which any such toll is payable, from passing through or by, or from being driven through or by, such toll-bar or toll-bars, toll-gate, or toll-gates.

5. No toll shall be demanded or taken by virtue of these by-laws for any horses, vehicles, or carriages belonging to or conveying, or attending or going to attend or convey, or returning from having conveyed or attended, the Governor of the Colony for the time being, or of or from any of Her Majesty's officers or soldiers being in proper staff or military uniform dress or undress, or for any horse ridden or any horse or carriage then employed by any such officer or soldier or for Her Majesty's Service, or returning from such employment, or of or from any member of any corps of Volunteers going to or returning from exercise as such corps, or their being employed exclusively for the purposes of the same, or returning from such employment and not otherwise employed, or for any horse, carriage, or other vehicle of or belonging to the Government or the said Municipal Council and those employed in the service of the said Government or Council, or of or from any member of the Police Force being on actual duty, on prisoners under charge of such member or members to the said Police Force, or for any horse, carriage, or other vehicle exclusively employed in carrying such member of the Police Force, prisoner or prisoner, or their baggage respectively, or returning from such employment and not otherwise employed, or of or from any minister of religion, or of or from any person or persons going to or returning from attending at a funeral or going to or returning from any place of worship on Sunday, Good Friday, or Christmas Day, for any private vehicle ridden in by such minister or person, or for any animal or animals ridden or driven or going to or from water or food, or for any horse, carriage, or other vehicle which shall only cross the said bridge or pass through any toll-gate or toll-gates, toll-bar or toll-bars; provided always that every such member as aforesaid of any Volunteer Corps or of the Police Force shall have and wear his dress and accoutrements according to the regulations of such corps or force for the time being.

6. If any person or persons shall claim or take the benefit of any of the exemptions from toll hereinbefore mentioned, not

being entitled to the same, he, she, or they shall on proof and conviction forfeit and pay a fine or penalty of not exceeding the sum of five pounds, and not less than twenty shillings, to be recoverable as aforesaid.

7. If any person or persons shall, with any horse, cattle, beast, or vehicle, of no matter what description, go off or pass from over any bridge, street, road or track through or over any river, creek, street, road, or land, or ground near to or adjoining thereto, or either of them, not being a public highway, and such person or persons (not being the owner or owners or servant, or one of the family of the owner or owners of such ground) with intent to evade the payment payable for any toll under these By-laws, or if any owner or occupier of land or ground shall knowingly or willingly permit or suffer any person or persons except as aforesaid, any horse, cattle, beast, or vehicle whatsoever, as aforesaid, to go or pass through or over any land or ground with intent to evade such toll, or if any person shall give or receive from any person other than a collector of such tolls, or shall counterfeit, forge, or alter any note or ticket hereby directed to be given, with intent to evade the payment of any such toll or any part thereof, or if any person shall fraudulently or forcibly pass through any such toll-bar or toll-bars, toll-gate or toll-gates, with any horse, cattle, beast, or vehicle, or shall leave upon such bridge, street, or road, any horse, beast, cattle, or vehicle whatsoever, by reason whereof the payment of any toll shall be avoided or lessened, or shall take off or cause to be taken off any horse or other beast or cattle from any vehicle on or before or after having passed through by or over any such bridge, toll-bar or toll-bars, toll-gate or toll-gates, or having passed through over or by the same shall afterwards add or put any horse or other beast to any such vehicle and draw therewith upon any part of such bridge, street, or road so as to increase the number of horses or other beasts drawing the said vehicle after the same shall have so passed whereby the payment of all or any part of the proper toll shall or may be evaded; if any person shall do any other act or acts whatever in order or with the intent to evade the payment of all or any part of such toll and whereby the same shall be evaded, every such person shall for every such offence or offences, forfeit and pay a sum of not less than five shillings nor more than five pounds sterling, to be recovered as aforesaid.

8. The By-laws Committee shall cause to be put up and continued up in some conspicuous part of or near each and every toll-bar or toll-gate as aforesaid, so that the same shall be visible to public view, a table in distinct and legible black letters at least two inches in length and of a breadth in proportion, on a board with a white ground containing at the top thereof the name of the toll-bar or toll-gate at which the same shall be put up, and also a list of the tolls payable thereat respectively, distinguishing the several tolls and the different sorts of animals or vehicles for which they are to be paid.

9. The toll collector at each toll-bar or toll-gate as aforesaid shall place or cause to be placed on some conspicuous part of the toll-house, toll-bar, or toll-gate, whereat he or she shall be officiating as such collector, and so that the same shall appear to public view, his or her christian name or names and surname painted in black on a white ground, each of such letters of each name to be at least two inches in length and of a breadth in proportion, and such board shall be and remain at such toll-house, toll-bar, or toll-gate the whole of the time during which the person whose name shall be expressed thereon shall be on duty thereat: And if any such collector shall not place such board and keep the same there during the time he or she shall be such collector as aforesaid, or shall demand and take a greater or lesser sum from any person or persons than he or she shall be authorized to do by virtue of these By-laws, or any or either of them, or who shall demand or take a toll from any person or persons who shall be exempt from the payment thereof, and claim such exemption, or shall refuse to permit or suffer any person or persons to read the descriptions on any such board so kept, or shall refuse to tell his or her christian name or names, and surname to any person or persons who shall demand the same, on being paid or tendered the said tolls or any of them, or shall in answer to such demand give a false name or names or make use of any scurrilous or abusive language to any passenger or driver or person in charge of any horses, beasts, cattle or vehicle; any such collector shall on conviction thereof, before any two or more Justices of the Peace as aforesaid, forfeit and pay for every such offence a penalty or sum not exceeding five pounds, recoverable as aforesaid.

10. Every person riding upon any animal or driving any animals with or without any vehicle shall so ride or drive such animals or vehicle, across the said bridge at a walking pace only and not faster: Any person or persons not complying with this By-law or wilfully evading the same shall upon conviction thereof before any two or more Justices of the Peace as aforesaid forfeit and pay a penalty of not more than five pounds recoverable as aforesaid.

11. Each and every collector of tolls shall keep and render such accounts of all his or her receipts for such tolls as the said Council or the Financial Committee thereof may from time to time direct or appoint, and shall pay over all such receipts at such times and to such officer of the said Council as the said Council may from time to time appoint.

SCHEDULE A.

Deniliquin Bridge Toll Gate.—Scale of Tolls.

	s.	d.
For every waggon or dray, laden or not laden, per wheel	0	6
For all other vehicles with passengers only	1	0
For every horse, gelding, ass, or mule, drawing or not drawing	0	6
For every ox or head of neat cattle, drawing or not drawing	0	4
For every ox or head of neat cattle in travelling mobs not exceeding 20	0	4
do do after the first 20	0	2
For all sheep, lambs, pigs, or goats, per 100	1	0

One charge includes passing and re-passing during one day.

Weekly, monthly, and quarterly tickets to be issued at the following rates, payable in advance, not transferable:

	Week.		Month.		Quarter.	
	s.	d.	s.	d.	£	s. d.
One horse	1	0	4	0	0	10 0
One horse and vehicle	2	6	10	0	1	5 0
Two horses and vehicle	3	6	14	0	1	15 0
For every extra horse	1	0	4	0	0	10 0

Light drays included in these charges.

Persons driving more horses than their passes admit of, to pay one toll per day for the extra number.

No more horses or cattle, vehicle or vehicles, than the number referred to on ticket shall be allowed to pass if used separately, without extra payment.

By order of the Municipal Council,

Collector.

As to Wood and other Carters.

1. The said Council shall from time to time license to ply or use for hire within the said Municipal District, such carts, lorries, waggons, drays, or other appliances, respectively, after inspection by the By-laws Committee shall be found fit for public use, and also such carts, lorries, waggons, drays, or other appliances to be used within the said district in hawking or taking wood or water or wood and water for sale respectively, or to be employed as night-carts within the said Municipal District, as shall, after the like inspection, be found fit for such purposes respectively; and for every such license there shall be paid to the said Council the following sums, namely,—For every waggon or lorry, the sum of one pound ten shillings annually; and for every dray, cart, or two wheeled appliance, at the rate of one pound annually.

2. Every such license shall be granted on the written application for the same of the owner, or if there be more owners than of any lorry, waggon, dray, cart, or other appliance; and in every such application shall be fully and truly set forth the christian name or names and surname and place of abode of the applicant or applicants, and the like shall be set forth in the license when granted, which shall be in the form of Schedule B hereto or to the like effect; and any person who shall wilfully omit from any such application any particular hereby required therein, or shall wilfully or falsely state any thing touching any such particulars shall forfeit a sum of not exceeding ten pounds, to be recoverable as aforesaid.

3. Every such license shall be numbered and registered by the Council Clerk for the time being, and shall be in force from the date thereof until the thirtieth day of November next following, and the owner named in any such license shall cause to be painted or marked on some conspicuous part on the right hand side of such lorry, waggon, dray, cart, or other appliance thereby licensed, the name of such owner and the number of such license in legible letters and figures one inch in length, and of proportionate breadth, and the words licensed lorry, waggon, dray, or cart, as the case may be, in like letters, and every such owner who shall omit or fail to comply with the provisions of this section, shall forfeit a sum of not exceeding forty shillings, recoverable as aforesaid.

4. Every owner of a lorry, waggon, dray, cart, or other appliance, who shall employ any other person to drive the same shall cause to be truly written upon such license, for each lorry, waggon, dray, cart, or other appliance, the name of the person so employed, and shall keep such name so written, while such person remains so employed, and thereafter forthwith erase or deface such writing; and if any owner shall wilfully make default in causing such writing to be made, or to be erased or defaced respectively, when and as herein required, or if any person so employed as aforesaid shall, without any reasonable excuse refuse or neglect when required by such owner to produce or return to such owner such license, every person so offending respectively shall forfeit a sum of not exceeding forty shillings, recoverable as aforesaid.

5. Every owner of a licensed water-cart shall cause his name and the words "Licensed water-cart," to be painted or marked, and kept painted or marked in legible letters one inch in length and of proportionate breadth in white on black ground or in

black on white ground, in some conspicuous place outside such cart; and if any such owner shall fail to comply with this section he shall forfeit a sum not exceeding forty shillings, recoverable as aforesaid.

6. The By-law Committee may, at any time, if it shall be proved to their satisfaction that the owner of the cart thereby licensed has been convicted of two offences against these By-laws, or of any offence in respect to any property entrusted to him as such owner, or to his driver, suspend for any stated time, or revoke as to them seems fit such license; and no license, while suspended under this section or otherwise, shall be deemed to be of any use or virtue hereunder.

7. The driver of any cart, which shall during the hours after sunset of any day, and before sunrise of the following day, be in any street or public place within the said Municipal District shall keep a light attached to or suspended from the off or right side of such cart, so as to be plainly visible to the driver of any carriage or other vehicle proceeding along or through any such street or place in a contrary direction to that in which such first-mentioned cart shall be directed or going; and in the case of a night-cart only, such light shall be such and so disposed or placed as to appear white in front and red at the outer side; and every driver who shall fail to comply with this section shall forfeit a sum not exceeding forty shillings, to be recoverable as aforesaid.

8. The owner and driver of every water-cart shall keep the same loaded with water between sunset and sunrise; and in case of fire occurring in any house, shop, dwelling, or other tenement, shall attend immediately, or as early as possible, with such loaded cart, and continue to cart water as required by any constable, officer of Council, or authorized fireman. The owner of the first water-cart so loaded, who shall take or cause to be taken to, and arrive at the scene of such fire, and the water therein shall be used for the purpose of extinguishing such fire, shall receive a reward of twenty shillings, to be paid by the said Council; and the owner of any second cart so loaded, who shall arrive at at any such scene, and the water therein shall be used for the like purpose, shall receive a reward of ten shillings, to be paid by the said Council; and the said Council shall pay to the owner of any such water-carts or other water-carts the sum of three shillings and six-pence per load for every succeeding load of water taken as directed by any constable, officer of the Council, or authorized fireman, to such scene for the purpose aforesaid.

9. The word "cart" shall for the purposes of these By-laws include every lorry, waggon, dray, or other such carriage, whatever be its construction drawn by a horse, horses, or other animal or animals used wholly or chiefly for the carriage of burthens or bearing heavy goods. The word "wood-cart" shall mean a cart or other appliance used for the hawking or taking of wood for sale or sold. The word "water-cart" shall mean a cart or other appliance for the hawking or taking of water for sale or sold. And the word "night-cart" shall mean a cart used in the carrying or conveying of night-soil, offal, or other offensive matter.

10. The rates of charges for carters' licenses shall be according to the sum enumerated in Schedule A hereto.

SCHEDULE A.

Table of charges for carters' licenses.

	£	s.	d.
For every lorry, waggon, or four-wheeled vehicle, per annum	1	10	0
For every cart, dray, or two-wheeled vehicle, per annum	1	0	0

SCHEDULE B.

License.

This is to certify that a certain cart, No. _____ of which _____ of _____ is the owner, is hereby licensed to apply for hire and to be used as a _____ within the Municipal District of Deniliquin, from the date hereof to the thirtieth day of November next, subject nevertheless to all the By-laws, Rules, and Regulations in force relating thereto.

Given under the common seal of the Municipal Council of Deniliquin, this _____ day of _____ 187 _____

(L.S.)

Council Clerk.

Mayor.

As to Public Vehicles.

1. From and after the date of this By-law coming into operation any person who, between any sunset and the following sunrise, if plying or engaged with any vehicle, shall in, upon, or along any of the streets, tracks, or roads, within the Municipal District of Deniliquin, drive any vehicle constructed for the conveyance of goods, wares, or merchandise, without having a good and serviceable lighted carriage lamp, such as ordinarily used for such purpose securely fixed at the off side of such

vehicle, or any vehicle constructed for the conveyance of persons as well as goods, wares, and merchandise, or of persons only, without having a good and serviceable lighted carriage lamp as aforesaid, between the hours aforesaid, at each side of the front of such vehicle, shall for every such offence forfeit and pay upon conviction a penalty not exceeding five pounds sterling.

2. Before any license for plying any vehicle or to drive the same shall be granted the party requiring such license shall obtain from the Council Clerk for the time being a requisition in the form of Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it to the said Council Clerk, and in the case of drivers shall obtain a certificate from two respectable ratepayers, to the effect that such person is of good character and competent to act as such driver, as the case may be. And meetings for the purpose of granting such licenses shall be held by the said Council duly assembled at the said Council Chambers on any day or days appointed for that purpose.

3. No license shall be granted in respect of any vehicle which in the opinion of the By-law Committee, or of the Mayor or any two Aldermen, shall be unsafe or bad in repair or otherwise unfit for the accommodation and conveyance of passengers.

4. Licenses for proprietors or drivers of vehicles shall be in the form of Schedule B hereto, or to the like effect.

5. Every license granted under these By-laws shall be in force from the date of such license until the 1st day of December thence 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 shall be permitted to substitute another for a period to be thereby specified by a memorandum in writing under the hand of the Council Clerk for the time being.

6. Licenses may be renewed each year by endorsement thereon under the hand of the Town Clerk for the time being.

7. For every such license and renewal thereof there shall be paid to the said Council, for the benefit of the said Municipal District, the sum of one pound sterling, or proportionate part of one pound sterling, as the case may be.

8. No license shall be granted to any person to drive any vehicle unless he be twenty-one years of age.

9. All licenses shall be made out and numbered (in order as the same are taken out) by the said Council Clerk as he may think fit.

10. No proprietor or driver shall be at liberty to part with or lend his license to any person, nor part with his licensed vehicle for the purposes of hire without the knowledge and approval of the Mayor for the time being, and the registry of the name of the purchaser in the book or books of the said Council Clerk. And every person who shall part with his vehicle for such purpose 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 and effectually as if no change of ownership had taken place, and the purchaser of such vehicle for the purposes aforesaid, who shall use or 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 the By-law on a person for plying without a license.

11. The licenses of the proprietor or driver, or both, of any vehicle may be revoked or suspended by the said Council duly assembled (after three days notice in writing given to such proprietor or driver or both, by the Council Clerk for the time being, to show cause why the same should not be revoked or suspended, and opportunity thereupon given to show such cause), in case the proprietor or driver or both have been convicted of two offences against these By-laws committed within a period of six months.

12. The number of the license granted for every vehicle in figures not less than two inches in height and of proportionate breadth, white upon black, shall be painted in some conspicuous place outside the said vehicle, together with the name of the proprietor thereof; and such numbers and names shall be kept undefaced during all the time every such vehicle shall ply or be used for hire.

13. No proprietor or driver of any licensed vehicle having agreed to take any fare at any time or from any place, shall neglect, delay, or refuse to do so.

14. Any person having hired any licensed vehicle at a certain fare agreed upon between himself and the proprietor or driver thereof, and not paying such fare, shall on conviction forfeit and pay to the proprietor or driver of such vehicle, as the case may be, such fare, together with such sum for damages, professional and other costs, and expenses for the loss of time or otherwise, as the convicting Justices shall in their discretion think proper.

15. No driver shall carry or knowingly permit to be carried in any licensed vehicle, except to some police office, lock-up, or watch-house, any person in a state of intoxication, or so noisily and violently conducting himself or herself, or otherwise so misbehaving, as to occasion any annoyance to passengers therein, or so as to disturb the public peace.

16. All property left by any passenger in any licensed vehicle shall, when found by any driver thereof in any such vehicle within one day next after the same shall have been so found, be carried by such driver in the same state in which the same shall have come into his hands to the office of the said Council, and there by him deposited and left with the Council Clerk for the time being; and every proprietor or driver offending against this section shall forfeit a sum of not exceeding twenty pounds, recoverable before any two or more Justices of the Peace acting in and for the Colony of New South Wales.

17. Such person or persons as may from time to time in that behalf be appointed by the said Council, shall be Inspector or Inspectors during the pleasure of the said Council of all licensed vehicles plying for hire or otherwise within the said Municipal District; and such Inspector or Inspectors shall every three months examine all such vehicles and report thereon to the By-law Committee, and shall at all times see that these particular By-laws are duly observed.

18. For every offence against the provisions of these particular By-laws, to which no specific penalty has been attached thereto, the offender shall pay a penalty of not exceeding the sum of ten pounds nor less than the sum of five shillings, to be recoverable as aforesaid.

19. No vehicle which shall be let to hire by special agreement only, or only when bespoken at the stables or residence of its owner, shall be deemed a licensed vehicle within the meaning of these By-laws whilst so used under such special agreement, nor shall the owner or driver thereof be subject to the provisions thereof in any respect whatever.

20. Wherever the word "vehicle" shall be used in these By-laws the same shall be understood to apply to either carriage, buggy, gig, waggonette, carry-alls, cab or car, for which licenses have been taken out.

SCHEDULE A.

Requisition for License to
I, _____ residing at _____
request that a License may be granted to me to ply for hire or keep as proprietor a _____ for the purpose of plying or causing the same to be plied for hire, or otherwise used under special agreement, within the Municipal District of Deniliquin.
Dated this _____ day of _____ 187 _____ A.B.

SCHEDULE B.

License.

This is to certify that _____ is hereby licensed to _____ a certain _____ within the Municipal District of Deniliquin from the date hereof to the _____ day of _____ next, subject nevertheless to all and every the By-laws and regulations in force thereto.

Given under the common seal of the Municipal Council of Deniliquin this _____ day of _____ 187 _____
Council Clerk. _____ Mayor.

Passed by the Council of the Municipal District of Deniliquin, the 9th day of October, 1876.
(L.S.) ALFRED W. FINCH NOYES, Mayor.
JOHN WARING, Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF FORBES—BY-LAWS.)

Presented to Parliament pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 21st December, 1876.

MUNICIPAL DISTRICT OF FORBES.

BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Forbes, in substitution of certain clauses of the existing By-laws, relating to the right to be enjoyed by the inhabitants of Forbes over the Town Commons, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

THE following By-laws, made by the Municipal Council of Forbes, to amend the By-laws made and passed by the aforesaid Council, on the 6th day of December, 1870, for regulating the right to be enjoyed by the inhabitants of Forbes over the Town Commons.

1st. Sections 3, 4, 5, 6, and 8 of the aforesaid By-laws, passed by the Municipal Council of Forbes, 6th day of December, 1870, are hereby repealed, and the By-laws hereto appended to be inserted in lieu thereof.

By-laws for regulating the right to be enjoyed by the inhabitants of Forbes over the Town Commons.

1st. All horses, cattle, sheep, or goats, intended to be depastured on the said Commons by every inhabitant, being a ratepayer, and every householder on the aforesaid common, shall be reported to the Council Clerk by the owners thereof by notice in writing, which written notice shall contain the brands of the said horses, cattle, sheep, or goats; and the Council Clerk shall keep an accurate register of all such animals, with their brands and distinguishing marks.

2nd. Every inhabitant of the Municipality, being a ratepayer, shall for the depasturing of such horses, cattle, sheep, or goats, pay yearly to the Council Clerk of the Municipality, and previous to such depasturing, the fees and charges hereinafter mentioned, per head per annum:

	£	s.	d.
Horses, not exceeding 6 in number ...	0	2	0
Cattle, not exceeding 6 "	0	2	0
Sheep, not exceeding 24 "	0	0	6
Goats, not exceeding 24 "	0	0	6

Provided that no person shall be allowed to depasture at the same time under this By-law a greater number than six (6) head of stock. For the purposes of this By-law a head of stock shall mean one (1) horse, one (1) head of cattle, 4 goats, 4 sheep, or 4 sheep and goats.

3rd. Any inhabitant of the Municipality, or Commons, may depasture on the said Commons any horses, cattle, sheep or goats, on payment of the fees hereinafter mentioned, in advance, per head per annum, viz.:

Horses, not exceeding 50	4s.	each
Cattle, not exceeding 50	4s.	"
Sheep or goats, not exceeding 200 ...	1s.	"
Horses, over 50 not exceeding 100 ...	6s.	"
Cattle, " " " " " " " " " "	6s.	"
Sheep, over 200 not exceeding 400 ...	1s. 6d.	"
Goats, " " " " " " " " " "	1s. 6d.	"

Provided that ratepayers shall for six (6) of such head of stock, within the meaning of this and the second (2nd) By-law, be liable to pay only the amount for such last-mentioned By-law provided; and that no person shall be allowed to depasture at the same time under this By-law a greater number than 100 head of stock, and for the purposes of this By-law a head of stock shall mean the same as in the last By-law provided.

4th. And no person shall be allowed to depasture on the said Commons more than 100 horses or cattle, or 400 sheep or goats, or an equivalent in mixed stock, as hereinbefore provided.

5th. No fees shall be charged for the depasturing the progeny of such horses, cattle, sheep, or goats, if under the age of six months.

6th. Carriers camping on the Commons for more than four days shall pay in advance the sum of threepence per diem for each horse or head of cattle.

7th. Any person entitled to depasture stock on the said Commons shall, on registration of such stock, make a declaration that the said stock are the *bona fide* property of the person so registering; and any person depasturing stock other than his or her own *bona fide* property shall, on conviction, be liable to a fine not exceeding £10,—such fine to be recoverable before any two Justices of the Peace.

8th. The Ranger or other person authorized by the Council may impound in the Public Pound at Forbes any horses, cattle, sheep, or goats, or other animals illegally depasturing on the said commons, or in respect of which the fees hereinbefore mentioned have not been paid.

9th. All fees for depasturing on the said Commons as hereinbefore mentioned shall be payable at the Council Clerk's Office, on or after the first day of January: Provided that all horses, cattle, sheep, or goats, on or after the first day of July in each year, shall only be charged one-half the hereinbefore mentioned fees.

10th. The foregoing scale of fees may be altered by the Council at a special meeting to be holden annually in November of each year; such alterations (if any) to be advertised for at least two consecutive weeks in the local papers, and notice of the same to be affixed to the notice board at the Council Chambers during the month of December.

Passed by the Municipal Council of Forbes this 8th day of September, 1876.

JNO. BODEL,
Mayor.R. M. FRAZER, Council Clerk,
Forbes, 8th September, 1876.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF WEST MAITLAND.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 21st December, 1876.

BOROUGH OF WEST MAITLAND.

BY-LAWS.

THE following By-laws made by the Council of the Borough of West Maitland, for regulating and licensing vehicles plying for hire within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BY-LAWS for Regulating and Licensing Vehicles plying for hire within the Borough of West Maitland.

1. The word "vehicle" in these By-laws shall include and apply to every omnibus, car, hackney carriage, cab, or buggy; and an omnibus shall mean a vehicle upon four wheels, drawn by one or more horses; and a car shall mean 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 shall mean a vehicle upon two wheels, drawn by one horse; and a buggy shall mean a vehicle upon four wheels, drawn by one or more horses,—plying for hire within the Borough of West Maitland.

2. From and after the first day of January, one thousand eight hundred and seventy-seven, no vehicle shall ply for hire, nor shall any person act as driver or conductor of any such vehicle within the said Borough of West Maitland, until and unless licensed for such purpose.

3. Before any license for plying any such vehicle, or for driving or conducting the same shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it to the Council Clerk, and shall also insert in such requisition, in addition to the particulars set forth in Schedule A hereto, the tables of rates and fares proposed to be charged by such party for any such vehicle, and in the case of drivers and conductors, shall obtain a certificate from two respectable ratepayers to the effect that the applicant is of good character, and competent to act as such driver or conductor, as the case may be, and shall also obtain from the Inspector hereinafter named a certificate that the vehicle for which a license is applied for is fit for the accommodation and conveyance of passengers.

4. The Mayor of the said Borough for the time being shall be and is hereby authorized to issue all such licenses in the name and on the behalf of the said Borough Council; and the Mayor shall by indorsement on such license signify his approval of the scale of rates proposed to be charged for the hire of any such vehicle so licensed.

5. Licenses for proprietors, drivers, or conductors of vehicles shall be in the form of Schedule B hereto, or to the like effect, and shall be made out, numbered, and registered by the Council Clerk.

6. Every license granted by the Mayor shall bear the impression of the Seal of the said Borough, and shall be signed by the Mayor and countersigned by the Council Clerk, and shall be in force until the thirty-first day of December next ensuing the date thereof, and no such license shall include more than one vehicle.

7. For every proprietor's license and for every renewal thereof there shall be paid to the said Borough Council the sum of one pound annually, if the license be granted on or after the first day of January, and on or before the thirty-first day of March, in every year, and if after that date, then in the following proportions:—If on or before the thirtieth day of June, the sum of fifteen shillings; if on or before the thirtieth day of September, the sum of ten shillings; and if after that date the sum of five shillings.

8. For every conductor's or driver's license and for every renewal thereof there shall be paid to the said Borough Council the sum of five shillings.

9. The person or persons in whose name or names a license shall have been obtained shall be deemed the proprietor of the vehicle in respect of which the same shall have been taken out.

10. No license shall be granted to any person to drive any vehicle unless he be eighteen years of age, nor to act as conductor unless he be fourteen years of age.

11. Every proprietor of a licensed omnibus or omnibus car shall provide a driver for the same, and shall be held responsible for the good conduct of the driver and also for the conductor, if a conductor be employed by him, and shall also be liable for all the penalties which such driver or conductor may incur under these By-laws.

12. Every conductor licensed under these By-laws shall whilst conducting wear a badge (to be furnished to the proprietor of the vehicle free of charge at the time of the issue of the proprietor's license), and shall keep the same clean and in good order.

13. No proprietor shall be at liberty to part with or lend his license, nor to sell or dispose of his licensed vehicle to any person without the knowledge of the Mayor, and if sold shall cause the name of the purchaser to be registered on the books of the said Borough Council, and the purchaser of such vehicle who shall allow the same to be used or to ply for hire without such knowledge and registry, shall be considered as plying such vehicle for hire without a license and liable under these By-laws accordingly.
14. No driver or conductor of any licensed vehicle shall lend or part with his license, nor shall the proprietor of any such vehicle employ an unlicensed person as the driver or conductor thereof.
15. Every owner, driver, or conductor of any vehicle and every vehicle shall be deemed to be licensed under these By-laws on the production by the Inspector of the License Register Book containing a copy of any such license, and it shall not be necessary to call upon the person prosecuted to produce the original license to enable the prosecutor to give secondary evidence of its contents.
16. Every person or persons and all and every vehicle shall be deemed to be unlicensed unless it appears on the production of the License Register Book by the Inspector that a license has been duly issued.
17. 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 signed by the Council Clerk, and served upon such proprietor, driver, or conductor, or left at his usual place of abode, calling upon him to show cause why such license should not be revoked or suspended and opportunity given such proprietor, driver, or conductor to show such cause) in case either the proprietor, driver, or conductor shall have been convicted of two offences against these By-laws committed within a period of six months next preceding.
18. Such person or persons as may from time to time be in that behalf appointed by the said Borough Council shall be the Inspector or Inspectors of all licensed vehicles plying for hire within the said Borough, and such Inspector or Inspectors shall, as often as he or they may deem necessary, inspect all licensed vehicles and also the harness, and horse or horses, or other animal or animals used in drawing the same, and if such vehicles, horse or horses, animal or animals shall in his or their opinion be unfit for public use he shall report the same in writing to the Mayor, who shall have power to suspend the license of such vehicle until such vehicle, harness, horse or horses or other animal or animals used in drawing the same shall be in a fit state for public use; and it shall be the special duty of such Inspector at all times to see that as far as possible these By-laws are duly observed and enforced.
19. No owner or driver of any vehicle nor any other person shall hinder or obstruct such Inspector or Inspectors in the execution of any of his or their duties.
20. The number of the license granted for every omnibus or car, in figures not less than four inches in height, and for every hackney carriage, cab, or buggy in figures not less than two inches in height and of proportionate breadth white upon a ground of black, shall be printed or painted outside on the panel of the door or doors of such vehicle, or on a plate or plates affixed thereon, and also upon each lamp used upon such vehicle as the Inspector may direct, and such number shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.
21. The number of the license of every hackney carriage, cab, or buggy on a card or plate six inches by three inches printed or painted in clear legible figures, and the table of fares so indorsed by the Mayor upon such license as aforesaid shall be affixed at the upper part of the front panel or in such other place inside of such carriage or cab as the Inspector may direct, and such card or plate shall be kept so affixed and legible and undefaced during all the time the carriage or cab shall ply or be used for hire.
22. No proprietor or driver of any licensed vehicle shall demand, receive, or take more than the several fares indorsed on the license of such vehicle.
23. The places specified in Schedule C hereto annexed are hereby respectively appointed public stands for licensed vehicles, provided that the Council may from time to time as they shall see fit, by resolution published as aforesaid, abolish or alter the number and situation of the said stands.
24. The proprietor or driver of any licensed vehicle shall not permit the same to stand for hire except at an appointed stand.
25. No driver or conductor of any vehicle whilst standing at his proper stand (or on Sundays in any part of the said Borough) shall endeavour to attract notice by shouting, ringing of bells, blowing of horns, or other noise, nor shall deceive any person in respect to the route or destination of such vehicle by word or sign.
26. The first omnibus or car that arrives at any public stand shall be first to start therefrom, and the others in due rotation in the order in which they arrive at such stands at intervals of not less than fifteen minutes.
27. At every second vehicle on every stand there shall be left a space of at least ten feet for passengers on foot to pass through.
28. Every vehicle on its arrival at any such public stand shall be drawn at the end of and be the last of the rank of any vehicle that may be then on such stand; all vehicles shall be arranged only in single rank.
29. No driver of any vehicle shall suffer the same to loiter in any street or alongside any other vehicle, nor obstruct the driver or conductor of any other vehicle in taking up or setting down any person, or wilfully or wrongfully or forcibly prevent or endeavour to prevent the driver of any other vehicle from taking a passenger or fare.
30. No driver or conductor of any vehicle shall whilst driving, loading, or 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 ill-behaviour, or make use of any threatening, obscene, profane, abusive, or insulting language, sign, or gesticulation.
31. Every driver whilst engaged in taking up or setting 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 line with the kerb-stone or edge of the foot-path) at which the taking up or setting down is required.
32. No omnibus shall pass any other omnibus proceeding in the same direction if the latter be proceeding on its journey at a pace faster than a walk.
33. No licensed vehicle shall be drawn at a pace faster than that commonly known as trotting; and in the event of the conviction of any driver for a breach of this By-law his license shall be cancelled by the Mayor.
34. 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 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.
35. 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 a driver and horses competent to perform the trip from stand to stand in due and reasonable time.
36. No driver of any vehicle shall carry more passengers than his vehicle is licensed to carry on the report of the Inspector, nor shall the driver of any cab carry any passenger or other person on the driver's box or step behind the same, nor shall the driver or conductor of any omnibus or omnibus car permit or suffer any person except the conductor to be on the footsteps at the back of any such omnibus or omnibus car.
37. 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 passenger.
38. The driver and conductor of every licensed vehicle (if such vehicle has a conductor) shall be constantly attendant upon the same whenever standing or whilst plying or engaged for hire.
39. Every licensed vehicle plying or engaged after sunset shall be provided with a lamp on each side, and shall keep the same properly lighted until sunrise, if so long plying or engaged.
40. The driver of every omnibus and omnibus car shall provide and keep a lamp properly lighted in such a position inside of every such vehicle as the Inspector may direct whenever such vehicle be plying or engaged at any time between sunset and sunrise.
41. Every lamp used on the outside of any vehicle shall be such and so disposed as to appear white on the front and outer sides and red behind.
42. Any person having engaged any licensed vehicle and not paying the charge so indorsed as aforesaid upon the license of such vehicle when demanded, shall on conviction forfeit and pay the owner or driver of such vehicle such charge, together with such further sum for damages, costs, and expenses for loss of time or otherwise as the convicting Justices shall in their discretion think proper.
43. No vehicle, which shall be let to hire by special agreement only, or only when bespoken at the stables or residence of its owner, and which shall never publicly 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 or driver or conductor of such vehicle be subject to the provisions thereof in any respect whatever.
44. For every offence against the provisions of these By-laws, to which no specific penalty has been attached herein, the offender shall pay a penalty not exceeding ten pounds nor less than five shillings.

SCHEDULE A.

A requisition for license to

To the Borough Council of West Maitland.

I, _____ residing in _____ street, do hereby request that a license may be granted to me to within the said Borough.

Dated the _____ day of _____ 187

SCHEDULE B.

License.

This is to certify that _____ is hereby licensed to _____ a certain _____ number within the Borough of West Maitland, from the day of 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 Borough Council of West Maitland, this _____ day of _____ 187

Mayor.

SCHEDULE C.

Public Stands.

The north side of High-street, from its junction with Hannan-street to the western side of the Court House.

The southern side of High-street, next to where the Great Northern Railway Line crosses High-street, and along that side of the said street, a distance of one hundred feet.

The western side of Elgin-street, near the Railway Station.

Made and passed by the Borough Council of West Maitland, this third day of November, A.D. 1876.

HENRY S. BADGERY,

Mayor.

THOMAS HUGHES, Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF VICTORIA—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 21st December, 1876.

BOROUGH OF VICTORIA.

BY-LAWS.

THE following By-laws made by the Council of the Borough of Victoria, to regulate, control, and manage, &c., the Public Wharf at Blue's Point, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BOROUGH OF VICTORIA.

BY-LAW the better to enable the Municipal Council of the Borough of Victoria to regulate, control, and manage the Public Wharf at Blue's Point, to repeal and amend existing By-law in relation to the same, and to provide for the leasing of certain portions of the said Wharf.

WHEREAS it is expedient to repeal and amend the existing By-law made for the purpose of regulating the use of the Public Wharf at Blue's Point, preserving order, and securing to all persons a proper use of the said Wharf, and for the prevention of obstructions and hindrances to the same: And whereas it is further expedient to provide for the leasing of certain portions of the said Wharf, be it therefore enacted:—

1.—Repeal of existing By-law.

The By-law made and passed by the Council on the 3rd May, 1871, and published in a Supplement to Government Gazette, bearing date March 13th, 1872, is hereby repealed.

2.—Division of Wharf into sections.

The Wharf shall be divided into two sections, with a road 30 feet wide running north and south the entire length of the Wharf, between the two sections. Section No. 1 shall consist of the water frontage, and section No. 2 shall consist of that portion of the Wharf at the back of and fronting the road before-mentioned.

3.—Subdivision of sections.

Section No. 1 shall be divided into three lots, commencing at the southern end of the Wharf—Lot No. 1 shall consist of 72 feet frontage, lot No. 2 shall consist of 66 feet frontage, and lot No. 3 shall consist of all the residue of the section. Section No. 2 shall be divided into four lots—Lots 1, 2, and 3 shall each have a frontage of 33 feet to the road hereinbefore mentioned, and lot No. 4 shall consist of all the residue of the section, lot No. 1 commencing at the southern end.

4.—Uses of such subdivisions.

Lot No. 1, section 1, shall be reserved and appropriated for the loading and unloading of timber, bricks, iron, building, or other bulky material; lot No. 2, section 1, shall be reserved and appropriated for the use of steam ferry boats, landing or taking off passengers; lot No. 3, section 1, shall be reserved and appropriated for the purpose of loading and unloading coals, coke, wood, and general merchandise, and for the landing or taking off passengers by boatmen conveying passengers for hire, or by passengers in their own boats; lots Nos. 1, 2, and 3, section 2, shall be reserved and appropriated for the purpose of storing coals, coke, wood, or other merchandise; and lot No. 4, section 2, shall be reserved for the use of the Council.

5.—Certain portions may be leased.

The Council may lease lots 1 and 2, section 1, and lots 1, 2, and 3, section 2, for a period of one or more years by tender, open to public competition, and upon conditions to be approved of by His Excellency the Governor in Council.

6.—Road to be kept clear.

No person shall place, suffer, or permit to be placed or remain upon the road hereinbefore mentioned any coals, coke, wood, merchandise, or any goods, whatsoever, and no horse, dray, cart, or other vehicle shall obstruct the said road, or remain thereon longer than may be necessary to pass or repass to or from any of the respective lots.

7.—Against damage to Crane.

All persons shall have the right to use the crane erected on lot No. 3, section 1, but any person damaging the same shall pay, on demand, the amount incurred by the Council for its repair, and any person wilfully or maliciously injuring the same shall, in addition to such costs of repairs, pay a penalty of not exceeding £5 nor less than £1.

8.—Use of Crane not to be obstructed.

Persons using the crane for landing goods must remove the same immediately, to allow of the free access to the crane by all other persons.

9.—Vessels not to make fast to Wharf, &c.

No ship, steamboat, or other vessel shall be allowed to make fast to or remain alongside the Wharf, except while actually loading or unloading cargo, or landing or taking off passengers; and no owner or master of any such ship, steamboat, or other vessel shall suffer or allow any such vessel to remain alongside the wharf longer than may be necessary to load or unload cargo or to land or take off passengers.

10.—Against improper use of Wharf, &c.

Any master or other person in charge of any ship, steamboat, or other vessel, or any other person who shall by improper use, carelessness, or negligence cause any damage to the Wharf, shall upon demand pay the costs of such damage, and in case of refusal, the said costs shall be recoverable in the same manner as any penalty under this By-law, and if such damage shall be done wilfully or maliciously then any such master or other person so offending shall pay, in addition to such costs, a penalty of not more than five pounds, nor less than one pound.

11.—Regulations as to carts, drays, vehicles, &c.

No dray, cart, or other vehicle drawn by one or more horses or other animals shall be allowed to remain on the Wharf longer than may be necessary for loading or unloading or taking up and setting down passengers, and all such drays, carts, or other vehicles when so loading or unloading or taking up and setting down passengers shall be placed in a parallel line bearing north and south, and no such vehicle, horse or horses, or other animals, or any saddle horse or saddle horses shall at any time be left upon the Wharf or entrance thereto unless in charge of a person competent to manage the same.

12.—Goods not to be left on Wharf.

No goods, merchandise, produce, butchers' meat, or live stock for shipment shall be allowed on the Wharf until a vessel is ready to receive the same, and all goods, merchandise, produce, butchers' meat, or live stock landed from any vessel shall be so placed as not to interfere with the general use of the Wharf, and shall in all cases be immediately removed therefrom by the owner, or in default, by the Council, and all expenses attending such removal by the said Council shall become a charge upon the goods so removed.

13.—Shells, lime, timber, &c.

No shells, lime, timber, stones, bricks, iron, or other building or bulky material shall be allowed to remain on the Wharf for more than two clear days after being landed.

14.—Against misconduct.

No person shall make a riot, or disturbance or be guilty of cursing or swearing, or using any gross or indecent language, or offending against common decency, or being drunk, or in any other way misconducting himself or herself.

15.—Penalties.

Every person who shall commit any breach of or offend against any section or part of this By-law shall for every such breach or offence forfeit and pay any sum not exceeding five pounds to be recovered by summary jurisdiction before any two Justices of the Peace.

Passed by the Municipal Council of Victoria, this fourth day of October, 1876.

(L.S.)
WALTER G. WELLINGTON,
Council Clerk.

ISAAC ELLIS IVES,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF REDFERN—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 21st December, 1876.

BOROUGH OF REDFERN.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Redfern, in substitution of existing By-laws, for the regulation of their own proceedings, for the collection and enforcement of rates, &c., &c., having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BOROUGH OF REDFERN.

BY-LAWS.

BY-LAWS for regulating the proceedings of the Council of the Borough of Redfern, for the collection and enforcement of rates, for preventing and extinguishing fires, for the suppression of nuisances, for the care and management of the public roads and streets, and general good government of the Municipality, and that so much of the By-laws made by the Municipal Council, and published in the Government Gazette, No. 122, May 26, 1869, as are not incorporated with the following By-laws, are now repealed.

No. 1.

General duties of the Mayor or Presiding Alderman.

1. The Mayor or Presiding Alderman shall preserve order, and his decision on all disputed points shall be final; but he is to state his decision without argument or comment.
2. The Mayor or Presiding Alderman may take part in all the proceedings of the Council.
3. The Mayor or Presiding Alderman shall put all questions, and declare the sense of the Council thereon.
4. If two or more members rise to speak at the same time, the Mayor or Presiding Alderman shall decide which member is entitled to pre-audience.
5. The Mayor or Presiding Alderman may, without waiting for the interposition of any member of the Council, call to order any member proceeding to speak a second time on the same question (except in explanation, and without introducing any new matter). The member introducing a motion to have the right of reply, and every member shall have the liberty of speaking once on every amendment as well as on the original motion.
6. The Mayor or Presiding Alderman shall, on every motion made and seconded, put the question first in the affirmative and then in the negative; and he may do so as often as may be necessary to enable him to form and declare his opinion from the show of hands as to which party has the majority.

7. The Council shall meet for the despatch of business at the hour of 7 p.m. on every alternate Friday, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

8. If the Mayor be not present within thirty minutes after the time appointed for the meeting of the Council an Alderman shall be elected Chairman for the time being.

9. In event of a quorum not being present at such meeting within half an hour after the time appointed, the names of the Aldermen present shall be entered in the minute book by the Council Clerk, and each Alderman absent shall pay a fine of five shillings; such fine to be remitted only in the case of illness or other cause deemed sufficient by a majority of the Council at the next meeting.

10. In the months of March and September in each year the Mayor shall lay before the Council for its adoption the Treasurer's account for the previous half-year duly audited; but should any Auditor not attend for the purpose of auditing the accounts when required by authority of the Mayor to do so, or refuse to certify to the correctness of the account, unless he can prove to the satisfaction of the Council that the account is incorrect, he shall pay a fine of ten pounds, to be recovered in a summary way before any two Justices of the Peace, the said fine to be carried to the credit of the Municipal funds.

11. The first business at every regular meeting of the Council shall be the reading, confirmation, and signing the minutes of the proceedings of the last preceding meeting.

12. After the minutes of the last preceding meeting are signed, reports from Committees shall take precedence of any other business, but shall not be considered or adopted without due notice thereof.

13. The presentation of petitions and reading of correspondence shall be next in order of business after the consideration of reports.

14. Every member shall stand while speaking, and shall address the chair.

2. Any person who shall breed, keep, or feed any kind of swine, in any house, building, yard, garden, or other hereditament situate and being in or within 40 yards of any street or public place within the said Borough, or shall suffer any kind of swine, or any horse, ass, mule, sheep, goat, or other cattle belonging to him or her, or under his or her charge, to stray or go about, or to be tethered or depastured in any such street or public place, shall, on conviction, forfeit and pay for such offence a sum not exceeding forty shillings nor less than ten shillings for every such offence.

3. For preserving the cleanliness of the said Borough, and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or other officer appointed by the Council or the Mayor, from time to time, and when and as often as shall be necessary, to visit and inspect the premises within the said Borough of all butchers, tanners, soap-boilers, fellmongers, tallow-melters, and boiling-down establishments, and give such directions concerning the cleaning of the same, within and without, as to him shall seem needful, and if any owner, lessee, or occupier neglect to comply with such directions, or any of them, they shall forfeit and pay any sum not less than two pounds nor more than ten pounds.

4. Upon representation to the Council by two or more rate-payers that any house within the Borough, and near the residence of such rate-payers, is of ill-fame, it shall be lawful for the Council to cause the resident of such house or premises to furnish to the Council a complete list of the names, ages, sexes, and occupations of all the inmates of the said house or premises, and upon non-compliance with such request, or if, upon consideration, the Council considers the house to be one of ill-fame, they shall declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or upon any person residing or being thereupon, to discontinue or abate such nuisance within forty-eight hours after the receipt of such notice, and if such nuisance be not so abated the holder of such house or premises, or other person residing therein and acting as such holder, shall be liable to be proceeded against for such nuisance, and shall, on conviction thereof, forfeit and pay any sum not less than two pounds nor more than twenty pounds; and if such nuisance be not abated within forty-eight hours after such conviction, the holder of such house or premises, or other person residing or being thereon as aforesaid, shall forfeit and pay for such second offence a sum of not less than five pounds nor more than fifty pounds.

No. 5.

Care and Management of the Public Roads and Streets.

1. In any street or road where it may be deemed necessary to alter the level more than 1 foot, the Council shall cause a plan and section shewing the proposed fillings and cuttings, to be exhibited at the Council Chambers for fourteen days, for the information of ratepayers, and notify the same in one or more of the daily papers, and at a subsequent meeting of the Council the said plan and sections shall be adopted by the Council and signed by the Mayor, and the proposer and seconder, and be countersigned by the Council Clerk, provided no valid objection has been lodged within the time specified.

2. The Council may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose, and any person or persons offending against this By-law, either by travelling in such street, lane, or thoroughfare, or by removing or destroying any barricade that may be erected thereon for the purpose of suspending the traffic or preventing accidents, shall forfeit and pay a penalty not exceeding five pounds nor less than one pound for every such offence.

3. No person shall be permitted to erect any house, shop, or other building whatsoever in any street, lane, or place within the Municipality without first serving notice in writing on the Mayor or Council Clerk, on any lawful day between the hours of 10 a.m. and 4 p.m., stating such intention and describing the proposed situation and character of the building or erection, and without having received an authority in writing from the Mayor or Council Clerk to proceed with such building or erection, shall be subject to a penalty of not less than two pounds nor more than ten pounds.

4. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, clay, sand, soil, gravel, stone, or other material in or from any part of the carriage or footway of any street or other public place within the Borough without leave first had and obtained from the Council, or who shall break up or otherwise damage any part of the gutter or kerbstone, or any carriage or footway within the Borough, shall, on conviction, forfeit and pay for every such offence any sum not exceeding five pounds nor less than one pound.

5. Any person who shall make any cellar, or any opening, door, or window, in or beneath the surface of the footway of any street or public place within the said Borough without the

permission of the Council, shall, on conviction, forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, door, or window.

6. No person shall be allowed to throw rubbish, sweepings, dead fowls, or other animals, or deposit of any kind whatever on the streets, lanes, pathways, or channels, and any person offending against this By-law, shall on conviction forfeit and pay any sum not less than forty shillings, nor more than five pounds.

7. No person shall be at liberty to encroach beyond the building-line in any street or lane by the erection of houses, verandahs, doorsteps, fences, or any other obstruction whatever, and all proprietors or lessees of houses within the Borough having a frontage to any main thoroughfare shall be bound to have the same sufficiently spouted with down-pipe to carry under the surface of the footway in the street gutter.

8. No person shall place, permit, or caused to be placed or exposed for sale on any of the streets or footways within the Borough, goods, parcels, or produce of any kind whatever to the obstruction of the public, or shall cast, cause, or permit water, slops, or liquids of any kind to flow from any house, yard, or premises owned or occupied by them to be upon or flow over any of the lanes or pathways within the Borough, and whoever offends against the provision of this By-law shall forfeit and pay a penalty of not less than ten shillings nor more than five pounds.

9. Every owner, lessee, or occupier of any house, building, or other premises or lands within the Borough, having any waterhole, ditch, or excavation adjoining or near the footway of any street or public place, shall protect the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing or repassing; and every such owner, lessee or occupier of any such house, building, or premises having any steps adjoining the footway of any street or public place within the Borough, shall in like manner guard the same by fences, rails, or other enclosures so as to prevent the like danger to persons passing or repassing; in failure thereof, every such owner, lessee, or occupier shall so often as he or they shall be convicted of such offence forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner, lessee, or occupier as aforesaid who shall fail to erect such fences, rails, or other enclosures as aforesaid shall be deemed guilty of a further offence against this By-law.

10. Any person who shall dig or make or cause to be dug and made any hole adjoining or near to any street or public place within the Borough for the purpose of making any foundation or foundations to any house or other building or for any purpose whatever, or shall erect or pull down any building and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner to the satisfaction of the Council, or shall keep up or cause to be kept up and continued any such enclosure for a period longer than three months, and shall not place a light on each side of the said enclosure and keep the same burning from sunset to sunrise during the continuance of such enclosure shall forfeit and pay for every such refusal or neglect, any sum not being less than forty shillings nor more than five pounds.

11. Any person who shall cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the footways within the Borough, any waggon, cart, dray, carriage, or other vehicle, or any wheel-barrow, hand-barrow, or truck, or any hogshead, cask, or barrel, or shall lead, drive, or ride any horse, ass, mule, or other beast on such footways shall, on conviction, forfeit and pay any sum not exceeding forty shillings nor less than five shillings.

12. Any person who shall ride or drive through or upon any street, lane, or public place within the Borough so negligently, carelessly, or furiously that the safety of any person or persons shall or may be endangered thereby shall on conviction forfeit and pay any sum not exceeding five pounds nor less than two pounds.

13. Any person who shall ride or drive round the corners of any street within the Borough at a pace faster than a walk shall on conviction forfeit and pay any sum not more than forty shillings nor less than five shillings.

14. Any person or persons who shall wantonly or maliciously break or injure any lamp or lamp-post or injure or extinguish any light set up for public safety and convenience within the said Borough shall, over and above the necessary expense of repairing the injury committed, forfeit and pay any sum not less than one pound nor more than five pounds.

Made and passed by the Municipal Council of the Borough of Redfern, this 13th day of October, 1876.

W. S. WARDROP,
Council Clerk.

PATRICK STANLEY,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF REDFERN FREE LIBRARY.—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Department of Justice and Public Instruction,
Sydney, 5th January, 1877.

BOROUGH OF REDFERN.

THE following By-laws, made by the Council of the Borough of Redfern, for the regulation of the Redfern Free Library, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOSEPH DOCKER.

REGULATIONS FOR THE REDFERN FREE LIBRARY.

I. The Library shall be open every Monday, Wednesday, and Saturday from 7.30 to 9 p.m.; and every Tuesday, Thursday, and Friday from 10 to 12 a.m.

In connection with the Library there will be a Reading Room which shall be open every lawful day from 7 to 10 p.m., except Thursdays and Fridays and public holidays.

II. Every person who shall enter the Library or Reading Room shall, immediately on entering the same, write his or her name and address in a book to be kept for such purpose at each such Library and Reading Room, and to be called the "Visitors' Book"; and if such person shall be unable to write, then such name and address may be so written by any other person, or shall be so written by the proper officer of the Council at such Library or Reading Room, at the request of such person; and no person who shall refuse to comply with this regulation shall be permitted to remain in such Library or Reading Room; and it shall be the duty of the officer of such Library or Reading Room to enforce this By-law.

III. Any person who, being intoxicated, shall enter such Library or Reading Room shall be at once removed from the premises. Any person who shall use therein any abusive, improper, or unbecoming language, or who shall by unnecessarily loud talking or by any noise or otherwise disturb or annoy the persons using or resorting to such Library or Reading Room, or who shall without lawful excuse, but without felonious or larcenous intent, remove any property from such Library or Reading Room, shall forfeit and pay any sum not less than ten shillings nor more than ten pounds; and any such person may be forthwith removed by any officer of the Council in charge of such Library or Reading Room.

LOAN OF BOOKS.

IV. Any ratepayer or any member of his or her family over sixteen years of age may obtain from the Librarian, on a written order from any Alderman, and purchasing a Catalogue and depositing with the Librarian the sum of 2s. 6d. per annum, not more than one volume at a time of any work in the Library and retain the same for any period not exceeding fourteen days, provided he or she make known to the Librarian the title of the work he or she may desire to take away, but works labelled "New" shall not be retained for a longer period than seven days.

V. Any person desiring to retain a book for a longer period may renew the loan on making such desire known to the Librarian, at the expiration of fourteen days, provided no other person shall have expressed a wish to have the book in the meantime. Every person who shall retain a book longer than the specified time shall be fined 3d. for the first seven days, and 6d. for each and every additional seven days.

EXCEPTIONS.

VI. All publications received from the Government Printing Office and books purchased with the Government grant, also certain books marked "R," shall not be considered within the class of books persons may borrow. No periodical shall be considered within the class "L," until it shall have been on the Library table for two months.

VII. Any society or class for mutual improvement or instruction, or for study or experiments, may with the consent of the Council, be formed in connection with, or may hold its meetings or carry on its studies or experiments at, the said Library or Reading Room: Provided that the general free access to and use of the said Library or Reading Room by persons who are not members of such society or class be not thereby interfered with: Provided however, that no rule made by the members of any such society or class for the management of the same, shall conflict in any way with these Regulations, or with any regulations made by the said Council hereunder.

VIII. Any person who shall wilfully damage any visitors' book, catalogue, copy of Regulations, or other book or record kept at the Library or Reading Room for the general uses thereof, shall for every such offence forfeit and pay any sum not less than ten shillings, nor more than ten pounds.

IX. It shall be the duty of the Librarian to report at every meeting of the Library Committee any infraction of these rules or any injury to the books.

X. The foregoing rules shall be printed, framed, and suspended in the Library Room, for the information of visitors.

XI. Any ratepayer may propose books for addition to the Library on entering the titles, price, and other particulars in a book to be kept for that purpose.

XII. The Library shall be closed annually from 15th to 30th November inclusive, and all books must be returned to the Library on or before the first-mentioned date, or be subject to the fine as being over-due.

READING ROOM REGULATION.

XIII. Newspapers shall not be detained more than a quarter of an hour, nor periodicals more than half an hour, if required by another visitor, he having intimated his wish to the person reading the same.

Passed by the Municipal Council of Redfern, on the 15th day of November, in the year of our Lord one thousand eight hundred and seventy-six.

PATRICK STANLEY, Mayor.

W. S. WARDROP, Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF GULGONG—BY-LAWS.)

Presented to Parliament pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 25th January, 1877.

BOROUGH OF GULGONG.

BY-LAWS.

THE following By-laws made by the Council of the Borough of Gulgong, for the collection of Rates and for the general good rule and government of the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BOROUGH OF GULGONG.

BY-LAWS to regulate the proceedings of the Borough Council of Gulgong, the collection of Rates, and for the general good rule and government of the Borough.

PREAMBLE.

WHEREAS it is expedient that provision should be made for regulating the proceedings of the Council of the Borough of Gulgong, it is hereby ordered by the said Council, by virtue of the powers and authority vested in the said Council in that behalf, that the following shall be the By-laws and Standing Orders for regulating the proceedings of the said Council, &c.

PART I.

Proceedings of the Council and Committees—Preservation of order at Council Meetings—Duties of Officers and Servants, &c.

Meetings of the Council.

1. The Council shall meet for the despatch of business at the hour of 7 p.m. on every alternate Wednesday, unless such day shall happen to be a public holiday; in the latter case the meeting shall be held on such other day as the Council may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor shall not attend within thirty minutes after the time appointed for holding such meeting the Aldermen then present shall proceed to elect from among themselves a Chairman for such meeting. Whenever there shall be an adjournment of any meeting for want of a quorum, the names of the members present shall be taken down, and shall be recorded in the Minute Book.

Standing Orders of the Council.

3. All questions duly proposed and seconded shall be put by the Mayor or Chairman, and the sense of the Council thereon shall be declared by him.

4. The Mayor or Chairman shall preserve order, and his decision on disputed points of order shall be final.

5. No member shall deviate from the subject under debate or make personal reflections on any other member.

6. The Mayor or Presiding Alderman may without waiting for the interposition of any member of the Council, call to order any member proceeding to speak a second time on the same question (except in explanation, and without introducing any new matter). The member introducing a motion to have the right of reply, and every member shall have the liberty of speaking once on every amendment, as well as on the original motion.

7. Any Alderman may at any time call the attention of the Mayor to any Alderman being out of order or to any other point of order.

8. The Council shall vote by show of hands, but any Alderman may divide the Council on any question, both in full Council or in Committee of the Whole, in which case every Alderman there present shall be compelled to vote; and all divisions shall be entered in the Minute Book.

9. No notice shall be taken by the Mayor or Presiding Alderman of any motion unless it be seconded.

10. All notices of motion or amendment thereon shall be in writing, dated and signed by the Alderman proposing the same previous to being handed to the Council Clerk, and shall not be withdrawn without the leave of the majority of the Council.

Order of Business.

11. 1. Reading and confirming Minutes of last meeting.
2. Reading copies of letters sent.
3. Reading letters received and ordering thereon.
4. Presentation of Petitions.
5. Miscellaneous (considering Tenders, &c.)
6. Considering reports of Committees.
7. Motions of which notice has been given.
8. Orders of the Day.

Provided that the Council may, by resolution without notice, entertain any particular motion, or deal with any particular matter of business out of its regular order on the business paper, without any formal suspension of this section, and may in like manner direct that any particular motion or matter of business shall have precedence at a future meeting.

Time for Speaking.

12. No member shall speak on any motion or amendment longer than ten minutes, unless by permission from the Council.

Adjournment of Debate.

13. A debate may be adjourned to a later hour of the same day or to another day specified.

Member entitled to pre-audience.

14. The member upon whose motion any debate shall be adjourned, shall be entitled to pre-audience on the resumption of the debate.

Motion for adjournment.

15. Any motion for adjournment if seconded shall be immediately put without discussion, but if such motion be negatived it shall not be competent for any member to make a like motion until the lapse of a quarter of an hour.

Rescinding resolution.

16. It shall be competent to give notice of motion for the rescinding of any resolution on the same day on which such resolution shall have been passed by the Council.

Call of the whole Council.

17. No motion, the effect of which if carried would be to rescind any motion which has already passed the Council, shall be entered on the business paper unless a call of the whole Council has been duly made.

Call how ordered.

18. A call of the Council may be ordered by resolution without notice, for the consideration of any question of which previous notice has been given.

Question to be read when required.

19. Any member may require the question under discussion to be read for his information at any time during the debate, but not so as to interrupt any other member whilst speaking.

Council Clerk to give notice of Committee Meetings.

20. The Council Clerk shall call a meeting of any Committee when requested so to do by the Chairman or any three members of such Committee.

Petitions—no debate.

21. On the presentation of a Petition no debate shall take place until notice has been given in the usual manner, and the only question that can be entertained by the Council on the day of its presentation shall be that the Petition be received or that it be referred to a Committee.

Language of Petitions.

22. It shall be incumbent on any Alderman presenting a Petition to acquaint himself with the language thereof, and to report to the Council that he considers it unobjectionable.

Petitions of parties signing.

23. All Petitions shall be received only as the Petitions of the parties signing the same.

Committees.

24. Before appointing such special Committees as from time to time shall be found necessary, there shall be a standing Finance Committee, which shall examine and check all accounts and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to affect or be likely to affect the finances of the Borough, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon. Such Committee shall be appointed by resolution of the Council within thirty days after the election of the Mayor for the municipal year.

Committee of the Whole.

25. The By-laws as to the proceedings of meetings of the Council, shall be observed in Committee of the whole Council, except the rule limiting the times of speaking.

Chairman of Committees.

26. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, and such Chairman may direct the Council Clerk to call meetings whenever he shall think it expedient.

Report to be signed.

27. Every report of a Committee shall be signed by the Chairman thereof.

Funds of Municipality.

28. No work affecting the funds of the Municipality shall be undertaken until the probable expense be first ascertained by the Council; and all accounts to be paid by the Council shall be examined before any warrant shall be issued for the payment thereof: Provided that in cases of emergency, the Mayor with the assent of any two Aldermen may authorize the expenditure of any sum not exceeding £10, and such expenditure shall be reported to the Council at its next sitting.

Security.

29. In cases where security is required by the Municipalities Act of 1867, no security shall be accepted otherwise than by a vote of the Council.

Books and papers not to be shown.

30. No officer or servant appointed by the Council shall be at liberty to show, lay open, or expose, any of the books, papers, or records of the Council to any person not a member of the Council, except as provided by law.

Common Seal.

31. The common seal shall not be affixed to any document without the express authority of the Council, and every impression thereof shall be verified by the signatures of the Mayor and Council Clerk, or in the absence of the Mayor, by the signatures of three Aldermen and the Council Clerk.

Seal, charter, &c., where kept.

32. The seal of the Municipality and all charters, deeds, and records of the Council shall be kept in the custody of the Council Clerk, unless the Council shall otherwise order.

Records of transactions in Committee.

33. The Chairman of each Standing Committee shall make or cause to be made in a book to be kept by him for that purpose, memoranda of all transactions of such Committee, which book he shall on ceasing to be such Chairman hand over to his successor.

How books of account are to be kept and inspected.

34. The Treasurer shall keep such books of account and such records, statements, and memoranda of receipts and expenditure, in such manner and form as the Council may from time to time direct. It shall be the duty of the Finance Committee to inspect all such books of account, records, statements, and memoranda from time to time, to ascertain that the same are properly kept, and to report at once to the Council any act of neglect or appearance of inefficiency which they may have discovered in the keeping of the same; also to report to the Council from time to time any changes which such Committee may think advisable in the mode of keeping the accounts.

Impression of Seal not to be taken, &c.

35. No member or officer of the Council shall be at liberty to take any impression of the corporate seal, or to show, lay open, or expose any of the books or records of the Council to any person other than a member of the same without leave from such Council, except as otherwise provided by law. Any member or officer of the Council who shall be guilty of a breach of this section shall be liable on conviction, for the first offence, to a penalty of not less than five shillings not more than two pounds; for a second offence, to a penalty of not less than one pound nor more than ten pounds; and for a third and every subsequent offence, to a penalty of not less than five pounds nor more than twenty-five pounds.

Penalty for defacing or destroying record.

36. Any person destroying, defacing, or altering any record of the Council, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Notice to candidates for office.

37. No appointment to any permanent office at the disposal of the Council shall take place until public notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same. The salary or allowance attached to such office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

38. Every such appointment shall be made by ballot, in such mode as may at the time be determined on, whenever there is more than one candidate for such permanent office.

Exceptional cases.

39. Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation to any other permanent office or employment at the disposal of such Council to which no further salary is attached; or to prevent the appointment in like manner of any such officer or servant to any other office or employment of which the duties require only occasional attention and are to be paid for by allowances proportionate to the extent of such duties; or to prevent any similar employment or appointment by the Mayor or by any Committee or officer of the Council of any such officer or servant, under the authority of any by-law; or to prevent the employment, as may be from time found necessary, and as may be ordered by the Council or Chairman of Committee of any workmen or labourers on the public works of the Borough.

Bonds for good conduct.

40. All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited with the attorney or bankers of the Corporation, as the Council may order; and no officer or servant of the Council shall be received as surety for any other such officer or servant.

Duties of Council Clerk.

41. The Council Clerk, in addition to the duties which by the Municipalities Act of 1867, or by the present or any other By-laws thereunder, he may be required to perform, shall be the clerk of all revision Courts held in the Borough under the provisions of said Municipalities Act.

He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council. He shall likewise have charge of all the records of such Council, except such books or documents as may (as hereinbefore and hereinafter provided), be entrusted to any other officer, and shall be responsible for the safe keeping of such records. He shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Mode of calling for Tenders.

42. Whenever it is decided that any work shall be executed or any materials supplied by contract, tenders for the execution of such work, or the supply of such material shall be called for by public notice as hereinafter provided.

PART II.

Collection and enforcement of Rates.

Times and modes of collection.

43. All rates levied or imposed by the Council under the provisions of the Municipalities Act of 1867, and for the purposes mentioned in the said Act, shall be collected once a year. And such rate shall be held to be due and payable on and after such days as the Council shall by resolution appoint at the time of making or imposing such rate.

Rates to be paid at Office of Council Clerk.

44. All rates made and authorized by the Council shall be paid within the time prescribed by the Act, at the Council Chamber of the Municipality, at such hours and such days as the Council shall from time to time appoint.

Unpaid Rates.

45. The Council Clerk shall prepare at such times as may be ordered by direction of the Mayor, a list of the names of all persons whose rates are unpaid at the expiration of the time fixed for the payment of the same, and the Mayor shall take immediate proceedings either by summons or by the issue of distress warrants against defaulters.

Bailiff.

46. The Bailiff shall be appointed by resolution of the Council, and shall be at any time removable by a like resolution, or by the 152nd clause of the Act, and shall give such security as the Council shall approve of for the faithful performance of the duties of such office.

Levies and Distresses.

47. The Bailiff shall make all levies and distresses for the recovery of rates under the warrant of the Mayor, such warrant to be made in accordance with the form in schedule hereto annexed, marked A.

Entry and Levy.

48. The Bailiff shall be paid for entry and levy made under these by-laws according to the schedule annexed, marked C.

Making a Distress.

49. At the time of making a distress, the Bailiff shall forthwith make out a written inventory in the form or to the effect of the schedule annexed, marked B, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident in the place where the distress has been made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted in some conspicuous part of the land or premises on which the distress has been made; and the Bailiff shall deliver a copy of such inventory to the Council Clerk for the information of all parties concerned.

Bailiff to enter upon land, &c.

50. It shall be lawful for the Bailiff, and such assistants as he may require, to enter into any part of the land, building, tenement, or other property in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof; and if the sum for which distress shall have been made or taken shall not be paid on or before the expiration of five days, it shall be lawful to sell the goods so distrained or a sufficient portion thereof, by public auction, either on the premises or at such other place within the municipal district as the said Bailiff may think

proper to remove them to for such purpose, and the surplus, if any, that may remain after deducting the sum distrained for, together with the expenses attendant upon such distress, shall be paid over on demand to the owner of the goods so sold: Provided always that nothing herein contained as to the time of sale shall apply to any crop of cereals, fruit, or vegetables which may be growing at the time when such distress shall be made.

The Bailiff may impound.

51. The Bailiff, when making a distress as aforesaid, may impound or otherwise secure the distress so made, of what nature or kind soever it may be, in such places or in such part of the land or premises chargeable with the rates as shall be most fit and convenient for such purpose; and it shall be lawful for any person whomsoever, after the expiration of the five days hereinbefore mentioned, to come and go to and from such place or part of the said land and premises where any distress shall be impounded and secured as aforesaid, in order to view and buy, and to carry off and remove the same on account of the purchaser thereof.

Goods how to be sold.

52. The owner of any goods or chattels so distrained upon may by writing, direct and specify the order in which they shall be successively sold, and the said goods and chattels shall in such case be put up for sale according to such direction.

Proceeds of sale to be paid to Council Clerk.

53. The Bailiff shall hand over to the Council Clerk all proceeds of such distresses within twenty-four hours after such sale, also the copy of every inventory and account of every such sale or sales.

Bailiff may appoint deputy.

54. The Bailiff, with the sanction in writing of the Mayor, may authorize any person, in writing, to act temporarily as his deputy, and the person thus authorized shall have and exercise for the time being all the powers of the Bailiff himself, but the Bailiff and his sureties shall in such case be held responsible for the act of such deputy.

SCHEDULE A.

Warrant of Distress.

I, Mayor of the Borough of Gulgong, do hereby authorize you, Bailiff of the said Borough, to distrain the goods and chattels of the dwelling-house, or in and upon the land and premises of situate at for the sum of £ being the amount of municipal rates due to the said Borough, to the day of for the said dwelling-house, land or premises, as the case may be, and to proceed thereon for the recovery of the said rate according to law.

Dated this day of 187

Mayor.

SCHEDULE B.

Inventory.

I HAVE this day, in virtue of a warrant under the hand of the Mayor of the Borough of Gulgong, dated of which a copy is attached hereto, distrained the following goods and chattels in the dwelling-house, or in or upon the land and premises of situate at within the said Borough, for the sum of £ being the amount of rates due to the said Borough to the day of 187

Dated this day of 187

Bailiff.

[List to be appended.]

SCHEDULE C.

Costs.

s. d.

For every warrant of distress	4	0
For serving every warrant and making levy	2	6
For making and furnishing copy of inventory	2	6
For man in possession each day or part of a day	5	0
For sale and delivery of goods, any sum not exceeding one shilling in the pound on the gross proceeds of the sale, at the discretion of the Council, in addition to the costs of advertisements (if any).		

PART 3.

Preventing and extinguishing fires.

Fire or combustible materials, &c.

55. Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out-offices, or other premises fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger contiguous buildings, shall on conviction of every such offence

forfeit and pay a penalty of not more than five pounds; and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials. And every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after such conviction shall be deemed guilty of a further offence against this By-law.

Inflammable fences, &c.

56. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable material so as to endanger contiguous buildings or properties or any trees, shrubs, or other produce thereof, or any chattels therein, shall forfeit, on conviction for every such offence, a penalty of not more than five pounds, and shall also remove such fence, stack, or covering within a reasonable time after such conviction. And any person failing to remove such fence, stack, or covering within a reasonable time after such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter.

57. Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air without taking all due and proper precautions against the spreading of the said fire to the injury of himself and neighbours shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

58. Every person who wilfully sets or causes to be set on fire any chimney-flue, smoke-vent, or stove-pipe, herein called in common "chimney," shall forfeit a sum not exceeding five pounds.

Negligently suffering chimney to be on fire.

59. If any chimney catch or be on fire, the person occupying or using the premises in which such chimney is situated, shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case is heard that such fire was in no wise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

Occupier of house to keep water.

60. For the extinguishing of fires, the occupier of every dwelling-house, warehouse, or shop or other building, shall at all times keep therein or upon the land appertaining thereto, in some fit butt or tank, water in quantity not less than fifty gallons, and every such occupier who shall make default contrary to this section shall forfeit a sum not exceeding twenty shillings.

Compensation for attendance at fires.

61. There shall be paid out of the Borough funds to the owner of every licensed water-cart who shall have attended with any water at the place of any fire as herein provided, and delivered the same as required for extinguishing such fire, such reasonable compensation as the Council shall, by resolution, have appointed in that behalf, and also to such owners of such carts as shall have first and second in order attended with loads of water, such further sums by way of reward as the Council may by similar resolutions have fixed.

PART IV.

Streets and Public Places—Public Health and Decency.

Wells to be covered over. Penalty.

62. Every person who shall have a well situated between his or her dwelling-house, or the appurtenances thereof, and any road, street, or footway, within the limits of the said Borough, or at the side of, or in any yard or place open or exposed to such street, road, or footway, shall cause such well to be securely and permanently covered over, and if any person having any such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall on conviction forfeit and pay not less than two shillings and sixpence nor more than twenty shillings; and for every day after such notice that such well shall remain open and uncovered contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this by-law.

Drawing or Trailing Timber.

63. Any person who shall haul or draw or cause to be hauled or drawn upon any part of any street or public place within the said Borough, any timber, stone, or other thing otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow to drag or trail upon any part of such street or public place to the injury thereof, or to hang over any part of any such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum of not more than forty shillings nor less than five shillings over and above the damages occasioned thereby.

Driving carriages, &c., on footways.

64. Any person who shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn or placed upon any of the said footways of any such street or public place, any waggon, cart, dray, barrow, or truck, or any hogshead, cask, or barrel, or shall wilfully lead, drive, ride, or leave standing or fastened up any horse, ass, or mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; for the second offence, a sum not exceeding five pounds nor less than ten shillings; and for a third and every subsequent offence, a sum not exceeding ten pounds nor less than one pound for each such offence.

Riding on drays, careless driving, &c.

65. If the driver of any waggon, cart, or dray of any kind shall ride upon any such carriage in any such street as aforesaid, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted), or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage or in such a situation that he cannot have the direction and government of the horse or horses or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage shall not keep his vehicle on the left or near side of the road, or if any person shall in any manner wilfully prevent any other person or persons from passing him or her or any carriage under his or her care upon such street, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay any sum not exceeding forty shillings.

Traffic may be stopped temporarily.

66. The Council or any officer or person acting under the authority of such Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof to be stopped temporarily for the purpose of repairing the same.

Injury to curbstones, guttering, &c.

67. No driver, carter, or other person shall wilfully or negligently do or suffer, or cause to be done, any damage or injury to the curbstones, gutters, or pathways, of any street or roadway.

Orange-peel on footpaths.

68. Any person throwing orange-peel on the footpaths of the Town of Gulgong, shall on conviction forfeit and pay a sum not exceeding twenty shillings.

Destroying pathways or roads.

69. No person shall be allowed to alter, cut up, or destroy the pathways or roads, or to remove loam, sand, or gravel from any of the streets or roads of the Borough without the authority of the Council, and for such authority a fee of one shilling shall be paid.

Placing materials on streets, &c.

70. No person shall be allowed to place on the streets or pathways building materials otherwise than is absolutely necessary, and by the sanction in writing of the Mayor or Council Clerk; and no person shall be allowed to have waterholes or excavations for cellars or other purposes in, or adjoining any public place unfenced, or in such a manner as to be dangerous to passers-by; and all places where buildings are being carried on, or where any obstruction to the danger of passers-by exists, the person causing such obstruction shall be required to provide lights on either side, and keep the same lighted from sunset to sunrise, in default the Council shall provide the same at his or her expense.

Damaging trees and shrubs.

71. No person shall destroy or damage any shrub or tree growing in any street or thoroughfare, or other public place within this Borough, or injure any hedge, fence, gate or building in any such street, thoroughfare, or public place, or set fire to any shrubs or trees, or to cut or remove any timber from any such street, thoroughfare, or public place aforesaid, or to destroy, tear, deface, or otherwise injure any notice, proclamation, or other document purporting to be under the authority of the Council or of any officer of the said Council, which shall be affixed in any public place.

Persons bathing.

72. No person shall bathe within two hundred yards of any public road or place, unless in some enclosed place or otherwise in such manner as not to offend against common decency.

Exposing goods for sale.

73. No person shall place or expose for sale on the pathways or streets carts, goods, parcels, or produce of any kind whatever to the obstruction of the public.

Driving cattle, &c.

74. Any person driving cattle, other than milkers or horses not under proper control, within the boundaries of the Town of Gulgong, between the hours of 6 a.m. and 6 p.m., shall on conviction forfeit and pay a sum not less than two shillings for each beast and not exceeding five pounds in the aggregate; and the burden of proving that any animals the subject of any information hereunder come within the above exceptions shall be cast upon the defendant.

Abandoned shafts, &c.

75. Any person occupying unfenced lands within the Municipal boundaries whereon waterholes or abandoned shafts exist shall be required to secure the same to the satisfaction of the Mayor and Council.

Penalty.

76. For every offence against the provisions of the By-laws of this Borough, except as otherwise provided, the offender shall be liable to and shall pay a penalty not exceeding ten pounds nor less than two shillings and sixpence, to be recovered in a summary way before any two Justices of the Peace; and all other penalties and fines imposed by such By-laws, except as otherwise provided, shall be recoverable in a summary way before any two Justices of the Peace.

Open spaces and steps to be enclosed.

77. Every owner or occupier of any house, building, premises, or land within the said Town of Gulgong having any entrance area, garden, or other open space; or any vacant building lot, waterhole, or excavated space, adjoining the footway of any street or public place in such town shall protect and guard the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and every such owner or occupier of any such house, building, premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent the like danger to persons passing and repassing; and on failure thereof every such owner or occupier shall as often as he shall be convicted of such offence forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid within five days after any such conviction as aforesaid shall be deemed guilty of a further offence against this By-law.

Blasting Rock.

78. Any person who shall be desirous of blasting any rock within thirty (30) yards of any street or public place in the Town of Gulgong, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such other directions as he may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the said Council Clerk, he or she shall on conviction forfeit and pay for every such offence any sum not less than five pounds nor more than twenty pounds.

Injuring or extinguishing lamps.

79. Any person who shall wantonly or maliciously break or injure any lamp or lamp-post, or extinguish any lamp set up for public convenience in the said Borough, shall, over and above the necessary expense of repairing the injury committed, forfeit and pay for every such offence any sum not less than one pound nor more than five pounds.

Houses of ill-fame.

80. Upon representation by any respectable ratepayer that any house or premises within the Borough, and near to the residence of such ratepayer is of ill-fame, it shall be lawful for the By-law Committee to cause the residents of such house or premises to furnish to the Council a list of names, ages, sexes, and occupation of all the inmates of the said house or premises, and upon non-compliance with such request, or if upon consideration the said Committee consider the house to be one of ill-fame, they shall with the sanction of the Council declare the same to be a nuisance, and shall cause a notice in writing to be served upon the holder of such house or premises, or any person resident or being therein, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice. And if such nuisance be not so abated, the holder of such house or premises, or other person residing or being therein and acting as such holder shall be liable to be proceeded against for such nuisance, and shall on conviction thereof forfeit and pay any sum not less than two pounds nor more than twenty pounds. And if such nuisance shall not be abated within forty-eight hours after such conviction, such holder of such house or such other person residing or being therein as aforesaid, shall forfeit and pay for such second offence a sum of not less than five pounds nor more than fifty pounds. And if a further period of forty-eight hours shall elapse after such second conviction without the abatement of such nuisance, such holder of such house or other person residing or being therein as aforesaid, shall for such third offence forfeit and pay any sum not less than ten pounds nor more than fifty pounds.

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PART V.

Public Vehicles.

License.

81. No vehicle shall ply for hire, nor shall any person act as the driver or conductor of any such vehicle within the Borough unless licensed in the manner hereinafter described, and that a separate license shall be taken out for each driver and each vehicle, and no transfer of any license for any such vehicle shall be obtained without permission of the Council.

Schedule A.

82. 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 Council Clerk, free of charge, a requisition in the form of Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it to the Council Clerk, and in the case of drivers and conductors shall obtain a certificate from two respectable ratepayers to the effect that the applicant is of good character and competent to act as such driver or conductor as the case may be. And meetings for the purpose of granting such licenses shall be held by the Mayor and Aldermen at the Council Chambers on such days as they may determine.

Vehicles in bad condition.

83. No license shall be granted in respect of any vehicle which in the opinion of the By-law Committee or of the Mayor and any two Aldermen shall be unsafe or in bad repair, or otherwise unfit for the accommodation and conveyance of passengers.

Form of License, Schedule B.

84. Licenses for proprietors, drivers, or conductors of vehicles, shall be in the form of Schedule B hereto, or to the like effect.

License to continue in force to December 31st.

85. Every license granted under these by-laws shall be in force from the date of such license until the thirty-first day of December then 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, under the hand of the Council Clerk.

Renewal of Licenses.

86. Licenses may be renewed each year by indorsement thereon under the hand of the Council Clerk for the time being.

Fee for Licenses. Schedule C.

87. For every such license and renewal thereof there shall be paid to the Treasurer of the Borough for the benefit of such Borough, the several rates set forth in Schedule C hereto.

Licenses—how made out.

88. All licenses shall be made out by the Council Clerk and numbered in such order as he may think fit.

Not to part with or lend vehicle or license.

89. 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 Council 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 of such vehicle who shall allow the same to be used or 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.

90. 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.

License may be revoked or suspended.

91. 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 show cause why the same should not be revoked or suspended, and opportunity thereupon given to show such cause), in case either the proprietor, driver, or conductor shall have been convicted of two offences against this "Part" of these By-laws, committed within a period of eight months next preceeding.

SCHEDULE A.

A requisition for License to

To the Municipal Council of the Borough of Gulgong.
I, _____ residing in _____ street,
do hereby request that a License may be granted to me, to
No. _____ within the said Borough.

Dated _____ 187

SCHEDULE B.

License.

THIS is to certify that _____ is hereby licensed to _____ a certain _____ No. _____ within the Borough of Gulgong, 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 Borough of Gulgong, this _____ day of _____ 187 _____

(L.S.)

Council Clerk.

Mayor.

SCHEDULE C.

Table of Rates to be paid by proprietors.

	s.	d.
For vehicle.....	10	0
For driver.....	2	6
For transfer.....	2	6

PART 6.

Carters, &c.

Licenses for carts.

92. The Council may from time to time license to ply for hire within the said Borough, carts approved of by the By-law Committee for any either of the following purposes, namely, drawing wood, water, wash-dirt, quartz, earth, stone, gravel, timber, bricks, or for any other purpose, whether hired by the day or by the load, and whether driven by the owner or by any person in the owner's employ. Licenses may also be granted for the drivers of such carts to such persons as may be approved of by the By-law Committee, such licenses to be personal to the grantee and not transferable, but the license for any cart may be transferred with the cart to any person upon approval as aforesaid and for every such license, etc.

Application for license.

93. Every such license shall be granted on the written application for the same of the owner, or if there be more owners than one, of some one owner of the cart to be licensed, and in every such application shall be set forth truly the name and surname and place of abode of the applicant, and the like shall be set forth in the license when granted, which should be in the form of Schedule B hereto or to the like effect; and any person who shall wilfully omit from any such application any particular hereby required to be stated therein, or shall wilfully state anything falsely touching any such particular, shall forfeit a sum not exceeding five pounds.

Numbering, &c., of licenses and carts.

94. Every such license for a cart shall be numbered and registered by the Council Clerk, and shall be in force from the date thereof until the thirty-first day of December then next ensuing; and the owner named in any such license shall cause to be painted or marked and to be kept so painted and marked on some conspicuous place on the right or off side of the cart thereby licensed, the name of the Borough, with the number of such license in legible letters and figures one inch in length and of a proportionate breadth, and the words "licensed cart" in the like letters; and every such owner who shall omit or fail to comply with the provisions of this section shall forfeit a sum not exceeding forty shillings, and every such license for a driver shall be made out in the form of Schedule C, and shall be exhibited on demand to any person authorized for that purpose by the Council.

Plying for hire, &c., without license, &c.

95. If any owner of any cart permit the same to stand or ply for hire within the Borough without having a license in force for such cart, licensing or authorizing such standing, plying for hire or use respectively within such Borough, or if any person be found within such Borough standing or plying for hire with any cart for which no such license is in force, or without having the name of the Borough and the number of such license, and the words "licensed cart" displayed upon such cart openly and in manner herein provided; and every person acting as driver of any licensed cart so plying as aforesaid without holding a driver's license; every such person so offending shall on conviction forfeit a sum not exceeding forty shillings.

Leaving cart unattended, &c.

96. If the driver of any cart shall leave the same unattended in any street, whether public or private, or shall go for a distance of more than two yards from the side of such cart being in any such street without passing through the near wheel or wheels thereof a suitable chain or chains so as effectually to prevent the rotation of such wheel or wheels, whether in any such case such cart be hired or not, such driver shall in every such case forfeit a sum not exceeding forty shillings for such offence.

Lights for Carts.

97. The driver of every cart which shall, during the hours after sunset of any day and before sunrise of the following day, be in any street, or public place within the said Borough, shall keep a light attached to or suspended from the off or right side of such cart, so as to be plainly visible to the driver of any carriage proceeding along or through such street or place in a contrary direction to that in which such first-mentioned cart shall be directed, and every driver who shall fail to comply with this section shall forfeit a sum not exceeding forty shillings.

Interpretation.

98. The word "cart" shall for the purposes of this part of these By-laws, include every waggon, dray, or other such carriage, whatever be its construction, drawn by horses or other animals, used for any of the purposes hereinbefore described in section 93.

SCHEDULE A.

Table of Charges for Carters' Licenses.

	s.	d.
For cart.....	5	0
For driver.....	1	0

SCHEDULE B.

Borough of Gulgong.

Cart license No.

Issued to _____ subject, nevertheless, to all the By-laws, Rules, and Regulations in force relating thereto.

Given under the Common Seal of the Municipal Council of the Borough of Gulgong, this _____ day of _____ 187 _____

(L.S.)

Council Clerk.

Mayor.

Passed by the Council of the Borough of Gulgong, on the 22nd day of June, 1876.

R. ROUSE,
Mayor.

SAMUEL T. BISHOP,
Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF MUDGEES—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 5th February, 1877.

BOROUGH OF MUDGEES—BY-LAW.

THE following By-law made by the Council of the Borough of Mudgees, relating to the carrying of lights by vehicles plying for hire within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BY-LAW passed by the Council of the Borough of Mudgees, held on the 13th day of September, as follows:—

THAT all vehicles on springs with 4 wheels plying within the Borough of Mudgees after sunset shall be provided with a light on each side, and all spring carts so plying shall be provided with one light, and shall keep the same lighted till sunrise if so long plying.

Every driver of any such vehicle shall be liable to a penalty not exceeding £5 and not less than 10s. for any breach of this By-law.

Dated at Mudgees, the 18th day of November, 1876.

GEO. DAVIDSON,
Mayor, Mudgees.

1876-7.

 NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF MUDGEES—BY-LAW.)

 Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 153.

 Colonial Secretary's Office,
 Sydney, 11th July, 1877.

BOROUGH OF MUDGEES.

BY-LAW.

THE following By-law, made by the Council of the Borough of Mudgees, respecting the lighting of vehicles, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

 BY-LAW passed by the Council of the Borough of Mudgees, held on the 20th day of June, as follows:—

That all vehicles on springs, with four wheels, being driven within the Borough of Mudgees after sunset, shall be provided with a light on each side, and all spring carts so being driven shall be provided with one light, and shall keep the same lighted till sunrise if so long being driven. Every driver of any such vehicle shall be liable to a penalty not exceeding £5 and not less 10s. for any breach of this By-law.

Dated at Mudgees, the 21st day of June, 1877.

 GEO. DAVIDSON,
 Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF WAVERLEY—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 12th March, 1877.

BOROUGH OF WAVERLEY.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Waverley, for establishing and regulating a General Cemetery within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

JOHN ROBERTSON.

BOROUGH OF WAVERLEY.

BY-LAWS No. 4 for establishing and regulating a Cemetery in the Borough of Waverley.

I. The ten acres of land situated on the Trafalgar Road, in the said Borough, purchased for a General Cemetery for the interment of the dead as hereinafter provided, shall, on the publication of these By-laws in the New South Wales Government Gazette, be thereby dedicated and set apart as a Cemetery for the interment of the dead for ever, under and subject to the following By-laws, and to such amended By-laws as the Council of the said Borough may make, and which shall have been approved by the Governor and Executive Council.

II. The land above referred to shall be designated "The Waverley Cemetery."

III. The Council of the said Borough shall, on or before the publication of these By-laws, cause the said land to be divided and set apart for the interment of the dead, as follows:—

1. For the interment of the dead belonging to the Church of England, three acres.
2. For the interment of the dead belonging to the Roman Catholic Church, two acres.
3. For the interment of the dead belonging to other denominations, five acres.

And thereupon the portion so set apart for each of the said denominations shall be set apart for ever for the interment of the dead accordingly.

IV. The Council shall lay out the said Cemetery in such manner as may be most convenient for the said division and for the burial of the dead; and may embellish the same with such walks, avenues, roads, trees, and shrubs as may appear to them proper; and enclose the same with a proper fence; and erect such walls, gates, and entrance, and all houses, offices, and other necessary buildings; make and repair all drains; and do and perform all and every matter, act, or thing which may be required for the proper and efficient management of the said Cemetery.

V. The clergyman of each denomination residing, or regularly officiating as such, within the said Borough, shall be the proper officer to perform religious rites within the said Cemetery, in the respective divisions to which the corpse belongs; but any duly appointed or recognized clergyman may officiate.

VI. The said Council may sell and grant land within the said Cemetery for the exclusive right of burial, in perpetuity or for any given period, in each and every portion or division of the said Cemetery; and also the right of erecting any vault,

monument, tomb, tablet, gravestone, or monumental inscription; and such rights as aforesaid shall be considered as the personal estate of the grantee, and may be assigned in his lifetime or bequeathed by his will, subject nevertheless to all the By-laws of the said Cemetery.

VII. The Council may order the removal or alteration of any vault, monument, tomb, tablet, gravestone, monumental inscription, kerbing, railing, or any other erection which shall have been erected or placed in either of the said divisions of the said Cemetery, which may be contrary to these By-laws, or any of them, or which may have been erected or placed there without the authority of the manager or officer in charge.

VIII. The Council may charge and receive, for and in connection with the interment of bodies in the said Cemetery, and for the erection of any vault, or for the enclosure of any land for the exclusive right of interment therein, and for the right of erecting and placing therein or thereon any monument, tablet, gravestone, kerbing, monumental inscription, or other erection, the fees and charges provided in the schedule annexed marked A.

IX. The Council shall appoint their own manager and such other officer or servants as may be necessary for the maintenance and proper management of the Cemetery, and the manager or person acting as such for the time being, shall have the full care, charge, and authority of the said Cemetery and of each division therein; he shall receive all fees, demands, and charges, and shall regulate, manage, and decide all matters of detail in connection with the said Cemetery under these By-laws.

X. The manager shall keep proper books for the entry of all fees, charges, and amounts of money received by him on account of the said Cemetery according to the aforesaid divisions, and shall give a printed receipt for each amount so received; and shall mark on the butt of each receipt the name of the person for whom the amount is paid, also the amount and the denomination; and he shall duly pay in to the Treasurer of the Borough every calendar month, all the fees and other sums of money received by him on account of the said Cemetery; he shall also prepare and produce to the Auditors of the said Borough, at each of their half-yearly meetings, a return of all amounts of money received and paid on account of the said Cemetery, and for each division of the same, together with all books and vouchers, if required.

XI. The manager or officer in charge shall duly and properly enter in a book for each of the said divisions, when possible, the name, age, qualification, residence, number of grave or vault, section, date of death, and burial of each corpse interred

in every portion of the said Cemetery; and each such entry shall be signed by the clergyman or person officiating at the interment.

XII. The Treasurer of the said Borough shall pay, every calendar month, if demanded, to each clergyman who shall have officiated at any interment in the said Cemetery as aforesaid, the following fees for his services, namely:—

	£	s.	d.
For each interment in vault or stone grave	0	15	0
For each interment in grave	0	7	6

XIII. The Council shall apply all the fees, charges, and income arising from the said Cemetery, as follows:—

1. To pay all fees, salaries, and wages to their officers and servants.
2. To pay the expenses incurred in laying out, draining, and embellishing the Cemetery, and for the repair and proper maintenance thereof, and approaches thereto.
3. Any balance that may remain after payment thereof may be expended by the said Council in the purchase of land in the said Municipality, or for extending the said Cemetery, and laying out and maintaining the same.

XIV. Any person having a vault or place of burial in the said Cemetery who shall make any bequest or donation to the said Council for the general uses of the said Cemetery, such vault or place of burial shall be kept in order in perpetuity by the said Council, by expending from the general funds of the said Cemetery the sum of five pounds per centum per annum on the value of such bequest or donation, and the amount of such bequest or donation shall be registered in the Cemetery books accordingly.

XV. Any person who shall wilfully damage any property whatever within or in any way connected with the said Cemetery, or shall cause any riot or disturbance therein or thereon, or shall wilfully break any of these By-laws, shall, on conviction thereof before any Justice of the Peace, forfeit and pay the amount of such damage, and be subject to any fine, in addition to such damage, not exceeding five pounds or less than one pound.

XVI. To prevent the corpses from without the boundaries of the said Borough, except in lands which may have been purchased, the Council of the said Borough may, by resolution at any time, charge, demand, and receive for such interment double the amount of fees mentioned in the Schedule A.

XVII. The portion of land set apart for each of the said denominations shall be divided by the Council into "Sections," and called as follows:—Vault Sections, Selected Sections, Common Sections, and Pauper Sections.

XVIII. All vaults to be erected according to plan at the manager's office, built of stone, set in cement, and properly connected with main drain, under the supervision and according to the instructions of the manager or officer in charge.

XIX. The Cemetery contractor will undertake to build vaults for urgent cases; and such vaults can be procured on payment of the proper cost of erection, &c., and the fees and charges set forth in the annexed Schedule A.

XX. All land taken in the Vault Sections must be enclosed with stone kerbing 9 x 15 inches, clean cut, and rounded on top; the number cut on the top of kerb, and painted in with black. If railing is required, it shall be of iron, as per plan at the office, and painted stone or lavender colour. The areas for vaults will be 6 x 12 feet, 12 x 12 feet, and 12 x 24 feet.

XXI. No interment shall be made in the Selection Sections unless the land has been previously purchased for that purpose; and all such purchased land must be enclosed with stone kerbing 6 x 14 inches, clean cut, rounded on top, and numbered as aforesaid, within six months from the date of purchase. If railing is required, it shall be of iron, as per plan at office, and painted as aforesaid. Areas for graves:—3 x 8 feet, 6 x 8 feet, 9 x 8 feet, 12 x 8 feet, or 24 x 8 feet.

XXII. All land purchased in the Common Sections shall be enclosed, numbered, and painted in the same manner and subject to the same restrictions and conditions, except price, as provided in the previous By-law.

XXIII. Every grave shall be six feet deep, and not more than two adults shall be interred in each; two infants will be considered equal to one adult.

XXIV. All tombs, tablets, monuments, and erections over vaults or graves, or within the said Cemetery, shall be of stone or iron, and the plan of each and a copy of each inscription shall be submitted to the manager and approved of by him in writing previous to its being brought on the premises; and any monument, tablet, tomb, or other article, matter, or thing, brought on the ground of the said Cemetery, or erected on any portion of the same, shall be removed by the orders of the manager; and the person who shall have been guilty of such offence shall pay all costs of such removal, and be liable to prosecution as aforesaid.

XXV. No trees or shrubs shall be planted in any portion of the Cemetery except those species which shall be approved by the Council.

XXVI. Masons and all other workmen shall properly clear away all refuse made by them when required to do so by the manager or officer in charge, and shall make good all damages caused by them or their workmen without delay; and in case of any neglect or refusal on the part of the person making the refuse or committing the damage, the manager may cause the work to be performed at the cost of the offender.

XXVII. All tombs, monuments, and other erections must be kept in order by the proprietors, or, in case of danger, the work will be performed at the risk and cost of the owner.

XXVIII. All tombs, monuments, or other matters requiring removal for re-opening of grave or vault must be removed at the risk and cost of the proprietor, and re-erected under the same provision.

XXIX. Notice of all interments and the legal certificate of death must be produced to the manager or officer in charge, and all fees, costs, and charges paid to him at least twelve hours before interment; and no stone or other material can be brought on the ground until the said fees, costs, and charges have been paid as aforesaid.

XXX. The hours for interment will be 10 a.m. and 4 p.m. but special interments may be made at any time on giving twenty-four hours' notice to the manager, and the payment of a special fee.

Made and passed by the Municipal Council of the Borough of Waverley this twenty-first day of November, 1876.

(L.S.) JOHN MACPHERSON,
Mayor.
WILLIAM WILEY,
Council Clerk.

SCHEDULE A.

Fees and Charges.

Pauper interments	0	15	6
Common interments	1	0	0
Re-opening in either section for graves	0	15	6
Graves in common section, each 3 x 8 feet	0	10	0
Permission to enclose with stone kerbing 6 x 14 inches	0	10	0
Large enclosures	0	15	0
Head and foot stones, each	0	7	6
Turfing grave	0	10	0
Interment of still-born child	0	10	0

Selected Sections.

Interment	1	5	0
Re-opening	1	0	0
Permission to enclose, 3 x 8 feet	0	15	0
do do 6 x 8 feet	1	10	0
do do 9 x 8 feet	2	5	0
do do 12 x 8 feet	3	0	0
do do 24 x 8 feet	6	0	0
Reception and interment of corpses from other cemeteries	1	10	0
Removal from one part of cemetery to another	2	0	0
Turfing grave	0	10	6
Permission to enclose with stone kerbing, 6 x 14 inches	0	15	0
Permission to enclose with stone kerbing, large enclosures	1	5	0
Head and foot stones, each	0	10	0
Slab over grave	1	0	0
Tomb or monument on stone foundations 6 feet deep	2	0	0
Interment of still-born child	0	12	6
Special interment, not in usual hours	1	1	0
Removal of tomb or other erection, &c.—the actual cost.			

Vault sections.

Interment in vault or stone grave	1	10	0
Re-opening and closing vault, after first interment, materials, &c.	1	1	0
Permission to erect vault in land, 6 x 12 feet	4	10	0
do do 12 x 12 feet	9	0	0
do do 12 x 24 feet	18	0	0
Permission to enclose with stone kerbing 9 x 15 inches	1	0	0
Permission to enclose large enclosures above 12 x 12 feet	2	0	0
Tomb or monument on vault, 6 x 12 feet	3	0	0
do do 12 x 12 feet	6	0	0
do do 12 x 24 feet	12	0	0

Land kept in order.

Small enclosures, per annum	0	15	0
Large enclosures, per annum	1	10	0
Charge for copy of register	0	5	0

Made and passed by the Municipal Council of the Borough of Waverley, this twenty-first day of November, 1876.

(L.S.) JOHN MACPHERSON,
Mayor.
WILLIAM WILEY,
Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF WAVERLEY—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 29th May, 1877.

BOROUGH OF WAVERLEY.

BY-LAWS.

THE following By-laws made by the Council of the Borough of Waverley, for generally maintaining the good rule and order of the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

BOROUGH OF WAVERLEY.

BY-LAWS for generally maintaining the good rule and order of the Municipality.

1. That the word "*six*" in By-law No. 9, being the word on the fourth line of By-law in Supplement to the Government Gazette, No. 151, dated 22 June, 1870, be, and the same is, hereby repealed, and the word "*four*" is substituted in lieu thereof.
2. That the word "*one*" in By-law No. 17, being the word on the eighth line of By-law in Supplement to the Government Gazette, No. 151, dated 22 June, 1870, be, and the same is, hereby repealed, and the word "*five*" is substituted in lieu thereof.
3. That the following be an additional By-law, and that it shall form part and be read in conjunction with By-laws No. 2, in Supplement to Government Gazette, No. 151, dated 22 June, 1870,—

Any person or persons who shall lead, drive, or ride, any kind of cattle, horse, ass, mule, sheep, swine, or goat, upon any footpath or paths within the Borough of Waverley, shall upon conviction forfeit and pay a sum not exceeding £5 nor less than five shillings for each animal.

Made and passed by the Borough Council of Waverley, this eighth day of May, 1877.

WILLIAM WILBY,
Council Clerk.JOHN MACPHERSON,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF WAVERLEY—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 2nd August, 1877.

BOROUGH OF WAVERLEY.

BY-LAW.

THE following By-law, made by the Council of the Borough of Waverley, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

BY-LAW FOR REGULATING THE CARTAGE OF NIGHT-SOIL, &c.

THAT By-law No. 9, of No. 2 By-laws, published in the Supplement to the Government Gazette, No. 151, of the 22nd June 1870, and the amendment on same, being By-law No. 1, published in the Supplement to the Government Gazette No. 176, of the 29th May, 1877, be and the same is hereby repealed, and the following By-law be substituted in lieu thereof:—

Any person or persons who shall drive, or cause to be driven, any cart or other carriage with any night-soil or ammoniacal liquor therein, through or in any street or public place within the Borough of Waverley, between the hours of four o'clock in the morning and ten o'clock at night, or 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, in or upon any such street or public place, or shall deposit night-soil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house than shall be directed by the Borough Council of Waverley, or by the Inspector of Nuisances; or shall remove night-soil or other offensive matter otherwise than in properly covered and water-tight carts or other vehicles; or shall cause any vehicle used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or the said Inspector of Nuisances, shall for every such offence forfeit and pay any sum not exceeding five pounds; and in case the person so offending shall not be known to the said Council or Inspector, then the owner of such cart or carriage in which such night-soil or other offensive matter shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid; and any person or persons who shall without the order of the Council bring into the said Borough any night-soil or ammoniacal liquor, shall for every such offence forfeit and pay any sum not exceeding five pounds nor less than two pounds.

Made and passed by the Borough Council of Waverley, this third day of July, 1877.

WILLIAM WILEY, Council Clerk.

JOHN MACPHERSON,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.
(MUNICIPAL DISTRICT OF NOWRA—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 5th April, 1877.

MUNICIPAL DISTRICT OF NOWRA.

BY-LAW.

THE following By-law, made by the Council of the Municipal District of Nowra, rescinding the word "ninety," in the By-laws of the said Council, for the extirpation of weeds, and substituting the word "thirty" in lieu thereof, having been confirmed by His Excellency the Governor with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

MUNICIPAL DISTRICT OF NOWRA—BY-LAWS.

By-laws for the Extirpation of Weeds.

Rescinding of the word "ninety" in By-laws for Extirpation of Weeds, and substitution of the word "thirty" in lieu thereof.

1. That the word "ninety" in the By-law for the Extirpation of Weeds, being the word in the tenth line of No. 2 of By-laws in Supplement of Government Gazette, No. 274, dated 18th October, 1875, be and is hereby repealed, and the word "thirty" be and is hereby substituted in lieu thereof.

Made and passed by the Council of the Municipal District of Nowra, this 16th day of January, A.D. 1877.

H. MOSS,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.
(MUNICIPAL DISTRICT OF HAY—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 11th April, 1877.

MUNICIPAL DISTRICT OF HAY.

BY-LAWS.

THE following Supplementary By-laws, made by the Council of the Municipal District of Hay, for the Common situated within that Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

SUPPLEMENTARY By-laws for the Commonage situate within the Municipal District of Hay.

Herdsmen's duties. Regulations, charges, and collection of fees.

Herdsmen's Duties.

1st. To carry out in their integrity the regulations that may from time to time be adopted by the Council for the management of the Commons.

2nd. To devote the whole of his time to the performance of the several duties pertaining to the situation.

3rd. Not to accept any presents or claim any perquisites for the discharge of any duties connected with his office.

4th. To report himself if possible on Wednesday, Thursday, and Saturday in each week at the Council Chambers, between the hours of ten and twelve o'clock, and to receive from the Council Clerk instructions relative to matters connected with his office.

5th. To make himself acquainted with all horses and cattle placed in his charge, to keep a muster roll, to see all stock at least once a week, and to use his best endeavours to retain them on the Commons; and immediately after it is known that any have strayed to give information to the owners.

6th. To allow no horses or other stock at any time on the Commons except those registered or hereinafter provided for.

7th. To run into the Council or pound yards all horses depasturing on the north side of the Commons on Wednesday in every week; horses to be kept in the yards until two o'clock, p.m.

8th. If not otherwise engaged to bring in on other days of the week horses running on the north or south side required by Commoners who are willing and will be required to pay a fee of two shillings and sixpence per head for each horse brought in on those days; said fee to go to Council funds, and also to pay the tolls of their own and the Herdsman's horses.

Regulations, Charges, and Collection of Fees of the Commons for the Municipal District of Hay.

1st. All persons who reside within the boundaries of Hay Municipality to be allowed to depasture stock as herein enumerated, upon payment of fees according to the following scale, viz. :—

	£	s.	d.	
For every bull	1	0	0	per annum.
For every entire horse over twelve months old	5	0	0	„
For every horse, mare, gelding, colt, or filly	0	12	6	„
For every cow, heifer, ox, steer, or calf..	0	7	6	„
For every pig	1	0	0	„
For every sheep	0	3	6	„
For every goat up to five, each	0	3	0	„
For every goat above five and up to ten, each	0	5	0	„
For every goat over ten, each	0	7	6	„

Such fees to be payable half-yearly in advance, on the first day of June and the first day of December in every year.

2nd. All parties in charge of travelling stock shall give twenty-four hours notice in writing to the Council Clerk or Herdsman previous to their entering on the Commons; and every party neglecting to give such notice shall be liable to a penalty not exceeding forty shillings.

3rd. Travelling stock, including horses, cattle, sheep, and pigs, not to be allowed to depasture on the Commons longer than three days; the first day to be free of charge, for the remaining two days or part of a day the following charges must be paid to the Town Herdsman, viz. :—

- For horses, at the rate of 10s. per day or portion of a day for every 100.
- For cattle, at the rate of 10s. per day or portion of a day for every 100.
- For sheep, at the rate of 5s. per day or portion of a day for every 1000.
- For pigs, at the rate of 5s. per day or portion of a day for every 25.

4th. Travelling mobs of cattle and sheep to depasture only on such portions of the Commonage as may be defined by the Council; if found upon any other part of the Commons to be treated as trespassers, and to be impounded.

5th. All carriers and persons with horses and bullocks used by them to be allowed three days on the Commonage free of charge, after such time to pay three pence per head for every day or part of a day they remain on the Commons.

6th. Butchers and others not to be allowed to run more than 150 sheep or 5 pigs, nor more than 15 fat cattle at one time, and may arrange with the Council to pay a sum yearly as average for such stock, which sum shall be payable half-yearly in advance on the first day of June and the first day of December in every year.

7th. No entire horse, or bull above six months old, shall be allowed on the Commons without the consent in writing of the Council; and all foals and calves upon arriving at the age of six months will be charged with assessment.

8th. A book shall be kept containing an account of all cattle registered,—such cattle to have a distinguishing or private brand; they can also, at the request of the owner, be branded with the Town Commons Brand; and for which purpose a brand will be kept by the Herdsman for the use of persons requiring it.

9th. The Council will not be responsible for any stock depasturing on the Commons.

10th. The Council will authorize the impounding of all horses, cattle, sheep, pigs, or goats trespassing on the Commons, an entry of which will be kept in a book, so that all damages and fees accruing from the same may be properly accounted for.

11th. That all cattle suspected to be diseased shall be removed by the owners within twenty-four hours after notice to do so has been served; and in default of compliance with such notice the Council shall have power to destroy such cattle at the risk and cost of the owners.

12th. No cattle depasturing on the Commons, excepting cows in milk, to be disturbed or removed without permission of the Herdsman.

13th. The Herdsman shall give to each person who shall register cattle a receipt for all moneys paid by him on account of the pasturage of such cattle, and which receipt shall set forth the

distinguishing mark of such cattle. The receipt book shall have a duplicate block to be retained, and contain the Herdsman's brand and the distinguishing mark of such cattle, as set out in said receipt.

14th. That no timber shall be cut or removed, or any sand, loam, earth, or gravel removed from any part of the Town Commons, without the permission of the Council Clerk, to whom application in writing must be made. Applications for brick-yards and residences to be made also in writing to the Council Clerk. The following fee for each person so engaged to be paid half-yearly in advance on or before the first day of January and June in each year:—

	£	s.	d.
For each brickmaker's license there shall be paid the sum of.....	5	0	0
For each residence license there shall be paid the sum of.....	2	10	0
For each sand, loam, earth, or gravel license there shall be paid	2	2	0

15th. The area of land occupied under each brickmaker's license shall not exceed one half an acre; and shall be in such place or places and position as the Council may from time to time direct; and no brick-making shall be carried on but only at such places as the Council shall direct; each licensee shall fence around any excavation made by him so as to prevent horse or cattle approaching the excavation.

16th. That no person shall be allowed to breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditament situated and being within a radius of sixty chains of the Court House at Hay, shall on conviction forfeit and pay for such offence a sum not exceeding forty shillings nor less than five shillings; and if such person, after conviction, shall not remove such swine, he shall pay ten shillings for every day during which such swine shall be within the said radius of sixty chains from the Court House:

Agreed to at a meeting of the Council held at the "Commercial Hotel," Hay, on Monday, 19th February, 1877.

MACKENZIE GORDON,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF ORANGE—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 17th April, 1877.

BOROUGH OF ORANGE.

BY-LAWS.

THE following additional By-laws, made by the Council of the Borough of Orange, for regulating the proceedings of the Council; for the general good rule and government of the Municipality; and the prevention and abatement of nuisances and other matters, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

BOROUGH OF ORANGE.

ADDITIONAL By-laws to regulate, by means of standing orders, the proceedings of the Municipal Council of Orange; for the general good rule and government of the Municipality; and the prevention and abatement of nuisances and other matters.

1. That the By-laws numbered from 57 to 63, both inclusive, for regulating the right to be enjoyed by the inhabitants of the Municipality of Orange over the Town Common, made and passed by this Council on the third day of November, 1868, be and the same are hereby repealed.

Prevention and extinguishing fires.

2. It shall be lawful for the Mayor, upon the representation of one or more householders, that fire is being used to the danger of contiguous buildings, to cause a notice in writing to be served upon or left at the residence of the owner or occupier of the premises on which any such fire may exist, and direct (if the urgency of the case should require it) that the said fire should be removed at once or within any reasonable time afterwards which he might deem expedient.

3. Any such householder, however, shall have the right to show cause (except in what may, as already related, be considered urgent cases) why the said or any such fire should not be removed, and the opinion of a majority of the Council in such cases shall be final.

4. In every case in which it shall be made to appear to the satisfaction of any Justice of the Peace that the chimney of any house or building within the limits of the Municipality has taken fire from the occupier of any such house or building having omitted to cause such chimney to be regularly and sufficiently swept and cleaned, or from any other neglect of such occupier or of his or her servant or servants, such occupier shall on conviction before any Justice of the Peace forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings, to be recovered by distress and sale of the offender's goods and chattels; and in every such case the proof that any such chimney did not take fire through the neglect of such occupier in not having the same regularly and sufficiently swept or cleaned shall be upon such occupier.

Care and management of the Public Roads and Streets and Public thoroughfares of the Borough.

5. Whenever any footways shall have been marked out, the Surveyor or person acting for him may, with the sanction of the Council, cause the same to be levelled and made as nearly as practicable of equal height and breadth and with an equal slope and inclination, and for this purpose may remove any flagging, steps, or other matter or thing that may injure or obstruct the said footway or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

6. The Surveyor or person acting for him may at any time by order of the Council cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any necessary purpose, and any person or persons offending against this By-law, either by travelling on or by removing or destroying any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit and pay a penalty of not exceeding five pounds and not less than five shillings for every such offence.

7. No person shall be allowed to obstruct any pathway, road, street, or public thoroughfare within the Municipality by building materials, drays, carts, goods, merchandise, or anything whatsoever calculated to obstruct or hinder free passage without the sanction of the Mayor in writing; and no person shall be allowed to leave waterholes or excavations for cellars or other purposes unfenced or in such a manner as to be dangerous to passers by; and at all places where buildings are being carried on, or where any obstruction to the danger of passers by exists, the person causing such obstruction shall be required to provide lights on either side and keep the same lighted from sunset to sunrise.

Trespassers, and removal of nuisances, &c.

8. No person shall form, dig, or open, any drain or sewer in any public road, street, lane, or thoroughfare, or shall cut up the surface of any such road, street, lane, or thoroughfare, upon any pretence whatever, without leave in writing from the Mayor.

9. No person shall be allowed to throw rubbish, sweepings, or deposits of any kind whatsoever, on the streets, pathways, or gutters of the Municipality.

10. No driver, carter, or other person shall, wilfully or negligently, do or suffer, or cause to be done any damage or injury to the kerbstones, gutters, or pathways of any street or roadway; and no person shall be at liberty to drive a wheeled vehicle of any kind, or ride or drive, lead or stand, or permit to stand any horse or horses or other animals on the pathways within the Municipality.

11. Any person who shall form, dig, or open any drain or sewer on any part of the reserves, roads, streets, or thoroughfares of the Municipality, or who, from the banks of any of the creeks or rivers which bound the Municipality, over which the Council may have control, shall remove or cause to be removed any turf, loam, clay, sand, soil, gravel, stone or other material without leave in writing first had and obtained from the Council, or who shall break up or otherwise damage any part of the said reserves, roads, streets, or thoroughfares, shall on conviction before any Justice of the Peace forfeit and pay for every such offence a sum not exceeding five pounds nor less than ten shillings.

12. Any person who shall damage any public building, wall, parapet, bridge, road, street, sewer, water-course, sluice-pump, fountain cock, water-pipe, shoot, embankment, or other public property in possession of the Council, shall pay the costs of repairing the same—such costs to be recovered summarily in the manner provided for the recovery of penalties under these By-laws; and if the same be wilfully done, shall on conviction before any one or more Justices of the Peace, forfeit and pay a sum not exceeding ten pounds nor less than five shillings, and it shall be lawful for any constable or any other person to seize any person whom he shall find in the act of wilfully committing any such offence, and to convey such person to the nearest watch-house, there to be detained until he or she can be brought before a Justice of the Peace to be dealt with according to law.

Throwing filth on carriage or footway, driving barrows and carriages on pavement, &c.

13. If any person shall in any street or road, throw, cast, or lay, or shall, cause, permit, or suffer to be thrown, cast, or laid, or to remain, any ashes, rubbish, offal, dung, soil, dead animal, blood, or other filth or annoyance, or any matter or thing in or upon the carriage-way or foot-way of any such street or road, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other cattle in or so near to any of the said streets or roads as that any blood or filth shall run or flow upon or over or be on any such carriage or foot-way, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon any of the foot-ways of any street or road, any waggon, cart, dray, sledge, or other carriage, or any wheel-barrow, or any truck, or cask, or shall wilfully lead, stand, drive, or ride any horse or other beast upon any of the footways aforesaid; every person so offending upon conviction before any Justice of the Peace, or upon the view of any such Justice, shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings for every such offence.

Suppression of nuisances and houses of ill-fame.

14. No householder or resident shall be permitted, under a penalty of any sum not exceeding ten pounds nor less than ten shillings, to allow his or her premises, yards, closets, or drains to be offensive or a nuisance to the neighbouring householders or residents.

15. No noisome or offensive trade shall be permitted, under a penalty of a sum not exceeding ten pounds nor less than ten shillings, to be carried on in any premises to the inconvenience or annoyance of the residents of neighbouring or adjoining houses or premises.

16. Upon representation by any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other person appointed by the Council shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose, and if any such premises shall be found to be a nuisance or otherwise offensive, notice in writing shall be given to the proprietor or resident of such premises that if within seven days after the service of such notice, the nuisance shall not be removed, the proprietor, tenant, or occupant of the aforesaid premises shall upon conviction before any two Justices of the Peace, be liable to a penalty not exceeding twenty pounds nor less than five shillings.

17. Upon representation by any rate-payer that any house or neighbouring or adjoining premises is of ill-fame, it shall be lawful for the Mayor and any Alderman to cause the residents of such house or premises to furnish to the Council a list of names, ages, sex, birth-place, and occupation of all the inmates of the said house or premises, and upon non-compliance with such request, or if upon consideration the Mayor and any Alderman consider the house to be one of ill-fame, they shall, with

the sanction of the Council, declare the same to be a nuisance, and the Mayor shall cause a notice in writing to be served upon such householders or residents to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice, otherwise they shall upon conviction before any two Justices of the Peace be liable to a penalty of not exceeding ten pounds nor less than ten shillings for every day or part of a day during which such nuisance shall remain unabated within the Municipality.

18. Any owner or occupier of any house or place who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance, by offensive smell or otherwise, shall forfeit, upon conviction before any two Justices of the Peace, and pay a sum not exceeding forty shillings and not less than five shillings for every such offence.

19. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any officer appointed by the Council by any writing under the hand of the Mayor, from time to time, or when as often as he or the Council shall see occasion to visit and inspect the butchers' shops, or shambles, and slaughter-houses, and to give such directions concerning the cleansing such shops, shambles, and slaughter-houses, both within and without, as to him, or the said Council, shall seem needful, and any butcher and the owner or occupier of any such shops, shambles, or slaughter-houses, who shall obstruct or molest any such officer in the inspection thereof, or who shall refuse or neglect to comply with such directions within a reasonable time, shall, upon the view of any Justice of the Peace, or on conviction on the complaint of any such officer, for every such offence forfeit and pay a sum not exceeding forty shillings and not less than five shillings.

Swine, horses, goats, &c., not suffered to wander about the streets.

20. It shall not be lawful for any person whatsoever to suffer any kind of swine, or any horse, ass, mule, sheep, or goat, or other cattle belonging to him or her, or under his or her charge, to stray, or go about, or to be tethered or depastured in any road, street, or public place, and any person who shall so offend shall forfeit and pay in respect of every such animal a sum not exceeding forty shillings nor less than ten shillings: Provided that after due inquiry shall have been made, and if the owner thereof cannot be discovered, it shall be lawful for the said Council, or the proper officer of the said Council, to destroy or cause to be destroyed or impounded any kind of goats or swine so straying as aforesaid.

Hog-sties and nuisances not removed on complaint.

21. In case any privy, hog-sty, boiling-down, or any other matter or thing which shall at any time or times hereafter be in any place within the said Municipality shall be or become a nuisance, it shall be lawful for the said Council, upon complaint thereof to them made by any of the inhabitants, and after due investigation of such complaint by notice in writing, to order that such privy, hog-sty, boiling-down, or other matter or thing being a nuisance, shall be remedied and removed within fourteen days after such notice shall have been given to the owner or occupant of the said premises wherein such nuisance shall exist, or shall have been left for such owner or occupier at his or her last or usual place of abode or on the said premises, and every such owner or occupier neglecting to remedy or remove such nuisance, pursuant to such notice, and to the satisfaction of the Council shall, on conviction, forfeit and pay a sum not exceeding ten pounds nor less than ten shillings for every such neglect or disobedience; and also it may be lawful for the said Council to indict, or cause to be indicted for such nuisance, such person so neglecting or disobeying any such notice, at the then next Court of General or Quarter Sessions, to be held in or nearest to the said Municipality, and such person or persons being found guilty thereof such nuisance or nuisances shall be removed, taken down, and abated according to the law with regard to public or common nuisances.

Drawing and trailing timber, &c.

22. If any person shall haul or draw, or cause to be hauled or drawn, upon any part of the streets, roads, or public places within the said Municipality, any timber, stone, or other thing otherwise than upon wheeled carriages, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon wheeled carriages, to drag or trail upon any part of such streets or public places, to the injury thereof, or to hang over any part of such carriage so as to occupy or obstruct the street or road beyond the breadth of the said carriage, every such person so offending shall, upon conviction, forfeit and pay for every such offence a sum not exceeding two pounds nor less than five shillings over and above the damages occasioned thereby, and it shall be lawful for any constable or any other person to apprehend any person whom he shall find in the act of committing any such offence, and to convey such person before any Justice of the Peace to be dealt with according to law.

Wells to be covered over, &c.

23. Every person who shall have a well situated between his dwelling-house, or the appurtenances thereof, and any road, street, or footway within the limits of the said Municipality, or at the side thereof, or in any yard or place opened or exposed to such road, street, or footway, shall cause such well to be securely and permanently covered over, and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the said Council, or shall have been left for such person at his or her usual or last known place of abode, or on the said premises, shall, on conviction before any Justice of the Peace, forfeit and pay the sum of five shillings for every day that such well may remain open or uncovered contrary to the provisions hereof.

Enclosures around scaffolding.

24. If any person shall dig or make or cause to be dug or made any hole, or leave or cause to be left any hole in or adjoining to any street, road, or public place, for the purpose of making any vault or vaults, or the foundation or foundations of any house or other building, or for any other purpose whatsoever, and shall not forthwith enclose the same in a good and sufficient manner, or shall keep up, or cause to be kept up and continued any such enclosure for any time which shall be longer than shall be reasonably required, or shall not when thereunto required by the said Council or its officer well and sufficiently fence or enclose any such hole within twenty-four hours after he shall be required to do so by the said Council or officer, and in the manner and with such materials as they or he shall direct, and to their or his satisfaction, and shall place a light upon the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, or shall fail to place or erect a fence, rail, or boarding around any scaffolding or ladder that may be required during the repairs or erection of any building (such fence, rail, or boarding not to extend beyond the footway of any street), or fail to keep during the existence of such fence, rail, or boarding, a light burning from sunset to sunrise at each corner of the same, then and in every such case the person so offending shall, on conviction before any Justice of the Peace, forfeit and pay for every such offence and for every such refusal or neglect a sum not exceeding five pounds and not less than ten shillings.

Erections, &c., in front of public streets, roads, &c.

25. No person shall build, erect, put up, or remove, or cause to be built, erected, put up, or removed any building, house, shop, warehouse, wall, or fence fronting any public street, road, or thoroughfare, unless he shall have previously given seven days notice of his intention to commence such works to the Mayor or the Council Clerk of the Municipality, and any person so offending shall, upon conviction before a Justice of the Peace pay for every such offence a sum not exceeding forty shillings and not less than ten shillings.

Slops, nightsoil, &c. to be conveyed away at certain hours, &c.

26. If any person or persons shall drive or cause to be driven any cart or other carriage with any nightsoil or ammoniacal liquor therein through or in any of the streets or roads or public places within the said Municipality between the hours of five o'clock in the morning and ten o'clock at night, or shall fill any cart or other carriage so as to turn over or cast any nightsoil, ammoniacal liquor, slop, mire, or channel dirt or filth in or upon or near to any of the said streets or public places, it shall and may be lawful for any person whomsoever to seize and apprehend, and to assist in seizing and apprehending, the offender and to convey him before any Justice of the Peace; and in order to prevent nuisances it shall not be lawful for any person to deposit nightsoil, ammoniacal liquor, or other offensive matter nearer to any street, road, or dwelling-house, than shall be directed by the said Council or their officer, and all nightsoil or other offensive matter shall be removed within the hours before prescribed in properly covered and watertight carts or other vehicles; and no vehicles used for this purpose shall be allowed to stand on any premises nearer to any road, street, or dwelling-house than shall be directed by the said Council or their officer; and every person so offending shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than ten shillings. And in case the person so offending cannot be apprehended then the owner of such cart or carriage in which such nightsoil, ammoniacal liquor, slop, filth, mire, or channel dirt, shall be put or placed, and also the employer of the person so offending, shall be liable to and forfeit and pay such penalty as aforesaid.

Interrupting free passage, &c.—Driving on wrong side of road, &c.

27. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street as aforesaid not having some person on foot to guide the same (such carts as are drawn by one horse, and driven or guided with reins only excepted), or if the driver of any carriage whatsoever shall wilfully be at such a distance from such carriage, or in such a situation

whilst it shall be passing upon such street that he cannot have the direction and government of the horse or horses or cattle drawing the same, or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage shall not keep his waggon, cart, dray, or coach, or other carriage, on the left or near side of the road, street, or thoroughfare, or if any person shall in any manner wilfully prevent any other person or persons from passing him or her or any carriage under his or her care upon such street, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall, upon conviction before any Justice of the Peace, forfeit and pay a sum not exceeding forty shillings and not less than five shillings, and it shall be lawful for any Constable to seize and convey any person so offending before any Justice of the Peace to be dealt with according to law.

Furious or careless driving, &c.

28. Any person who shall ride or drive through or upon any road, street, or public place negligently, carelessly, or furiously, so as to endanger the life or limb of any person, or to the common danger of the passengers, shall on conviction before any Justice of the Peace forfeit and pay a sum not exceeding ten pounds and not less than five shillings.

Leading animals on footpaths, &c.

29. Any person who shall lead, drive, or stand, or permit to stand, or ride any horse or other animal upon any of the footways of any of the streets or roads of the Municipality, shall on conviction for every such offence before any Justice of the Peace forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Affixing placards on walls, and chalking thereon.

30. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, or building by chalk or paint or in any other manner, unless with the consent of the owner thereof; and any person who shall be guilty of any such offence shall on conviction before any Justice of the Peace forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Hours for cattle driving.

31. No person shall drive through any street or public thoroughfare of the Municipality any live stock between the hours of 8 o'clock a.m. and 6 o'clock p.m. during the months of May, June, July, and August, nor between the hours of 6 o'clock a.m. and 8 o'clock p.m. during the other months of the year, except calves and foals under the age of one year, quiet milk cows, horses, or cattle broken to draft or saddle and known as such, and pigs and goats; any and every person or persons who shall drive or cause to be driven any live stock, except those above enumerated, through any street or public thoroughfare of the Municipality between such hours, shall on conviction for every such offence before any Justice of the Peace forfeit and pay a sum not exceeding five pounds and not less than ten shillings for every such offence: Provided always that the burden of proving that all or any such live stock as aforesaid driven through any street or thoroughfare within the prohibited hours aforesaid fall within the exception above specified shall be cast upon the party or parties driving such live stock.

Swine not to be kept.

32. It shall not be lawful for any person whomsoever to breed, feed, or keep any kind of swine in any house, building, yard, garden, or other hereditaments situate and being in or within forty yards of any street or public place in the Municipality; and any person who shall so offend shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Open spaces and steps adjoining the footways to be enclosed.

33. Every owner or occupier of any house, building, or premises having an entrance, area, garden or other space open adjoining the footway of any street or public place within the Municipality beneath the level of the kerbstone or exterior edge of such footway, shall protect and guard the same by good and sufficient rails, fences, or other enclosures, so as to prevent danger to persons passing and repassing; and further, that every such owner or occupier of any such house, building, or other premises having any steps adjoining or upon the footway of any street or public place, shall in like manner protect and guard the same by rails or other enclosures, so as to prevent the like danger to persons passing and repassing; and in failure thereof every such owner or occupier shall upon conviction for every such offence before any Justice of the Peace forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Carrying carcases of newly-slaughtered meat, &c.

34. Every person who shall carry or convey or cause to be carried or conveyed in any street or public place within the said Municipality the carcase or any part of the carcase of any newly-slaughtered animal without a sufficient and proper cloth

covering the same for the concealment from public view shall upon conviction for every such offence before any Justice of the Peace forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Rain not to be carried to footways.

35. It shall not be lawful for any person whomsoever to carry by means of pipes, gutters, or other contrivances, any rain-water from the roof of his or her premises or house, nor permit nor suffer any rain-water to drop from the roof of his or her premises or house upon the surface of any part of the footways of any street or public place within the Municipality; and any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances, when required to do so by any municipal officer, shall on conviction before any Justice of the Peace forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed: Provided that the owner or occupier of any such house or premises may convey any such rain-water by means of pipes laid under the surface of any such footways into the gutters adjoining the same; and provided also that all such pipes shall be laid down to the satisfaction of and under the superintendence of the Town Surveyor or some other person appointed by the Council.

Wilfully setting fire to chimneys.

36. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common "chimney," shall on conviction before any Justice of the Peace for every such offence forfeit a sum not exceeding five pounds nor less than five shillings: Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be informed against or prosecuted before any Criminal Court for such act as and for an indictable offence.

Negligently allowing chimney to be on fire.

37. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimney is situated shall on conviction before a Justice of the Peace forfeit and pay a sum not exceeding forty shillings nor less than five shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justice before whom the case is heard, that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

Levelling footways.

38. When any footway shall have been marked out, the Surveyor or other officer of the Council to be appointed for the purpose, may cause the same to be levelled and made as nearly as practicable of equal height and breadth and with an equal slope and inclination, and for this purpose may remove any flagging, steps, or other matter, thing, or obstruction that may injure or obstruct the said footway, or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for any of the said footways.

Penalty for interference with servant of Council removing obstructions or encroachments.

39. Any person who shall wilfully obstruct or interfere with the Surveyor or other officer as aforesaid, or with any person or persons acting for or under him, in the exercise of any of the duties or powers by these By-laws imposed or cast on the said Surveyor or officer, or who shall wilfully obstruct or interfere with any servant or servants of the Council in the exercise of the powers given to the Council, or in carrying out any orders lawfully given by the Council under the provisions of section one hundred and thirty-six of the Municipalities Act of 1867, shall on conviction before any Justice of the Peace forfeit and pay a penalty of not more than twenty pounds nor less than two pounds.

Placing carriages, stalls, goods, &c., on footways.

40. Any person who shall set or place, or cause or permit to be set or placed, any stall, board, chopping-block, show-board (on hinges or otherwise), basket-wares, merchandise, casks or goods of any kind whatsoever, or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel in or upon or over any carriage or footway in any street or public place within the said Municipality, or shall set out, lay, or place, or shall cause or procure, permit or suffer to be set out, laid, or placed, any coach, carriage, buggy, gig, dog-cart, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way (except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or if private vehicle, waiting for persons lawfully using the same, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage),

or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or footway any timber, stones, bricks, lime, or other materials or things for buildings whatsoever (unless the same shall be enclosed as herein directed, or any other matters or things whatsoever: or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat, or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such footway or carriage-way, or over any area of any house or other building or premises, or any other matter or thing, from and on the outside of the front or any other part of any house or other building or premises over or next unto such street or public place, and shall not immediately remove all or any such matters or things, being thereto required by the Inspector of Nuisances or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or cause to be removed any such stall, board, show-board, chopping-block, basket-wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose, or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out the same or any of them, or any other stall, board, show-board, chopping-block, basket-wares, merchandise, goods, timber, stones, bricks, lime, coach, carriage, buggy, gig, dog-cart, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid) in, upon, or over any such carriage or footway of or next unto any such street or public place as aforesaid, shall upon conviction before any Justice of the Peace for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound: Provided that nothing herein contained shall be deemed to prevent any person from placing an awning in front of his or her shop or house in such manner as that such awning shall be at least nine feet above the height of the footway, and that the posts be placed close up to the kerbstone or outer edge of such footway.

Damaging public walls, &c.

41. Any person who shall damage any public building, wall, parapet, bridge, road, street, sewer, water-course, sluice-pump, fountain-cock, water-pipe, or other public property, shall pay the costs of repairing the same—such costs to be recovered in a summary manner before any Justice of the Peace,—and if the same be wilfully done, shall forfeit and pay a penalty of not exceeding twenty pounds nor less than five pounds.

Discharging firearms.

42. Any person discharging firearms without lawful cause or without the sanction of the Council first had and obtained, in or near to any road or street, shall on conviction before any Justice of the Peace forfeit and pay a penalty not exceeding five pounds nor less than ten shillings.

Indecent exposure.

43. Any person who shall offend against decency by the exposure of his or her person in any street or public place within the said Municipality or in the view thereof shall on conviction for every such offence before any Justice of the Peace forfeit and pay a sum not exceeding ten pounds nor less than ten shillings.

Injuring or extinguishing lamps.

44. Any person who shall be convicted of wantonly or maliciously breaking or injuring any lamp or lamp-post, or extinguishing any lamp set up for public convenience within the limits of the said Municipality, shall, over and above the necessary expense of repairing the injury committed, to be estimated by the Justice before whom such offender shall be brought, forfeit and pay upon conviction before any Justice of the Peace for every such offence a sum not exceeding five pounds nor less than one pound: Provided that in no one case shall the expenses and penalty together amount to more than fifty pounds.

Inspection of premises.

45. Upon the reasonable complaint of any householder that the house, premises, yards, closets, or drains of the neighbouring or adjoining premises are a nuisance or offensive, the Inspector of Nuisances or any other person appointed by the Council shall make an inspection of the premises complained of, and the officer of the Council shall have full power without any other authority than this By-law to go upon such premises for the aforesaid purpose.

46. Every person who shall within the distance of one hundred yards from any dwelling-house within the said Municipality burn any rags, bones, cork, or other offensive substance, to the annoyance of any inhabitant shall upon conviction for every such offence before any Justice of the Peace forfeit and pay a sum of money not exceeding one pound nor less than five shillings.

47. Every person who shall carry goods or any frame to the annoyance of any person upon the footway of any road, street, lane, thoroughfare, or other public footway, within the Municipality, shall on conviction before any Justice of the Peace forfeit and pay a sum of money for every such offence not exceeding one pound and not less than five shillings.

Trading on Lord's Day.

48. No house, shop, or store, or other place within the limits of the said Municipality, shall be open on the Lord's Day for the purpose of trade or dealing (the shops or houses of butchers, bakers, fishmongers, and green-grocers until the hour of ten in the forenoon, and of bakers between the hours of one and two in the afternoon, of publicans between the hours prescribed by law, and of apothecaries at any hour, only excepted); and any person who shall within the said limits trade or deal or keep open any shop, store, or other place (except as aforesaid), for the purpose of trade or dealing on the Lord's Day, shall on conviction before any Justice of the Peace forfeit and pay for every such offence a sum not exceeding three pounds nor less than one pound.

Inspector may enter shop, &c., for certain purposes.

49. Any such Inspector may, and he is hereby empowered, at all reasonable times, with or without assistants, to enter into and inspect any shop, building, stall, or place kept or used for the sale of butcher's meat or as a slaughter-house, and to examine any animal, carcase, meat, or flesh which may be therein, and in case any animal, carcase, meat, or flesh appear to him to be intended for the food of mankind and to be unfit for such food, the same may be seized; and if it shall be made to appear to any Justice of the Peace upon the evidence of a competent person, that any such animal, carcase, meat, or flesh is unfit for the food of mankind, he shall order the same to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such food, and the person to whom such animal, carcase, meat, or flesh belongs, or in whose custody the same is found, shall on conviction thereof before any Justice of the Peace be liable to a penalty not exceeding ten pounds and not less than ten shillings for every animal or carcase, piece of meat, or flesh so found.

Slaughtering in unlicensed premises.

50. If any person or persons shall slaughter or cause to be slaughtered any animal in any house or place within the Municipality not licensed for such purposes according to law, such person or persons shall on conviction before any Justice of the Peace forfeit and pay a sum of money not exceeding ten pounds nor less than two pounds for each and every animal so slaughtered.

Animals slaughtered for home consumption.

51. Nothing in these By-laws contained shall extend to or affect any person or persons slaughtering at his, her, or their own residences within the said Municipality, animals for the personal consumption of himself, herself, or themselves, or of his, her, or their family, servants, or labourers: Provided that the place where any such animal so slaughtered be not less than fifty yards from any street or other public place, or from any residence other than the residence of such person or persons so slaughtering as in the By-law aforesaid.

Public reserves, gardens, and other public places of amusement or recreation.

52. The gardens and other public places of recreation under the management or control of the Council, and herein called "The Gardens," shall be open every day.

53. No person shall pluck any of the flowers, or walk on the beds or borders, or climb upon or get over the fences, or remove any of the tallies, or disturb, damage, or destroy any property or thing in the gardens.

54. No person shall carry fire-arms through the gardens, or shoot, snare, or destroy any wild fowl either in the gardens or in or on any water adjacent thereto, or bathe in any such water.

55. No cart or other vehicle used for the conveyance of goods shall, without the authority of the proper officer of the Council, be driven through the gardens.

56. Such plants, seeds, or cuttings as are commonly purchasable at nurseries in New South Wales shall not be supplied from the gardens to any person, unless in exchange, or for public institutions, or for benevolent purposes.

57. No visitor shall interrupt the gardeners or labourers by conversation or otherwise, or shall use any abusive, improper, or unbecoming language to any person in such gardens, or otherwise annoy any such person.

58. Children under the age of ten years, not being under the control of some competent person, shall be removed from the gardens.

59. All dogs and goats and all poultry found within the gardens shall be destroyed, and the owner shall make compensation for any damage done.

60. Any person offending against By-laws numbered from 55 to 62, both inclusive, shall on conviction before any Justice of the Peace, for the first offence forfeit and pay any sum not exceeding five pounds, for the second offence any sum not less than ten shillings nor more than ten pounds, and for a third and every subsequent offence any sum not less than one pound nor more than twenty pounds; and any person may, on committing any such offence, be forthwith removed from the gardens by the proper officer of the Council or by any of the gardeners or labourers employed in such gardens, without affecting the liability of such person so offending to be subsequently prosecuted for such offence.

61. The words "Municipality" or "Municipality of Orange" (where necessary), shall be deemed to apply to, and shall be taken to be inclusive in, every clause of these By-laws, whether the same shall be expressly mentioned or not, and no objection shall be taken or allowed by reason of the absence of such words or any or either of them in any part of these said By-laws. And where anything is directed to be done or prohibited from being done, whether in any road, street, lane, thoroughfare, or other public place, or in any manner howsoever or by whomsoever, the same shall be taken to mean within the Municipality of Orange, anything herein contained to the contrary notwithstanding.

62. Any words in these By-laws appearing in the singular number shall be taken to include the plural number, and any words in the plural number shall be taken to include the singular number, and any words in the masculine gender shall be taken to include the feminine gender, and vice versa.

63. The word "Animal" shall, for the purpose of these By-laws, be held to include cattle, sheep, pigs, calves, and lambs, and the words "die of any disease" shall be held to apply to all cases of death other than death caused by killing or slaughtering.

64. All penalties imposed under the By-laws may be sued for and recovered in a summary way before any one or more Justices of the Peace.

65. All penalties recovered under any of these By-laws shall be paid over to the Treasurer to be appropriated to the funds of the said Municipality.

Made and passed by the Municipal Council of Orange this twenty-eighth day of November, in the year one thousand eight hundred and seventy-six.

JOSEPH WINDRED,
Mayor.

GEO. TOWSON,
Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF EAST MAITLAND—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 19th April, 1877.

BOROUGH OF EAST MAITLAND.

BY-LAW.

THE following By-law made by the Council of the Borough of East Maitland, in substitution of that passed on the 8th May, 1871, relative to Swine, Horses, Goats, &c., wandering about the streets of the Borough, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

SWINE, HORSES, GOATS, &c., NOT SUFFERED TO WANDER ABOUT THE STREETS.

1. It shall not be lawful for any person whatsoever to suffer any kind of swine, or any horse, ass, mule, sheep, or goat, or other cattle belonging to him or her, or under his or her charge, to stray or go about or to be tethered or depastured in any road, street, or public place; and any person who shall so offend shall on conviction forfeit and pay for every such offence a sum not exceeding forty shillings.

Passed by the Council of the Borough of East Maitland, this twenty-sixth day of February, in the year of our Lord one thousand eight hundred and seventy-seven.

P. BOWES, Council Clerk.

(L.S.) GEO. THOS. CHAMBERS,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF EAST MAITLAND—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 26th June, 1877.

BOROUGH OF EAST MAITLAND.

BY-LAWS.

THE accompanying By-laws, made by the Council of the Borough of East Maitland, for regulating and licensing vehicles plying for hire within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

BY-LAWS for Regulating and Licensing Vehicles plying for hire within the Borough of East Maitland.

1. The word "Vehicle" in these By-laws shall include and apply to every omnibus, car, hackney carriage, cab, or buggy; and an omnibus shall mean a vehicle upon four wheels, drawn by one or more horses; and a car shall mean 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 shall mean a vehicle upon two wheels, drawn by one horse; and a buggy shall mean a vehicle upon four wheels drawn by one or more horses,—plying for hire within the Borough of East Maitland.

2. From and after the first day of July, one thousand eight hundred and seventy-seven, no vehicle shall ply for hire, nor shall any person act as driver or conductor of any such vehicle within the said Borough of East Maitland until licensed for such purpose.

3. Before any license for plying any such vehicle or for driving or conducting the same shall be granted, the party requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of Schedule A hereto, or to the like effect, and shall duly fill up and sign the same and deliver it to the Council Clerk, and shall also insert in such requisition, in addition to the particulars set forth in Schedule A hereto, the tables of rates and fares proposed to be charged by such party for any such vehicle, and in the case of drivers and conductors, not being the proprietor, shall obtain a certificate from the proprietor as to his competency to act as such driver or conductor, and shall obtain from the Inspector hereinafter named a certificate that the vehicle for which a license is applied for is fit for the accommodation and conveyance of passengers.

4. The Mayor of the said Borough for the time being shall be and is hereby authorized to issue all such licenses in the name and on behalf of the said Borough Council; and the Mayor shall by indorsement on such license signify his approval of the scale of rates proposed to be charged for the hire of any such vehicle so licensed.

5. Licenses for proprietors, drivers, or conductors of vehicles shall be in the form of Schedule B hereto, or to the like effect, and shall be made out, numbered, and registered by the Council Clerk.

6. Every license granted by the Mayor shall be signed by the Mayor and countersigned by the Council Clerk, and shall be in force until the thirty-first day of December next ensuing the date thereof, and no such license shall include more than one vehicle but shall extend to any vehicle which shall bear the same number, and shall be used in substitute for any vehicle already licensed, and subject to all necessary certificates.

7. For every proprietor's license, and for every renewal thereof, there shall be paid to the said Borough Council the sum of one pound annually if the license be granted on or after

the first day of January and on or before the thirty-first day of March in every year; and if after that date then in the following proportions:—If on or before the thirtieth day of June, the sum of fifteen shillings; if on or before the thirtieth day of September, the sum of ten shillings; and if after that date the sum of five shillings.

8. For the license of a conductor or driver, which license may be transferred to the successor of such conductor or driver, and for every renewal thereof, there shall be paid to the said Borough Council the sum of five shillings.

9. The person or persons in whose name or names a license shall have been obtained, shall be deemed the proprietor of the vehicle in respect of which the same shall have been taken out.

10. No license shall be granted to any person to drive any vehicle unless he be eighteen years of age, nor to act as conductor unless he be fourteen years of age.

11. Every proprietor of a licensed omnibus or omnibus-car, shall provide a driver for the same, and shall be held responsible for the good conduct of the driver, and also for the conductor, if a conductor be employed by him, and shall also be liable for all the penalties which such driver or conductor may incur under these By-laws.

12. No proprietor shall be at liberty to part with or lend his license, nor to sell or dispose of his licensed vehicle to any person without the knowledge of the Mayor; and if sold shall cause the name of the purchaser to be registered on the books of the said Borough Council; and the purchaser of such vehicle who shall allow the same to be used or to ply for hire without such knowledge and registry shall be considered as plying such vehicle for hire without a license and liable under these By-laws accordingly.

13. No driver or conductor of any licensed vehicle shall lend his license, nor shall the proprietor of any such vehicle employ an unlicensed person as the driver or conductor thereof.

14. Every owner, driver, or conductor of any vehicle and every vehicle shall be deemed to be licensed under these By-laws on the production of the License Register Book containing a copy of any such license, and it shall not be necessary to call upon the person prosecuted to produce the original license to enable the prosecutor to give secondary evidence of its contents.

15. Every person or persons and all and every vehicle shall be deemed to be unlicensed unless it appears on the production of the License Register Book that a license has been duly issued and has not been cancelled or suspended.

16. The license of the proprietor, driver, or conductor of any vehicle may be cancelled by the Municipal Council of the Borough of East Maitland in case such proprietor, driver, or conductor shall have been convicted of three offences against these By-laws committed within a period of six months next preceding.

17. Such person or persons as may from time to time be in that behalf appointed by the said Borough Council shall be the Inspector or Inspectors of all licensed vehicles plying for hire within the said Borough, and such Inspector or Inspectors shall as often as he or they may deem necessary inspect all licensed vehicles, and also the harness, and horse or horses, or other animal or animals used in drawing the same; and if such vehicles, horse or horses, animal or animals shall in his or their opinion be unfit for public use, he shall report the same in writing to the Mayor, who shall have power to suspend the license of such vehicle until such vehicle, harness, horse or horses, or other animal or animals used in drawing the same shall be in a fit state for public use; and it shall be the special duty of such Inspector at all times to see that as far as possible these By-laws are duly observed and enforced.

18. No owner or driver of any vehicle nor any other person shall hinder or obstruct such Inspector or Inspectors in the execution of any of his or their duties.

19. The number of the license granted for every omnibus or car, in figures not less than four inches in height, and for every hackney carriage, cab, or buggy, in figures not less than two inches in height, and of proportionate breadth, white upon a ground of black, shall be printed or painted outside on the panel of the door or doors of such vehicle, or on a plate or plates affixed thereon, and also upon each lamp used upon such vehicle, as the Inspector may direct; and such number shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire.

20. No proprietor or driver of any licensed vehicle shall demand, receive, or take more than the several fares indorsed on the license of such vehicle.

21. The place specified in Schedule C hereto annexed is hereby appointed a public stand for licensed vehicles, provided that the Council may from time to time as they shall see fit by resolution abolish or alter the number and situation of the said stand.

22. The proprietor or driver of any licensed vehicle shall not permit the same to stand for hire except at an appointed stand, and shall drive on to such stand before commencing to ply for hire.

23. No driver or conductor of any vehicle whilst standing at his proper stand (or on Sundays in any part of the said Borough) shall endeavour to attract notice by shouting, ringing of bells, blowing of horns, or other noise, nor shall deceive any person in respect to the route or destination of such vehicle by word or sign.

24. The first omnibus or car that arrives at any public stand shall be first to start therefrom, and the others in due rotation in the order at which they arrive at such stand, at intervals of not less than fifteen minutes and not more than thirty.

25. At every second vehicle on every stand there shall be left a space of at least ten feet for passengers on foot to pass through.

26. Every vehicle on its arrival at any such public stand shall be drawn at the end of and be the last of the rank of any vehicle that may be then on such stand. All vehicles shall be arranged only in single rank.

27. No driver of any vehicle shall suffer the same to loiter in any street or alongside any other vehicle, nor obstruct the driver or conductor of any other vehicle in taking up or setting down any person, or wilfully or wrongfully or forcibly prevent or endeavour to prevent the driver of any other vehicle from taking a passenger or fare.

28. No driver or conductor of any vehicle shall whilst driving, loading, or 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 ill behaviour, or make use of any threatening, obscene, profane, abusive, or insulting language, sign, or gesticulation.

29. Every driver whilst engaged in taking up or setting down any passenger, shall if requested 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 line with the kerbstone or edge of the footpath) at which the taking up or setting down is required.

30. No omnibus shall pass any other omnibus proceeding in the same direction if the latter be proceeding on its journey at a pace faster than a walk.

31. No licensed vehicle shall be drawn at a pace faster than that commonly known as trotting, and in the event of the conviction of any driver for a breach of this By-law his license shall be cancelled by the Borough Council.

32. 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 deceased human body, or any person behaving or noisily conducting himself or herself or otherwise so misbehaving as to occasion any annoyance or as to disturb the public peace.

33. 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 driver and horses competent to perform the trip from stand to stand in due and reasonable time.

34. No driver of any vehicle shall carry more passengers than his vehicle is licensed to carry on the report of the Inspector; nor shall the driver of any cab carry any passenger or other person on the driver's box or step behind the same; nor shall the driver or conductor of any omnibus or omnibus-car permit or suffer any person except the conductor to be on the footsteps at the back of any such omnibus or omnibus-car.

35. 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 passenger.

36. The driver and conductor of every licensed vehicle (if such vehicle has a conductor) shall be constantly attendant upon the same whenever standing or whilst plying or engaged for hire.

37. Every licensed vehicle plying or engaged after sun-set shall be provided with a lamp on each side, and shall keep the same properly lighted until sunrise if so long plying or engaged.

38. The driver of every omnibus and omnibus-car shall provide and keep a lamp properly lighted in such a position inside of every such vehicle as the Inspector may direct, whenever such vehicle be plying or engaged at any time between sunset and sunrise.

39. Every lamp used on the outside of any vehicle shall be such and so disposed as to appear white on the front and outer sides and red behind.

40. Any person having engaged any licensed vehicle, and not paying the charge so indorsed as aforesaid upon the license of such vehicle when demanded, shall on conviction forfeit and pay the owner or driver of such vehicle such charge, together with such further sum for damages, costs, and expenses for loss of time or otherwise as the convicting Justices shall in their discretion think proper.

41. No vehicle which shall be let to hire by special agreement only, or only when bespoken at the stables or residence of its owner, shall be deemed a licensed vehicle within the meaning of these By-laws, nor shall the owner or driver or conductor of such vehicle be subject to the provisions thereof in any respect whatever.

42. For every offence against the provisions of these By-laws, to which no specific penalty has been attached herein, the offender shall pay a penalty not exceeding ten pounds, which may be recovered before one or more Justices in a summary way.

43. No proprietor or owner shall feed his horse or horses while standing on such stand except with nose-bags.

44. No proprietor or driver shall put into any vehicle any horse that is not thoroughly quiet and broken into harness.

45. It shall be lawful for the said Borough Council of the Borough of East Maitland from time to time (by any resolution of the said Council) to suspend either wholly or partially the operation of any one or more of these By-laws; and by a further resolution at any time again to bring the same into operation.

SCHEDULE A.

A requisition for License.

To the Borough Council of East Maitland.

I, _____, residing in _____ street, do hereby request that a license may be granted to me to _____ within the said Borough.

Dated the _____ day of _____, 187 _____.

SCHEDULE B.

License.

This is to certify that _____ is hereby licensed to a certain _____, number _____, within the Borough of East Maitland, from the day of 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 my hand this the _____ day of _____, 187 _____.

SCHEDULE C.

Public Stand.

The south-east side of Lawes-street, between Banks and Grant Streets.

Made and passed by the Borough Council of East Maitland this the twenty-third day of April, A.D. 1877.

(L.S.)

GEO. THOS. CHAMBERS,
Mayor.

PATR. BOWEN, Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.
(BOROUGH OF TAMWORTH—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 25th April, 1877.

BOROUGH OF TAMWORTH.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Tamworth, for regulating their own proceedings, for the collection and enforcement of rates, for preventing and extinguishing fires, for licensing public vehicles, for licensing public exhibitions, and for the care of the streets and public places in the Municipality, and the suppression of nuisances, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the "Municipalities Act of 1867."

HENRY PARKES.

MUNICIPALITY OF THE BOROUGH OF TAMWORTH.
BY-LAWS.

PART I.

Ordinary meetings.

1. The Council shall meet for the transaction of business on every alternate Tuesday, at 7:30 o'clock p.m., unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent, at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present (being a quorum), shall proceed to elect from themselves a chairman for such meeting.

Business of ordinary meetings.

3. The following shall be the order of business of all meetings of the Council, other than Special Meetings:—

1. The minutes of the last preceding meeting be read, corrected if erroneous, and signed by the Mayor or other Chairman. No discussion to be permitted except as to whether they are correct.
2. Correspondence to be read and orders thereon, if expedient.
3. Petitions, if any, to be read and dealt with.
4. Reports from committees and minutes from the Mayor if any, to be presented, and orders made thereon.
5. Questions as to matters under the jurisdiction or within the official cognizance of the Council to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the committees or officers to be made.

6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.

7. Orders of the day to be disposed of as they stand on the business paper.

Business may be taken out of regular order.

Provided that the Council may, by resolution without notice, entertain any particular motion, or deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section, and may in like manner direct that any particular motion or matter of business shall have precedence at future meetings.

Business at Special Meetings.

4. At special general meetings of the Council, the business—after the minutes shall have been read and signed, which shall be done in the same manner as at ordinary meetings—shall be taken in such order as the Mayor, or the Alderman at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meetings.

5. The business paper for every meeting of the Council other than special meeting, shall be made up by the Council Clerk not less than one nor more than three days before the day appointed for such meeting.

He shall enter on such business paper a copy or the substance of every notice of motion, and of every requisition or order as to business proposed to be transacted at such meeting, which he may have received or shall have been required or directed so to enter, in due course of law, and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 3 of this "part" of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Business paper for Special Meeting.

6. The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

How business paper to be disposed of.

7. The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

Notices, &c., to be the property of the Council.

8. After the business paper shall have been made up as aforesaid, all notices of motion, requisitions, and directions as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

Motions—how to be made.

9. Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper, and shall be considered to have lapsed.

Absence of Mover.

10. No motion of which notice shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first mentioned Alderman.

Motion to be seconded.

11. No motion in Council shall be discussed unless and until it be seconded.

Amendment may be moved.

12. When a motion or amendment shall have been made or seconded, any Alderman shall be at liberty to move an amendment thereon, but no such amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

13. No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

14. No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended questions—further amendment may be moved thereon.

15. If an amendment be carried, the question amended thereby shall become itself a question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

16. If any amendment either upon an original question or upon any question amended as aforesaid, shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

17. Any motion for adjournment, shall, if seconded, be put at once without discussion. If negatived, a similar motion cannot be made until half-an-hour has elapsed after moving the one that has been negatived.

Orders of the day.

18. The orders of the day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

19. The Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates, shall be the person called upon to move: Provided that, the Mayor may, as to any order of the day entered by his direction, arrange with and call upon any Alderman to move the same.

Petitions to be respectfully worded.

20. It shall be incumbent on every Alderman presenting a petition to acquaint himself with the contents thereof, and to ascertain that it does not contain language disrespectful to the Council; the nature and prayer of every such petition shall be stated to the Council by the Alderman presenting the same.

Petitions—How received.

21. All petitions shall be received only as the petitions of the parties signing the same.

How petitions to be dealt with.

22. No motion, other than for the reception of a petition, shall, unless as hereinafter provided, be permissible on presentation thereof, except that the same be referred to a Committee, or that its consideration stand an order of the day for some future meeting: Provided, however, that if any Alderman shall have given due notice of a motion in reference to the subject of any petition, or if the consideration of the subject of any petition shall have been made an order of the day, and such petition shall have been presented before such motion or order of the day shall have been called on, such order of the day or the said motion, if otherwise unobjectionable, shall be considered in order.

Correspondence.

23. The Mayor shall have the same duty in reference to letters addressed to the Council before directing the same to be read, as by section 20 of this part of these By-laws, is imposed upon Aldermen presenting petitions—if not read to be returned to the writer and reported to the Council. The Mayor shall direct as to the order in which all correspondence shall be read, and no letters addressed to the Council, or any of its officers, shall be presented or read by any Alderman. If the Mayor be absent, and shall not have examined any such letters, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section 22 to apply to letters.

24. Section 22 of this part of these By-laws shall be considered as fully applicable to letters addressed to the Council or any of its officers as to petitions.

Reports from Committees.

25. Every report from a Committee shall be in writing, and signed by the Chairman of such Committee, or, in his absence, by some other member of the same.

Mayor's minutes.

26. The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognizance, by a minute in writing, signed by him.

How reports, &c., are to be dealt with.

27. No motion shall, unless as hereinafter provided, be permissible on the presentation of a report from a Committee or a minute from the Mayor, except that the same be received, or that it be received and its consideration stand an order of the day for some future meeting: Provided that if any Alderman shall have given due notice in reference to any such report or minute, or if the consideration of any such report or minute shall have been entered among the orders of the day, such order of the day or such motion, if otherwise unobjectionable, may be moved and considered in due course; and whenever any such report or minute embodies any recommendation which cannot legally be carried out without due notice, and it is desirable that such report or minute should be ordered upon during the meeting of the Council at which such report or minute is presented, it shall be the duty of the Chairman, or member of such Committee signing such report, or of the Mayor, as the case may be, to give or transmit to the Council Clerk such a notice of motion, requisition as will enable the Council Clerk to make the necessary entry on the business paper, and to give such due notice.

Questions and statements.

28. No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of section 3 of this part of these By-laws.

Notice to be given.

29. Sufficient notice of every question shall be given to the person who is expected to reply thereto, to allow for consideration of such reply, and, if necessary, for a reference to other persons or to documents.

Answer not compulsory.

30. It shall not be compulsory upon the Mayor or upon any Alderman, so questioned, to answer the question so put to him.

Questions to be put without argument.

31. Every such question must be put categorically, without any argument or statement of fact.

Similar provision as to statements.

32. Every such statement must be made without argument.

No discussion on question, &c., right of objection and of subsequent motion reserved.

33. No discussion shall be permitted as to any such question, or as to any reply or refusal to reply thereto, or as to any such statement at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion after due notice as hereinbefore provided, of any matters properly arising out of or relating to any such question, or reply or refusal to reply, or any such statement as aforesaid.

Mode of addressing the Council.

34. Every Alderman who shall make or second any motion, or shall take part in any debate or discussion, or shall put or reply to any question, or shall make any statement, or shall in any other way or for any other purpose address observations to the Council, shall, while doing so, stand up in his customary place, unless he shall be prevented from so doing by reason of some bodily infirmity, and shall address himself to the Mayor or other Chairman then presiding: Provided that in the case of a question, such question may by permission of such Mayor or Chairman be put directly to the Alderman or officer to be questioned, and may be replied to in like manner. But in every such case, the question so put and the answer thereto, shall be subject to every legal objection on the ground of disorder or irrelevancy. And all Members of the Council shall, on all occasions when in such Council, address and speak of each other by their official designations, as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted.

35. No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order as hereinafter provided.

Limitation as to number of speakers.

36. Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion, and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman, other than the mover of such original motion, shall have a right to speak once upon such motion and upon every amendment thereon. No Alderman shall speak oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain without adding any further observation than may be necessary for the purposes of such explanation.

Mover and Seconder.

37. An Alderman who has moved any motion or amendment shall be considered to have spoken thereon, but an Alderman who shall have seconded any such motion or amendment without any further observations than that he seconded the same shall be at liberty to speak on such motion or amendment.

Speaker not to digress, &c.

38. No Alderman shall digress from the subject under discussion, or shall make personal reflections on, or impute improper motives to any other Alderman.

Adjournment of debate.

39. A debate may be adjourned to a later hour in the day, or to any other day specified, and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor to decide as to pre-audience.

40. If two or more Aldermen shall rise to speak at the same time, the Mayor or Chairman shall decide which of such Aldermen shall be first heard.

Mayor to decide points of order.

41. The Mayor or Chairman shall preserve order, and his decision upon points of order or practice shall be final.

Mayor may address the Council.

42. The Mayor shall have the same right as any other Alderman to speak upon every subject or amendment.

Mayor may call a member to order.

43. The Mayor or Chairman may, without the interposition of any other member of the Council, call any Alderman to order whenever in opinion of such Mayor or Chairman there shall be a necessity for so doing.

Decision of points of order.

44. The Mayor or Chairman when called upon to decide points of order or practice shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Motions out of order to be rejected.

45. Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order the same shall be rejected.

How questions to be put.

46. The Mayor or Chairman shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of the Council thereon.

Divisions—Penalty for refusing to vote.

47. Any Alderman may call for a division and the vote shall be taken by a show of hands, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for who shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than five shillings nor more than two pounds.

Rules applicable to business in Committee.

48. Sections 12, 13, 14, 15, 16, 34, 35, 38, 40, 41, 42, 43, 44, 45, 46, and 47, of this part of these By-laws shall be taken to apply to the business in Committees of the whole Council, except that it shall not be necessary that any motion or amendment in in Committee shall be seconded.

How call of Council to be made.

49. A call of the Council may be made by any resolution, of which due notice has been given, for the consideration of any motion or matter of business before the Council.

Such call to be compulsory in certain cases.

50. No motion, the effect of which if carried would be to rescind any resolution, order, or decision of the Council, shall be entered on the business paper unless a call of the Council has been duly made and granted for such purpose.

Mode of proceeding.

51. The call shall be made immediately before the motion, or business for which such call has been ordered, shall be moved or considered. The Council Clerk shall call the names of all the members in alphabetical order; and if any members are absent, a record shall be made of such absence; but if leave of absence to any such member shall have been previously granted, or if such an excuse shall have been received in writing by the Mayor or Council Clerk as the majority of the Council then present shall consider satisfactory, such absent member shall stand excused, and a record shall be made of such excuse and of the reason for the same.

Penalty for absence.

52. Any member of the Council who, having had notice of the call, shall be absent without having been legally excused as aforesaid, and shall fail to show that, by reason of illness or other sufficient cause, he was unable to send an excuse in writing as aforesaid, or who, having answered to his name, shall not be present when a vote is taken on the motion or business as to which such call was made, shall for every such offence be liable to a penalty of not less than five shillings nor more than two pounds.

Standing and Special Committees.

Standing Committee.

53. Besides such special Committees as may from time to time be found necessary there shall be three standing Committees of the Council, each consisting of not less than three members, namely:—A Finance Committee, an Improvement (or Works) Committee, and a General Committee.

Finance Committee.

54. The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the municipal revenues. They shall inquire and report from time to time as to all matters which they may consider to effect the finances of the said Municipality, and as to such matters or subjects of the like nature as they may be directed by resolution of the Council to inquire and report upon.

Improvement (or Works) Committee.

55. The Improvement (or Works) Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, and other public places under the care and management of the Council. They shall also inquire and report from time to time as to such improvements or repairs as they may think necessary or as they may be directed by resolution of the Council to inquire and report upon.

Chairman of Committees.

56. Every Committee of which the Mayor shall not be a member shall elect a permanent Chairman of such Committee, who may direct the Council Clerk to call meetings whenever he shall think it desirable.

Cost of works to be estimated before undertaken.

57. No works affecting the funds of the Municipality, except as hereinafter is mentioned, shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Cases of emergency and current expenses.

58. For emergent matters, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred:—

1. By order of the Improvement (or Works) Committee, or of Mayor and one member of such Committee, for repairs or emergent works, to the extent of three pounds.
2. By order of the Mayor for necessary current expenses, to the extent of two pounds.

Completion of works to be reported by Improvement Committee.

59. No works undertaken by the Council shall be deemed to have been completed, and no order shall be made for the payment in full of the same, except upon a report or certificate to that effect from the Improvement Committee, except for emergent works as provided for in section 58 of this "Part." of these By-laws.

Common Seal—how secured.

60. The seal shall be secured by a cover or box, which shall be kept at the Council Chambers in the custody of the Council Clerk. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor, and the other by the Council Clerk.

When and how Common Seal to be used.

61. The Seal of the Council shall not be affixed to any document without the express authority of the Council, and every impression thereof so authorized shall be verified by the signature of the Mayor, or in case of illness or absence of the Mayor, by two Aldermen, and countersigned by the Council Clerk.

How books of account, &c., are to be kept.

62. All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same; but the Mayor may for any special purpose, authorize their removal.

Books, &c., not to be shown or exposed without leave.

63. No member or officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor, unless as otherwise provided by law. Any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than five shillings nor more than two pounds.

Records not to be removed.

64. Any person removing any such book, paper, or record from the Council Chambers without leave of the Mayor in writing first obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have removed such book, paper, or record, and shall not have returned the same, to any action at law for the detention of such book, paper, or record, or to prosecution for stealing the same, as the case may warrant.

Penalty for defacing or destroying records.

65. Any person destroying, defacing, or wilfully or improperly altering any book, paper, or record, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

Bonds for good conduct.

66. All bonds given by officers or servants of the Council for the faithful performance of their duties, shall be deposited in such custody as the Council may order; and no member, officer, or servant, of the Council shall be received as a surety for any officer or servant.

Duties of Council Clerk.

67. The Council Clerk shall perform all duties which, by the Municipalities Act of 1867, or by the present or any other By-laws hereunder, he may be required to perform. He shall be Clerk of all Revision Courts held in the Municipal Borough under the provisions of the Municipalities Act. He shall also under the direction of the Mayor conduct all correspondence which may be necessary on part of the Council, and shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Special powers of Mayor.

68. The Mayor may from time to time define the duties of all officers and servants of the Council, and shall exercise a general supervision over all such officers and servants; and may order the preparation of any such return or statement, or the giving of any such explanation or information, by any such officer or servant, as he may think necessary; unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement or the giving of such explanation or information.

Drafts of intended By-laws.

69. A draft of any intended By-law shall lie in the office of the Council at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same.

Motions for rescission of previous orders.

70. Whenever a motion, the effect of which, if carried, would be to rescind any order, resolution, or vote of the Council, shall have negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first mentioned motion.

Suits and prosecutions for penalties.

71. Suits or informations for the enforcement of penalties for or in respect of breaches of the Municipalities Act of 1867, or of any By-law made thereunder, or of any Statute, the operation of which may have been extended to the Municipality, shall be commenced or laid, as follows, viz.:—When against a member of the Council or any Auditor or any officer of the Corporation, by such officer as shall be named for that purpose by the Council; when against any other person, by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then by such officer or person as shall be appointed for that purpose by the Council or the Mayor as the case may be, on directing such suit or information as aforesaid. And no such suit shall be brought or information laid as aforesaid against any member of the Council or Auditor, except by order of such Council; nor shall any similar proceeding be taken against any officer of the Council, except on the order of the Council or of the Mayor. And the conduct or prosecution of any suit or information may, on the order of the Council, or of the Mayor, be entrusted to an attorney.

Power to suspend, temporarily, any portion of these By-laws.

72. Any of the foregoing By-laws which relate to or affect the proceedings at meetings of the Council, may be suspended *pro tempore* without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART II.

Collection and Enforcement of Rates.

Rates when due and payable.

1. All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution from time to time appoint.

Time and place of payment.

2. All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

3. Every person not paying his or her rates as aforesaid, within thirty days after the day so appointed for payment thereof, shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

4. It shall be the duty of the Mayor to take proceedings to enforce the payment of all rates in default either by action at law or by issuing warrants of distress upon the goods and chattels of the defaulter.

Bailiff how appointed.

5. The Bailiff of the Municipal Borough shall be appointed by the Council, and may from time to time be removed by them.

Bailiff to find sureties.

6. The Bailiff shall find two sureties to the satisfaction of the Mayor, to the extent of (£50) fifty pounds each for the faithful performance of his duty.

Duties of Bailiff.

7. It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in the manner hereinafter provided.

Warrant of Distress.

8. All levies and distresses shall be made under warrant under the hand of the Mayor or of any Alderman who may for the time being be authorized to perform the duties of that office, such warrant to be in the form or to the effect of the schedule hereunto annexed and marked A.

Inventory.

9. At the time of making a distress the Bailiff shall make a written inventory in the form or to the effect of the schedule marked B, which inventory shall be delivered to the occupant of the land or premises or the owner of the goods so distressed, or to some person resident in the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted in some conspicuous part of the land or premises on which the distress is made; and the bailiff shall deliver a copy of such inventory to the Council Clerk.

Distress and sale, &c.

10. It shall be lawful for the Bailiff or his deputy and such assistants as he may take with him to enter into any part of the land, building, tenement, or other property in respect of which such rate or rates shall have been made as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof. And if the sum for which any such distress shall have been made or taken, together with the costs of such distraint, shall not have been paid on or before the expiration of two clear days, the Bailiff or his deputy may, between the hours of eleven in the morning and two in the afternoon, on the next day thereafter, cause the goods so distrained, or a sufficient portion thereof, to be sold by public auction, either on the premises or at such other place within the Municipal Borough as the Bailiff may think proper to remove them for such purpose, and shall pay over the surplus (if any) that may remain, after deducting the amount of the sum distrained for and the costs of such distraint, to the owner of the goods so sold on demand by such owner.

Goods may be impounded.

11. The Bailiff on making a distress as aforesaid may impound or otherwise secure the goods and chattels so distrained of what nature and kind soever, in such part of the land or premises chargeable with rate, or in such other place as shall be most fit and convenient for that purpose; and it shall be lawful for any person whomsoever, after the expiration of two clear days as hereinbefore mentioned, to come and go to and from such part of the said land and premises where such goods or chattels shall be impounded and secured as aforesaid in order to view and buy, and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

12. The owner of any goods or chattels so distrained upon may, at his or her option, direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such cases be put up for sale according to such directions.

Proceeds of distress.

13. The Bailiff shall hand over to the Council Clerk, all proceeds of every such distress within twenty-four hours after having received the same.

Deputy.

14. The Bailiff may, with the sanction in writing of the Mayor or in his absence with the sanction of any two Aldermen of the Municipal Borough, authorize by writing under his hand any person to act temporarily as his deputy; and the person so authorized shall have and exercise all the powers of the Bailiff himself, but the Bailiff and his sureties shall in every such case be responsible for the acts of such deputy.

Costs.

15. There shall be payable to the bailiff for every such levy and distress made under these By-laws, the costs and charges in the Schedule hereunto annexed, marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipality of the Borough of Tamworth, do hereby authorize you, _____, the bailiff of the said Municipality, or your deputy, to distrain the goods and chattels in the dwelling-house or in or upon the land or premises of _____, situate at _____, for _____, being the amount of rates due to the said Municipality to the day of _____, for the said dwelling-house, land, or premises (as the case may be), together with the costs of this distraint, and to proceed thereon for the recovery of the said rates and costs according to law.—Dated this _____ day of _____, 187 _____.

Mayor.

SCHEDULE B.

Inventory.

I have this day, by virtue of the warrant under the hand of the Mayor of the Municipality of the Borough of Tamworth, date _____, 187 _____, of which a copy is attached hereto, distrained the following goods and chattels, in the dwelling-house or in or upon the land or premises of _____, situate at _____, within the said Municipality for _____, being the amount of rates due to the said Municipality to the day of _____, and also the costs of this levy.—Dated this day of _____, 187 _____.

Bailiff.

(List to be appended.)

SCHEDULE C.

<i>Costs.</i>	s.	d.
For making an entry and inventory	2	6
For man in possession for period of not longer than two hours	5	0
For man in possession for every other day or part of day	5	0
For sale and delivery of goods one shilling in the pound on the gross proceeds of the sale, in addition to cost of advertisements (if any).		

PART III.

Preventing and extinguishing fires.

Fire or combustible material.

1. Every person who shall place, or knowingly permit to be placed, in any house, yard, workshop, out-office, or other premises within the said Municipality, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger any buildings, shall, on conviction thereof, for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after such conviction, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

2. Any person who shall wilfully set fire to any inflammable matter whatever in the open air, within five yards of any dwelling-house or other building or boundary or dividing-fence within the said Municipality, without having given notice in writing to the occupiers of the land adjoining the land upon which such matter shall be of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall, for every such offence, forfeit a sum not exceeding five pounds.

Erecting brushwood fences, &c.

3. Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable materials, so as to endanger any contiguous buildings or properties, or any trees, shrubs, or other produce thereof, or any chattels therein, shall forfeit, on conviction for every such offence, a penalty of not more than five pounds, and shall remove such fence, stack, or covering within a reasonable time after such conviction, and any person failing to remove such fence, stack, or covering within a reasonable time after any such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Fireworks.

4. Every person who shall discharge any firearms without lawful cause, or who shall light any bon-fire, tar barrel, or fireworks upon or within ten yards of any public or private street or any public place, or shall sell gunpowder, squibs, rockets, or any other combustible matter by gas, candle, or other artificial light within the said Municipality, shall forfeit a sum not exceeding five pounds.

Wilfully setting fire to chimneys.

5. Any person who shall wilfully set or caused to be set on fire any chimney, flue, smoke-vent, or stove-pipe, herein called in common "chimney" within the said Municipality, shall forfeit a sum not exceeding five pounds: Provided always, that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be proceeded against or prosecuted before any Criminal Court for such act as for an indictable offence.

Negligently suffering chimneys to be set on fire.

6. If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimneys are situated, shall forfeit a sum of not exceeding forty shillings: Provided always, that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case be heard that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimneys or otherwise, of himself or his servants.

Water-carts to be kept loaded at night.

7. There shall be paid out the funds of the said Municipality to the owner of every licensed water-cart, who shall have attended with any water at the place of any fire as herein provided, and deliver the same as required for the extinguishing such fire, such reasonable compensation as the Council shall by resolution have appointed in that behalf; and also to such owners of such carts as shall have first and second in order, attended with loads of water, such further sums by way of reward as the Council may by similar resolution have fixed.

PART IV.*Licensing public vehicles.*

1. All water-carters, carriers, and owners of vehicles plying or carrying passengers or goods for hire within the said Municipality, shall be licensed by the Council, and the owners shall have their names painted in legible letters with the word "licensed" on some conspicuous part of such vehicles respectively. The license fee shall be at the rate of ten shillings per wheel per annum, and be in force until the 30th day of June in each year; and every owner who shall omit or fail to comply with the provisions of this By-law, shall forfeit a sum not exceeding forty shillings.

PART V.**PUBLIC EXHIBITORS.***Exhibitions, &c. to be licensed.*

1. No exhibitions other than such as may be licensed under the provisions of the Act 14 Vic. number 23, or exhibitions of a temporary character, hereinafter especially provided for shall be held, or kept for hire or profit within the said Municipality, nor shall any bowling-alley or other place of public amusement other than a place licensed as aforesaid, or a place for temporary amusement hereinafter specially provided for, be used as such for hire or profit within the said Municipality unless and until the same shall be duly registered as hereinafter prescribed.

Temporary license by Mayor—Penalty for exhibiting, &c. without license.

2. The Mayor may, by writing under his hand, permit any such exhibition as aforesaid, other than any exhibition requiring to be licensed under the said Act, for not more than one week, and in like manner and for a like time may allow any place to be used for purposes of public amusement other than for entertainments requiring to be licensed as aforesaid; and any person holding or keeping any such exhibition or using any place within the said Municipality for public amusement as aforesaid without such permission of the Mayor, shall forfeit and pay a sum of not less than one pound nor more than five pounds for every day that such exhibition shall be so held or kept at such place, shall be so used for public amusement as aforesaid.

Buildings, &c., to be registered.

3. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground and a description of the exhibition or public amusement proposed to be kept, held, or conducted as aforesaid; and the name of such occupier, and every person who causes, and every occupier of any building or land who permits, any such exhibition or public amusement to be held, kept, or conducted for more than one week in or upon such building or land not registered for the purpose, or without having obtained a certificate of registration as hereinafter mentioned, shall forfeit and pay for every offence a sum not less than one pound nor more than ten pounds.

Certificate of registration, &c.

4. The Council, upon the written application of any such occupier as aforesaid stating the particulars aforesaid, may cause the aforesaid premises to be registered, and grant to the applicant a certificate of such registration, unless upon inspection the building or land shall be found to be unsuitable for the purpose of exhibition or amusement, or unless it shall appear to the Council that such exhibition is likely to entail any violation of public decency or endanger the public peace, or be a nuisance to any inhabitant of the Municipality.

Inspection.

5. Any officer or person appointed for that purpose by the Council may at all reasonable times enter into or upon and inspect any such building or land.

No exhibitions, &c., on Sunday, &c.

6. No such exhibition or place of public amusement as aforesaid shall be held or kept open or used for such public amusements on Sunday, Christmas Day, or Good Friday; and every person offending against this By-law shall on conviction forfeit and pay a sum not exceeding five pounds nor less than one pound for every such offence.

Registration fee, &c.

7. For every registration as aforesaid the occupier of the building or land so registered shall pay to the Council Clerk for the benefit of the Municipality a fee of one pound; and every such registration whenever the same may be made shall (subject to the power of suspension or cancellation herein contained) be in force until the 31st day of December thence next ensuing and no longer.

Suspension or revocation of license.

8. The effect of any such registration as aforesaid may be suspended or such registration may be cancelled, as the Council shall think fit, for any of the following causes, namely:—

Whenever the occupier of any registered building or land, or the manager of any such exhibition or amusement as aforesaid held, kept, conducted, or carried on, in, or upon such building or ground, shall have been twice convicted of offences against these By-laws within a period of twelve months; or whenever it shall be shown to the satisfaction of the Council that the superintendent, director, manager, or other person in charge of any such exhibition or amusement is a confirmed drunkard; or that any such exhibition or amusement is being conducted in such a manner as to violate public decency, to endanger the public peace, or become a nuisance to any inhabitant of the said Municipality: Provided that before any such suspension or cancellation as aforesaid such occupier shall have notice that the Council is about to consider whether there shall be any such suspension or cancellation and of the causes for this proceeding, and shall be allowed to show cause against the same.

Gaming, cruelty to animals, &c., prohibited.

9. No license shall be granted as aforesaid to or for any building or land wherein or whereon any games with dice or other games of chance for money, or any bull-baiting, dog-fighting, cock-fighting, or other exhibitions or amusements opposed to public morality, or involving cruelty to animals, or likely to cause a breach of the peace are proposed to be had, held, or carried on; and the occupier of any building or land so registered as aforesaid who shall permit any such game of chance, or exhibition, or amusement as are in the section beforementioned to be had, held, or carried on, in, or upon such building or land, shall for every such offence forfeit and pay a sum of not less than ten shillings nor more than ten pounds.

Construction of term "Occupier." Change of occupancy.

10. Any person who shall superintend, direct, or manage, or shall be otherwise in charge of any such exhibition or public amusement as aforesaid in or upon any such building or land as aforesaid, or who shall reside in or upon any such building or land wherein or whereon any such exhibition or public amusement shall be held, kept, or carried on, or who, whether resident or not, shall use any such building or land for the purposes of any such exhibition or public amusement, shall be deemed the occupier of such building or land for all the purposes of these By-laws, shall be held to be as applicable in every case to any number of such occupiers as to any single occupier; and every such occupier whose name shall have been so registered as aforesaid shall be deemed and be taken to be and continue such occupier for all purposes of these By-laws: Provided that in event of any change in the occupancy of any such building or land as aforesaid the parties concerned shall notify the same in writing to the Council Clerk; and if after such inquiry as the Council may deem necessary an entry thereof shall be made in the Registry and a new certificate shall be issued, which (subject as aforesaid) shall be in force until the then next thirty-first day of December, and no longer; and for every such certificate a fee of five shillings shall be paid to the Council Clerk for the benefit of the Municipality; and any person who shall make any false statement in any such notice or application as aforesaid as to any of the facts or particulars required by these By-laws to be stated in such application or notice shall for every such offence forfeit and pay a sum not less than one pound nor more than ten pounds.

PART VI.**Streets and Public Places, Public Health, Decency, &c.***New roads to be reported upon.*

1. No new public road, street, way, or other place proposed to be dedicated to the public shall be taken under the charge or management of the Council until after such road, street, way, or place shall have been examined by the Improvement Committee or other Committee appointed for this purpose, and reported upon to the Council by such Committee.

Plan of proposed new road, &c., to be deposited.

2. Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, or way, or lay out any place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management thereof, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, or other place as aforesaid.

Dedication of new roads.

3. If the Council shall determine to take charge of any such road, way, or place as aforesaid, the plan or plans signed as aforesaid shall be preserved as a record of the Council, and the proprietor or proprietors shall execute such further instrument, dedicating such road, way, or place to public use or recreation as aforesaid as may be considered necessary by the Council, which said instrument shall be preserved as a record of the Council.

Who to mark out roads, &c.

The Surveyor of the Municipal Borough or other officer or person duly authorized by the Council in that behalf, shall be the proper officer for marking out when and where necessary the roads, streets, lanes, and thoroughfares, which now are or shall hereafter be under or subject to the care, construction, or management of the Council, and the carriage or foot ways in each of such roads, streets, lanes, or thoroughfares.

No balcony, &c.

5. No balcony shall be erected, unless the construction of the same shall have been approved by the Council.

Footways may be levelled.

6. When any footway shall have been marked out in manner herein directed, the Surveyor or other person as aforesaid may cause the same to be levelled and made as nearly as practicable of equal height and breadth, and with an equal slope and inclination, and may remove any flagging steps or other matter, thing, or obstruction that may injure or obstruct the said footway or render it unequal or inconvenient, and which now is or may hereafter be erected or placed on the space marked out for the said footway.

The Improvement Committee to fix street level.

7. The Improvement Committee or any officer of the Council acting under the supervision of such Committee shall, subject to such orders as may from time to time be made by the Council in that behalf, fix and lay out the level of all public roads, streets, and ways within the Municipality, and the carriage-ways and foot-ways thereof: Provided that there shall be no change of levels in any such public road, street, or way until the same shall have been submitted to and certified by the Council as hereinafter directed.

Change of street levels.

8. Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Improvement Committee shall cause a plan and section showing the proposed cuttings and fillings, to be exhibited at the Council Chambers fourteen days for the information and inspection of the ratepayers, and shall notify by advertisement in some newspaper circulating within the Borough that such plan is open for inspection. At a subsequent meeting of the Council the said plan and section shall, if adopted, be signed by the Mayor or Chairman of such meeting and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

9. Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, gravel, sand, loam, or other material in or from any part of the carriage or foot way of any street or road or any reserve or other public place within the Municipality, without leave first had and obtained from the Council or from the Mayor, or who shall wantonly break up or damage any such carriage or foot way, shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Temporary stopping of traffic for repairs, &c.

10. The Mayor or any officer or person acting under the authority of the Council may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same, or for any necessary purpose; and any person or persons offending against this By-law—either by travelling on such street, lane, or thoroughfare, or by destroying or removing any obstruction that may be placed thereon for the purpose of suspending the traffic—shall forfeit and pay a penalty and sum not exceeding five pounds.

Cellars or openings beneath the footways prohibited.

11. Any person who shall make any cellar or opening, door or window in or beneath the surface of the footway of any street or public place, unless the plans thereof have been previously submitted to and approved by the Council, and the erections and openings made to the satisfaction of the Council, shall on conviction forfeit and pay the sum of five pounds over and above the expense of filling up, remedying, or removing such cellar, opening, door, or window, so as the same shall not exceed fifty pounds.

Holes to be enclosed.

12. Any person who shall dig or make or cause to be dug or made any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipality, for the purpose of making any vault or vaults, or the foundation or foundations of any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same, and keep the same enclosed in a good and sufficient manner, to the satisfaction of the surveyor or other officer or person as aforesaid, or shall keep up or cause to be kept up and continued any such enclosure for any time longer than shall be necessary in the opinion of the surveyor or other officer or person aforesaid, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning between sunset and sunrise during the continuance of such enclosure,—shall forfeit and pay for every such refusal or neglect any sum not less than forty shillings nor exceeding five pounds.

Open spaces and steps adjoining the footways to be enclosed under penalty.

13. Every owner or occupier of any house, building, premises, or land within the said Municipality having any entrance area, garden, or other open space adjoining the footway or public place in such Municipality, or any quarry, excavation, or opening in the ground, or any premises within six feet of any such footway or public place, shall protect and guard the same by good and sufficient fences, rails, or other enclosures, so as to prevent danger to persons passing and repassing; and any such owner or occupier of any house, building, premises, or land having any steps adjoining the footway of any such street or public place shall in like manner protect and guard the same by fences, rails, or other enclosures, so as to prevent danger to persons passing and repassing; and on failure thereof any such owner or occupier, as often as he shall be convicted of such offence, forfeit and pay any sum not being less than forty shillings nor more than five pounds. And every such owner or occupier as aforesaid who shall fail to erect such rails, fences, or other enclosures as aforesaid within one week after any conviction as aforesaid, shall be deemed guilty of a further offence against this by-law.

Wells to be covered over.

14. Every person who shall have a well situated between his or her dwelling-house, or the appurtenances thereof, and any road, street, or footway, or at the side thereof, or in any yard or place open or exposed to such road, street, or footway, within the said Municipality, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given to him or her by any officer of the Council, or shall have been left for such person at his or her last known place of abode or the said premises, shall on conviction forfeit and pay a sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered, contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this by-law.

Throwing filth on roads, driving carriages and leading horses on footways.

15. Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid or remain any dead animal, offal, dung, soil, ashes, rubbish, or any other filth or annoyance, or any matter or thing in or upon the footway or carriage-way of any street, road, lane, or other public place within the said Municipality, or shall kill, slaughter, dress, scald, or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any street or other public place as that any blood shall run or flow upon or over, or be on any such carriage or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer to be run, rolled, driven, drawn, or placed upon the footway of any street, road, or public place, any wheelbarrow, wheel, or truck, or any hoghead, cask, or barrel,—or shall wilfully lead, drive, ride, or stand any horse, ass, mule, or other beast upon any such footway shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, and for the second and every subsequent offence a sum not less than ten shillings nor more than forty shillings.

Throwing filth into watercourses.

16. Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning such animal, into any public watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer, canal, or watercourse within the said Municipality, shall forfeit a sum not exceeding five pounds nor less than ten shillings, and shall in addition to such penalty pay the cost of removing such filth or obstruction, or of restoring such watercourse, sewer, or canal to its proper channel, so as the same shall not exceed fifty pounds.

Throwing slops on carriage or foot ways.

17. Any person who shall cast or throw, or shall cause, suffer, or permit to be cast or thrown, upon any carriageway or footway, any soapsuds, slops, or refuse water, or any refuse, vegetables, or any other matter or thing, or shall cause, suffer, or permit the same to run or flow from any premises in his or her occupation, over any such footpath or carriageway within the said Municipality, shall for every such offence forfeit and pay a sum not exceeding two pounds nor less than five shillings.

Rain not to be carried on to footpaths.

18. It shall not be lawful for any person whomsoever, to carry by means of pipes, gutters, or other contrivances, any rainwater from the roof of his or her premises or house upon any of the footways of any street or public place within the said Municipality; or any owner or occupier of any such house or premises who shall neglect or refuse to remedy or remove any such pipes, gutters, or contrivances, when required to do so by any officer of the Council, shall, on conviction, forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed: Provided that the owner or occupier of any such house or premises may convey any such rain water by means of pipes laid under the surface of such footways into the gutters adjoining the same: And provided also, that all such pipes shall be laid down to the satisfaction and under the superintendence of the Town Surveyor or any other person appointed by the Council.

Placing carriages, goods, &c., on footways—not removing them when required—replacing the same after removal.

19. Any person who shall set or place or cause to be set or placed, any stall, board, chopping-block, show-board, basket wares, merchandise, casks, or goods of any kind whatsoever; or who shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon any carriage or foot way in any street, road, or public way within the said Municipality, or shall set, lay out, or place, or cause to be set, laid out, or placed, any coach, cart, waggon, wain, dray, sledge, truck, or other carriage, upon any such carriage-way except for the purpose of loading or unloading the same; or taking up or setting down any fare, or waiting for passengers when actually hired, or when actually engaged in harnessing and unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in, upon, or over any such carriage-way or foot-way, any stone, brick, lime, timber, or other materials or things for building (except as hereinbefore provided); or who shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or any other matter or thing whatsoever from any house or premises over any part of such foot-way or carriage-way, or over any area of any house or other building or premises, or any other matter or thing, from and on the outside of the house or front or any other part of any house or houses or other buildings or premises over or next unto any such street, road, or public place, and shall not immediately remove the same upon being required so to do by the Council or any officer thereof; or if any person who, having in pursuance of any such requisition as aforesaid, removed or caused to be removed, any such stall, board, show-board, chopping-block, basketware, merchandise, barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matter or thing, shall at any time thereafter again set, lay, place, expose, or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basketwares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in or upon, or over any such carriage or foot way, or of next unto any such street, road, or public place as aforesaid, shall, upon conviction for every such offence, forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings; and for every second and every subsequent offence, a sum not exceeding forty shillings nor less than ten shillings.

Not to prevent the erection of awnings.

20. Nothing in these By-laws contained shall be deemed to prevent any person from placing a movable awning in front of his or her shop or house: Provided that such awning be at least eight feet high above the proper level of the footway, and the posts be kept close up to the curbstone or outer edge of such footway, and that the said posts or any framework be erected to the satisfaction of the Council, and as may from time to time be directed.

Damage to public buildings.

21. Any person who shall damage any public building, lamp, wall, parapet, sluice, bridge, road, street, sewer, watercourse, or other property of the Council of the said Municipality, or improperly extinguish any lamp set for public or private convenience, shall pay the cost of repairing the same; and if the same be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds, nor less than five pounds, in addition to the cost of repairing the same, so as the same shall not exceed fifty pounds.

Drawing or trailing timber, &c.

22. Any person who shall haul or draw, or shall cause to be hauled or drawn upon any of the streets, roads, or public ways or places within the said Municipality any timber, stone, or other material or thing which shall be carried principally or in part upon any wheeled carriage or barrow to drag or trail upon any part of any such street, road, or public place, to the injury thereof, or to hang over any part of such carriage or barrow so as to occupy or obstruct the street or road shall upon conviction forfeit and pay for every such offence a sum not exceeding forty shillings, nor less than ten shillings over and above the damage occasioned thereby.

Riding in drays, careless driving, &c.

23. If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street, road, or thoroughfare within the said Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted) or if the driver of any carriage, whatsoever shall negligently be at a distance from such carriage or in such situation whilst it shall be passing along such street, road, or thoroughfare that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage shall not keep his waggon, cart, dray, or coach or other carriage on the left or near side of the road, street, or thoroughfare, or if any person shall in any manner wilfully prevent any other person or persons from passing him or any carriage under his care upon such street, road, or thoroughfare, or by negligence or misbehaviour prevent hinder or interrupt the free passage of any carriage in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Riding or driving furiously.

24. Any person who shall ride or drive through or upon any street, road, or public place within the said Municipality so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than two pounds.

Breaking horses, &c.

25. It shall not be lawful for any person or persons in any street, road, or public place within the Municipality to drive any carriage or carriages for the purpose of breaking, trying, or exercising horses, or to ride, drive, or lead any horse, mare, or gelding for the purpose of airing, exercising, trying, breaking, showing, or exposing for sale any such horse, mare, or gelding otherwise than by passing quietly through such streets or public places: Provided further that no person or persons shall be allowed within the said Municipality to furiously or carelessly drive any horse, mare, or gelding to or from any public watering place, creek, or river, or pasturage, or elsewhere; and the person or persons in charge thereof shall be *prima facie* presumed to be the owner of the said animal or animals, and shall be liable accordingly; and every person so offending shall forfeit and pay for every such offence any sum not exceeding forty shillings nor less than five shillings.

Hours for driving cattle.

No person shall drive or cause to be driven through any street or public thoroughfare of the said Municipality any live stock, between the hours of 8 o'clock a.m. and 10 o'clock a.m., or between the hours of 12 o'clock a.m. and 2 p.m., or between the hours of 4 o'clock p.m. and 9 o'clock p.m., except calves and foals under the age of one year, quiet milch cows, horses or cattle broken to saddle or draught, and pigs, sheep, and goats. And any person or persons who shall drive or cause to be driven any live stock except those above enumerated, through any

street or public thoroughfare of the Municipality between the hours abovementioned, shall, on conviction before any Justice or Justices of the Peace, forfeit and pay a sum not exceeding five pounds for every such offence.

Swine, &c., not to wander about the streets.

27. Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure, situate and being in, or within forty yards of any street or public place within the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of the like nature belonging to him or her, or under his or her charge, to stray or to go about, or to be tethered or depastured in any street, road, or public place within the said Municipality, shall forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Inspector may impound.

28. The Inspector of Nuisances, or any other person duly authorized by the Council, shall have power to impound in the Tamworth public pound, all animals of every description found straying within the said Municipality of Tamworth.

Burning shavings, &c., in the streets.

29. Any person who shall burn any shavings, rubbish, or any other matter or thing in any road, street, lane, or public place within the said Municipality, or who shall within ten yards of any dwelling-house, burn rags, bones, corks, or other offensive substance, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

Placards not to be affixed on walls without consent.

30. It shall not be lawful for any person to paste or otherwise affix any placard or other paper upon any wall, house, fence, or other erection, nor deface any such wall, house, fence, or erection with chalk, paint, or other matter, unless with the consent of the owner thereof; and every person who shall be guilty of any such offence shall forfeit and pay a sum not exceeding twenty shillings nor less than five shillings.

No rock to be blasted without notice to the Mayor, &c.

31. Any person who shall be desirous of blasting any rock within fifty yards of any road, street, public place, or private dwelling within the said Municipality, shall give notice in writing twenty-four hours previously to the Mayor, or any two Aldermen, who shall appoint a time when the same shall take place, and give such directions as he or they may deem necessary for the public safety; and if any person shall blast or cause to be blasted any rock within the limits aforesaid, without giving such notice, or shall not conform to the directions given to him by the Mayor or any two Aldermen as aforesaid, he shall, on conviction, forfeit and pay for every such offence any sum not less than one pound nor more than ten pounds.

Cleansing private avenues.

32. Any owner or occupier of any house or place who shall neglect to keep clean all private avenues, passages, yards, and ways within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit and pay a sum not exceeding forty shillings nor less than ten shillings for every such offence.

Placing dead animals on premises.

33. Any person who shall place, or who shall cause or suffer to be placed upon any land or premises within the said Municipality, any dead animal, blood, offal, night-soil, or other offensive matter, so as to become a nuisance to the inhabitants thereof, shall on conviction, suffer and pay a penalty not exceeding five pounds nor less than ten shillings for every such offence.

Allowing dead animals to remain on premises.

34. Any owner or occupier of any land or premises who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter to remain upon the said land or premises, after notice shall have been given to remove the same, shall be subject to a penalty of not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Hog-styes and nuisances not removed on notice, &c.

35. In case any privy, hog-sty, any sink, cesspool, yard or enclosure, or any matter or thing which shall at any time be in any place within the said Municipality, shall be or become a nuisance, it shall be lawful for the Council, after due investigation, by notice in writing, to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance is situated, or shall have been left for such owner or occupier at his or her last or usual place of abode or on the said premises; and every such owner or occupier refusing or neglecting to remove or abate such nuisance pursuant to such notice, and to the satisfaction of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than forty shillings.

Hours for removing night-soil.

36. Any person who within the said Municipality shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of six o'clock in the morning and eleven o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor otherwise than in properly covered and watertight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth in or upon or near to any streets, roads, public places, or footways of the Municipality, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter nearer to any street, road, or dwelling-house than shall from time to time be directed by the Council or by the Inspector of Nuisances, or shall allow vehicles used for that purpose to stand on any premises nearer to any road, street, or dwelling-house than shall from time to time be directed by the Council or Inspector of Nuisances, shall upon conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound; and, in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles employed in and about emptying or removing such night-soil, bones, or other offensive matter; and also the employer or employers of the person or persons so offending shall be liable to and forfeit and pay such penalty as aforesaid.

Penalty for not removing offensive matter on notice—Council may abate nuisance—Right of entry for such purposes.

37. Any person who shall suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter to remain in any cellar or place within any dwelling-house or premises within the said Municipality for the space of twenty-four hours after written notice to him or to her from the Inspector of Nuisances or other officer of the Council to remove the same, or shall allow the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than ten shillings, and a further sum of ten shillings for every day the offence shall be continued; and the Council may remove or abate, or cause to be removed or abated, every such nuisance, and do what shall be needful for preventing a continuation or recurrence thereof; and the officers of the said Council shall for such purpose have power from time to time to enter any house or premises, and the expense incurred in carrying out the provisions of the By-law shall be paid to the said Council by the occupier or owner of the premises upon which the same exists, in addition to the penalty aforesaid, so as the same do not exceed fifty pounds in the whole.

Cleansing butchers' shambles, &c.

38. For preserving the cleanliness of the said Municipality and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances or for any other officer appointed by the Council from time to time, and when and as often as he or either of them shall see occasion to visit and inspect the butchers' shops, soap and candle manufactories, &c., fell-mongering establishments, and tanneries within the said Municipality, and to give such direction with respect to the cleansing of the same respectively both within and without as to him shall seem needful. And any butcher, or the owner or occupier of any such butcher's shop, tannery, manufactory, or establishment who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

Inspection of premises.

39. Upon the reasonable complaint of any householder that the house, premises, yard, closets, or drains of the adjoining or neighbouring premises are a nuisance, or offensive, the Inspector of Nuisances, or any other person appointed by the Council, shall make an inspection of the premises complained of, and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Damaging trees, &c.

40. Any person who shall wilfully, or without the authority of the Council, cut, break, bark, root-up, or otherwise destroy or damage, the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any reserve or place under the management of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound.

Extirpation of noxious weeds.

41. Any owner or occupier of land within the said Municipality who shall permit or suffer to grow or remain on the said land the weeds known as the Bathurst burr and Scotch thistle, or other noxious weeds, and who shall fail to extirpate, remove, or destroy the same within ten days after the receipt of a notice in writing, by post or otherwise, from the Council so to do, shall, for every such offence, forfeit and pay a sum not exceeding five pounds nor less than one pound.

Newly-slaughtered carcass.

42. Every person who within the said Municipality shall carry or convey, or cause to be carried or conveyed, in any public street or place, the carcass, or any part of the carcass, of any newly-slaughtered animal, without sufficient and proper cloth or covering to conceal the same from public view, shall be liable, on conviction, to a penalty of any sum not exceeding forty shillings for every such offence.

Bathing prohibited within certain limits.

43. Any person who shall bathe near to, or within view of, any inhabited house, public bridge, street, road, or other place of public resort, within the limits of the said Municipality, between the hours of six o'clock in the morning and eight in the evening shall, on conviction, forfeit and pay for every such offence a sum not exceeding twenty shillings.

Indecent exposure of person.

44. Any person who shall offend against decency, by exposure of his or her person, in any street or public place within the said Municipality, or in view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Houses of ill-fame.

45. Upon representation by any respectable ratepayer that the house, or neighbouring or adjoining premises, is of ill-fame, it shall be lawful for the Mayor or any Alderman to cause the residents of such house or premises to furnish to the Council a list of the names, ages, sex, birth-place, and occupation of all the inmates of the said house or premises; and upon non-compliance with such request, or if, upon consideration, the Mayor and any Alderman consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance, and the Mayor shall cause a notice in writing to be served upon the holder of such house or premises, or other person residing or being therein, and acting as such holder, to discontinuance and abate the said nuisance within forty-eight hours after the receipt of such notice, otherwise such

person shall be liable to a penalty of not less than forty shillings nor more than fifty pounds, and, on a second conviction, shall be liable to a penalty of not more than fifty pounds nor less than five pounds.

Inspector of Nuisances may take legal proceedings.

46. The Inspector of Nuisances or other person appointed by the Council may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipality.

Penalties to be paid over to Treasurer.

47. All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipality, to be appropriated as the Council may direct.

Interpretation of "Mayor" and "Municipality."

48. Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless a context shall indicate a contrary distinction, be construed also to signify and include any Alderman lawfully acting for the time being in the place or stead of the Mayor; and whenever the word "Municipality" is made use of in the said By-laws, it shall be understood to signify the "Municipality of the Borough of Tamworth."

As to interference with officer of the Council in enforcing By-laws.

49. Any person who shall obstruct or interfere with any officer of the Council or other person doing or performing any duty or act under any of the By-laws of the said Municipality, shall forfeit and pay a penalty of not exceeding twenty pounds nor less than two pounds.

Passed by the Council of the Municipality of the Borough of Tamworth, this 20th day of June, 1876.

PHILIP GIDLEY KING,
Mayor.

RALPH S. BAMFORD, Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF BROUGHTON VALE—BY-LAW.)

Presented to Parliament pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 10th May, 1877.

MUNICIPAL DISTRICT OF BROUGHTON VALE.

BY-LAW.

THE following By-law, made by the Council of the Municipal District of Broughton Vale, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

MUNICIPAL DISTRICT OF BROUGHTON VALE.

BY-LAW to enable the Municipal Council of Broughton Vale to erect or permit the erection of gates or slip-rails on certain portions of non-proclaimed reserved roads within the said Municipality, and for the control and management of the same.

1. The Council may, on the application of ratepayers, grant liberty to erect gates or light slip-rails on certain defined portions of non-proclaimed reserved roads within the Municipality, the Council first approving of the plan and construction of the same.

2. The Council shall have the power at any time to revoke the above permission, and may order the removal of said gates and slip-rails by the party or parties maintaining them on receiving three months notice to remove the same; service of said notice may be through the Post Office, and signed by the Council Clerk, or by the Mayor. Should the said parties neglect or fail to remove the gates or slip-rails after due notice as above, the Council may cause them to be removed at the expense of such party or parties, to be recovered with costs in any Court of Petty Sessions.

3. Any person or persons negligently or wilfully leaving such gates open, or leaving the slip-rails down, or breaking, destroying, or removing the same, without permission from the Council, shall on conviction severally forfeit and pay a penalty of ten shillings for the first offence, and one pound for the second offence, and for the third and every subsequent offence the sum of two pounds sterling, together with costs.

Made and passed by the Mayor and Aldermen of the Municipal Council of Broughton Vale, at their meeting on the 20th day of May, 1876.

By order of the Council,—
THOMAS BOYCE,
Council Clerk.

(L.S.) ALEXANDER HANLON,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF DUBBO—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 153.Colonial Secretary's Office,
Sydney, 10th May, 1877.

MUNICIPAL DISTRICT OF DUBBO.

BY-LAWS.

THE following By-laws made by the Council of the Municipal District of Dubbo, for regulating their own proceedings, &c., &c., having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

BY-LAWS for regulating the proceedings of the Council of the Municipal District of Dubbo, and the duties of the officers and servants of such Council; for preserving order at meetings of the said Council; for determining the times and modes of collecting and enforcing payment of rates; for preventing and extinguishing fires; for suppressing nuisances and houses of ill-fame; for compelling residents to keep their premises free from offensive or unwholesome matters; the killing of cattle, and sale of butcher's meat; opening new public roads, ways, and parks; aligning and cleansing roads and streets; sewerage and drainage; lighting; preserving trees and shrubs; generally controlling and managing public reserves; regulating the bathing or washing the person in any public water near a public thoroughfare; preserving public decency; providing for the health of the Municipality; restraining noisome and offensive trades; and generally maintaining the good rule and government of the said Municipal District.

PART I.

Proceedings of the Council and Committers, preservation of order at Council Meetings, duties of officers, servants, &c.

Ordinary Meetings.

1. The Council shall meet for the transaction of business every alternate Monday, at eight o'clock in the evening, unless such day shall happen to be a public holiday. In the latter case the meeting shall be held on such other day as the Mayor may appoint.

Election of Chairman in absence of Mayor.

2. If at any meeting of the Council the Mayor be absent, at the expiration of fifteen minutes after the time appointed for holding such meeting, the Aldermen then present (being a quorum) shall proceed to elect from themselves a Chairman to preside at such meeting during the absence of the Mayor. Whenever there shall be an adjournment of any such meeting for want of a quorum, the names of the Aldermen present shall

be taken down and shall be recorded in the minute-book by the Council Clerk or other person who may have been appointed his substitute.

Order of business at all meetings of the Council other than Special Meetings.

Business of ordinary meetings.

1. The minutes of the last preceding meeting to be read by the Council Clerk or his substitute, corrected if erroneous, and signed by the Mayor or Chairman. No discussion to be permitted on such minutes except as to whether they are correct.
2. Correspondence to be read, and orders made thereon if expedient.
3. Petitions (if any) to be read and dealt with.
4. Reports from Committees and minutes from the Mayor (if any) to be presented, and orders made thereon.
5. Questions as to matters under the jurisdiction, or within the official cognizance of the Council, to be put and replied to, and statements as to any facts, matters, or circumstances requiring attention by the Council or any of the Committees or officers to be made.
6. Motions of which notice has been given to be dealt with in the order in which they stand on the business paper.
7. Orders of the day to be disposed of as they stand on the business paper.

Business may be taken out of regular order.

Provided that the Council may, by resolution without notice, entertain any particular motion, or deal with any particular matter of business, out of its regular order on the business paper, without any formal suspension of this section, and may in like manner direct that any particular motion or matter of business shall have precedence at a future meeting.

Business at special meetings.

At special meetings of the Council the minutes shall be first read and signed, in the same manner as at an ordinary meeting, and the business shall be taken in such order as the Mayor, or other the person presiding as Chairman, or the Aldermen at whose instance such special meeting shall have been called, may have directed.

Business paper for ordinary meeting.

The business paper for every meeting of the Council, other than a special meeting, shall be made up by the Council Clerk, or other the person acting as his substitute, not less than two nor more than three days before the day appointed for such meeting. He shall enter on such business paper the substance of every notice of motion, and of every requisition or order, as to business to be transacted at such meeting, which he may have received, or shall have been required or directed so to enter, in due course of law and as hereinafter provided. Every such entry shall be made (subject to the provisions of section 3 of this "Part" of these By-laws) in the same order as such notice, requisition, or direction shall have been received.

Business paper for special meeting.

The business paper for each special meeting shall contain only such matters as shall have been specially ordered to be entered thereon by the Mayor or Alderman calling such meeting.

Summons to members.

The summons to members of the Council for every meeting thereof shall be prepared from the business paper for such meeting, and shall embody the substance of such business paper.

How business paper to be disposed of.

The business paper for each meeting of the Council shall at such meeting be laid before the Mayor or Chairman, who shall make a note upon such business paper of the mode in which each matter entered thereon has been dealt with, and such business paper so noted shall be a record of the Council.

Notices, &c., to be the property of the Council.

After the business paper shall have been made up as aforesaid, all notices of motion, requisitions, and directions, as to which entries have been made thereon, shall be the property of the Council, and shall not be withdrawn, altered, or amended without leave having been first obtained from the Council for such withdrawal, alteration, or amendment.

*Motions and Amendment.**Motions how to be moved.*

Except by leave of the Council, motions shall be moved in the order in which they stand on the business paper, and if not so moved or postponed, shall be struck from such business paper, and be considered to have lapsed.

Absence of proposed mover.

No motion of which notice shall have been entered on the business paper shall be proceeded with in the absence of the Alderman by whom such notice shall have been given, unless by some other Alderman producing a written authority for that purpose from such first-mentioned Alderman.

Motion to be seconded.

No motion in Council shall be discussed unless and until it be seconded.

Amendment may be moved.

When a motion or amendment shall have been made or seconded, any Alderman shall be at liberty to move an amendment thereon, but no amendment shall be discussed unless and until it be seconded.

Motions and amendments to be in writing.

No motion or amendment shall be discussed until it shall have been reduced into writing.

Only one amendment at a time.

No second or subsequent amendment shall be taken into consideration until the previous amendment or amendments shall have been disposed of.

Amended Question—Further amendment may be moved thereon.

If any amendment be carried, the question as amended thereby shall become itself the question before the Council, whereupon any further amendment upon such question may be moved.

How subsequent amendments may be moved.

If any amendment either upon an original question or upon any question amended as aforesaid shall be negatived, then a further amendment may be moved to the question to which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof shall be before the Council at any one time.

Motions for adjournment.

No motion for adjournment of the Council shall be discussed. If seconded such motion shall be put at once. If negatived no similar motion will be permitted to be made until half-an-hour has elapsed after moving the one that has been negatived, and the subjects on the business paper shall be proceeded with in order.

Requisitions from Aldermen how to be dealt with.

Every requisition by an Alderman that any particular matter of business be brought before the Council shall be regarded and treated as a notice of motion by such Alderman that such business be taken into consideration by the Council; and he shall if present be called upon in due order to move that such business be so considered, or to make any other motion which he may think fit in reference thereto which shall be consistent with the notice of such business and with good order. And when any such motion shall have been made it shall be dealt with in precisely the same manner as if notice thereof had been given, subject however to any objection which may exist as to its not being in accordance with the notice actually given of such business, or with good order. And if no motion shall be made by such Alderman in reference to such business, the entry relating thereto shall be struck from the business paper.

*Orders of the Day.**Of what Orders of the Day shall consist.*

The orders of the day shall consist of any matters other than motions on notice which the Council shall at a previous meeting thereof have directed to be taken into consideration, or which the Mayor or Chairman or any Committee of the Council shall have directed to be entered on the business paper for consideration.

How they are to be dealt with.

The Alderman who has the usual charge of, or who has previously moved in reference to the particular business to which any such order of the day relates shall be the person called upon to move: "Provided that the Mayor or Chairman for the time being may, as to any order of the day entered by his direction, arrange with and call upon any Alderman to move the same. And Section of this "Part" of these By-laws shall be considered applicable to order of the day.

*Petitions.**Alderman's duty with respect to Petitions.*

Every Alderman presenting a petition shall prior thereto acquaint himself with the contents thereof, and shall ascertain that it does not contain language disrespectful to the Council.

Petitions how received.

All petitions shall be received only as the petitions of the parties signing the same.

How Petitions to be dealt with.

No motion other than for the reception of a petition shall, unless as hereinafter provided, be permissible on the presentation thereof, except that the same be referred to a Committee, or that its consideration stand an order of the day for some future meeting: Provided however, that if any Alderman shall have given due notice of a motion in reference to the subject of any petition, or if the consideration of the subject of any petition shall have been made an order of the day and such petition shall have been presented before such motion or order of the day shall have been called on, such order of the day or the said motion if otherwise unobjectionable, shall be considered in order.

Correspondence.

The Mayor or Chairman for the time being shall have the same duty in reference to letters addressed to the Council before directing the same to be read, as by section of this "Part" of these By-laws is imposed upon Aldermen presenting petitions. If not read to be returned to the writer and reported to the Council. The Mayor or Chairman for the time being shall direct as to the order in which all correspondence shall be read, and no letter addressed to the Council or any of its officers shall be presented or read by any Alderman. If the Mayor be absent and shall not have examined any such letters, or have given any such directions as aforesaid, then the duties imposed by this section shall devolve upon the presiding Alderman.

Section to apply to letters.

Section of this "Part" of these By-laws shall be considered as fully applicable to letters addressed to the Council or any of its officers as to petitions.

*Reports from Committees and Minutes from the Mayor.**Form of Report.*

Every report from a Committee shall be in writing, and signed by the Chairman of such Committee, or in his absence, by some member of the same.

Mayor's Minutes.

The Mayor shall have the right of directing the attention of the Council to any matter or subject within its jurisdiction or official cognisance, by a minute in writing signed by him.

How Reports, &c., are to be dealt with.

On the presentation of a report from a Committee, or a minute from the Mayor, no motion shall be permissible except that the same be received and that its consideration stand an order of the day for some future meeting: Provided that if any Alderman shall have given due notice in reference to any such report or minute, or if the consideration of such report or minute shall have been entered among the orders of the day, such order of the day or such motion may be moved and considered in due course. If any such report or minute embodies any matter which cannot legally be carried out without due notice, and it is desirable that such report or minute shall be ordered upon during the meeting of the Council, at which such report or minute is presented, it shall be the duty of the Chairman or Member of such Committee signing such report, or of the Mayor as the case may be, to give or transmit to the Council Clerk, such a notice of motion, requisition, or direction as aforesaid, as will enable the Council Clerk to make the necessary entry on the business paper and to give such due notice.

*Questions and Statements.**Limitations as to questions and statements.*

No question or statement shall be allowed to be put or made which is inconsistent with good order, or is not in strict accordance with the requirements of these By-laws relating to the order of the business of the Council.

Notice of questions to be given, and answer optional.

Twenty-four hours previous notice in writing of every question shall be given to the person who is expected to reply thereto, and it shall be optional with the person so questioned as aforesaid, whether he will or not answer the question so put to him.

Question to be put without argument.

Every such question must be put categorically without any argument or statement of fact.

Similar provision as to statements.

Every such statement must be made without argument.

No discussion on question, &c., right of objection, and of subsequent motion reserved.

No discussion shall be permitted as to any question, or as to any reply or neglect or refusal to reply thereto, or as to any such statement, at the time when such question is put, or such reply or refusal to reply is given, or such statement is made: Provided, however, that nothing herein contained shall prevent the taking of any objection as to any such question or statement being out of order, or shall prevent the discussion, after due notice as hereinbefore provided, of any matters properly arising out of or relating to any such question or reply, or neglect, or refusal to reply, or any such statement as aforesaid.

*Order of Debate.**Mode of addressing the Council.*

Every Alderman who shall make or second any motion, or shall take part in any debate or discussion, or shall put or reply to any question, or make any statement, or shall in any other way, or for any other purpose, address observations to the Council, shall while so doing stand up in his customary place (unless he shall be prevented from doing so by reason of illness or some bodily infirmity), and shall address himself solely and exclusively to the Mayor or other Chairman then presiding: Provided that in the case of a question, such a question may by direction of such Mayor or Chairman be put directly to the Alderman or Officer to be questioned, and may be replied to in like manner, but in every such case the question so put and the answer thereto shall be subject to every legal objection on the ground of disorder or irrelevancy, and all members of the Council shall on all occasions when in such Council address and speak of each other by their official designations as Mayor, Chairman, or Alderman, as the case may be.

Speaker not to be interrupted.

No Alderman shall be interrupted while thus speaking, unless for the purpose of calling him to order, as hereinafter provided.

Limitation as to number of speakers.

Every mover of an original motion shall have a right of general reply to all observations which may have been made in reference to such motion and to any amendments moved thereon, as well as a right to speak upon every such amendment. Every Alderman other than the mover of such original motion shall have a right to speak once upon such motion and on every amendment thereon. No Alderman shall speak longer than fifteen minutes nor oftener than once upon any question other than a question of order, unless when misrepresented or misunderstood, in which case he shall be permitted to explain, without adding any further observations than may be necessary for the purposes of such explanation.

Mover and Second.

An Alderman who has moved any motion or amendment shall be considered to have spoken thereon; but an Alderman who shall have seconded any such motion or amendment without any further observations than that he seconded the same shall be at liberty to speak on such motion or amendment.

Speaker not to digress.

No Alderman shall digress from the subject under discussion, or shall make personal reflections on, nor impute improper motives to any other Alderman.

Adjournment of debate.

A debate may be adjourned to a later hour of the day or to any other day specified; and the Alderman upon whose motion such debate shall have been so adjourned shall be entitled to pre-audience on the resumption of the same.

Mayor or Chairman to decide as to pre-audience.

If two or more Aldermen rise to speak at the same time, the Mayor or Chairman for the time being shall decide which of such Alderman shall be heard first.

Mayor or Chairman to decide point of order.

The Mayor or Chairman for the time being shall preserve order, and his decision upon disputed points of order or practice shall be final.

Mayor or Chairman may address the Council.

The Mayor or Chairman for the time being shall have the same right as any other Alderman to speak upon every subject or amendment, and shall be subject to the same rules as to rising when speaking.

Alderman may require question to be stated, &c.

Any Alderman may request the matter or question under discussion to be stated or read for his information, or may require the production of any records of the Council bearing upon any such question or matter. No such request or requisition shall be made so as to interrupt any Alderman when speaking.

*Questions of Order.**Mayor may call Member to order.*

The Mayor or Chairman for the time being may, without the interposition of any other member of the Council, call any Alderman to order whenever in the opinion of such Mayor or Chairman there shall be a necessity for so doing.

Decision of points of order.

The Mayor or Chairman for the time being when called upon to decide points of order or practice shall state the provision, rule, or practice which he shall deem applicable to the case, without discussing or commenting on the same.

Motions out of order to be rejected.

Whenever it shall have been decided as aforesaid that any motion, amendment, or other matter before the Council is out of order, the same shall be rejected.

*Mode of voting.**How questions to be put.*

The Mayor or Chairman for the time being shall put to the Council all questions on which it shall be necessary that a vote be taken, and shall declare the sense of the Council thereon.

Divisions,—penalty for refusing to vote.

Any Alderman may call for a division, and the votes shall be taken by a show of hands. In such case the question shall be put first in the affirmative and then in the negative, and the names and votes of the Aldermen present shall be recorded. Any Alderman present when a division is called for who shall not vote on such division, not being disabled by law from so voting, shall be liable for every such offence to a penalty of not less than five shillings nor more than two pounds.

*Committees of the Whole Council.**Business in Committee.*

The Business Committees of the whole Council shall be conducted in accordance with the rules hereinbefore provided as near as the same shall apply, except that it shall not be necessary that any motion or amendment in committee shall be seconded.

*Calls of the Council.**How call of Council to be made.*

A call of the Council may be ordered by any resolution of which due notice shall have been given for the consideration of any motion or matter of business before such Council.

Such call to be compulsory in certain cases.

No motion, the effect of which if carried, would be to rescind any resolution, order, or decision of the Council, shall be entered on the business paper unless a call of the Council has been duly made and granted for such purpose.

Mode of proceeding.

The call shall be made immediately before the motion or business for which such call has been ordered shall be moved or considered.

*Standing and Special Committees.**Standing Committees.*

Besides any such special Committees as may from time to time be found necessary, there shall be two standing committees of the Council, each consisting of not less than three members, namely, a Finance Committee and a Works and Improvement Committee. These committees shall be re-appointed every year at the first meeting of the Council which shall be holden after the election of the Mayor.

Mode of re-appointing Standing Committees.

The re-appointment of the said two Committees may, on resolution of the Council, be made on ballot. In such case a list or lists of the members shall be handed to each member then present, who shall mark against the name of each such member the title of the Committee to which in his opinion such member ought to belong. And the Mayor or Chairman, for the time being, shall thereupon examine such lists, and shall declare the result. And if there shall be an equal number of votes for the appointment of any two or more members to either of such Committees, such Mayor or Chairman shall decide which of such members shall be appointed to such Committee.

Finance Committee.

The Finance Committee shall examine and check all accounts, and shall watch generally over the collection and expenditure of the Municipal revenues. They shall inquire and report from time to time, as to all matters which they may consider to affect the finances of the Municipal District, and as to such matters or subjects of the like nature, as they may be directed by resolution of the Council to inquire and report upon.

Chairman of Committee.

Every Committee of which the Mayor shall not be a member, shall elect a permanent Chairman of such Committee before they proceed to any business, and such appointment shall be for the whole Municipal year unless removed by resolution of the Council.

Records of Committee.

The Chairman of such Standing Committee shall make, or cause to be made, in a book to be kept for that purpose, memoranda of all the transactions of such Committee, which book shall be the property of the Council.

Works and Improvement Committee.

The Works and Improvement Committee shall have the general direction of all works ordered or sanctioned by the Council, and the general inspection of all streets, roads, ways, public reserves, and other public places, under the care and management of the Council. They shall also inquire and report from time to time, as to such improvements or repairs as they may think necessary, or as they may be directed by resolution of the Council to inquire and report upon.

*Expenditure.**Cost of works to be estimated before undertaken.*

No works affecting the funds of the Municipality, except as hereinafter is mentioned, shall be undertaken until the probable expense thereof shall have been first ascertained by the Council.

Cases of emergency and current expenses.

For emergent matters, and for necessary current expenses during the intervals which may elapse between the meetings of the Council, outlays to the following extent may be incurred—

- (1.) By order of the Works and Improvement Committee, or of the Mayor and one member of such Committee, for repairs or emergent works, to the extent of five pounds.
- (2.) By order of the Mayor, for necessary current expenses to the extent of three pounds.

Provided that in every case a detailed report in writing of every such outlay, shall be laid before the Council at its next meeting; such report to be signed by the Chairman of the Works and Improvement Committee, or the Mayor and a member of such Works and Improvement Committee, or the Mayor alone as the case may be, by whom such outlay shall have been authorized. Also, that such outlay shall only be permissible in reference to matters coming strictly within the jurisdiction or functions of the Council, and that no outlay involving a disobedience or evasion of any order or resolution of such Council shall on any pretence be thus authorized.

Certificate required with each claim.

No payment shall be ordered for any work or other purpose unless there shall be a certificate or memorandum from the Committee, from the Mayor, or from the Officer of the Council, to whom the direction or guardianship of such expenditure properly belongs, showing that the demand is a legitimate one and has been duly authorized and inquired into.

*Common Seal and Records of the Council.**Common Seal—how secured.*

The seal shall be secured by a cover or box, which (except when such seal is in use) shall be kept locked, and such seal shall be kept at the Council Chambers, in the custody of the Council Clerk. There shall be duplicate keys to the lock of this cover or box, of which keys one shall be kept by the Mayor and the other by the Council Clerk.

When and how Common Seal to be used.

The seal of the Council shall not be affixed to any document without the express authority of the Council; and every impression thereof so authorized, shall be verified by the signature of the Mayor, or in case of the illness or absence of the Mayor, by two Aldermen, countersigned by the Council Clerk: Provided, however, that the Council Clerk may at any time with the sanction of the Mayor attach such seal to any deed or document unconnected with the affairs of the Council, and requiring to be noted or authenticated by any public official.

How Books of Account, &c., to be kept.

All books, deeds, memorials, letters, documents, and other records of the Council, except as hereinafter mentioned, shall be kept at the Council Chambers in the custody and care of the Council Clerk, who shall be responsible for the safe custody of the same; but the Mayor or Council Clerk may for any special purpose authorize their removal.

Books, &c., not to be shown or exposed to view without leave.

No member or Officer of the Council shall be at liberty to show, lay open, or expose any of the books, papers, or records of the Council to any person not a member of the Council, without the written permission of the Mayor; any member or officer who shall commit a breach of this section shall be liable on conviction to a penalty of not less than ten shillings nor more than two pounds.

Records not to be removed.

Any person removing any such book, paper, or record from the Council Chambers, without leave from the Mayor or Council Clerk in writing first had and obtained, shall be subject to a penalty of not less than ten shillings nor more than ten pounds. And nothing herein contained shall be held to affect the further liability of any person who shall have received such book, paper, or record, and shall not have returned the same, to prosecution for stealing such book, paper, or record, or to an action at law for detention of the same, as the circumstances of the case may warrant.

Receipt for Documents.

Every person removing any document or record with such consent as aforesaid, shall give a receipt under his hand for every such document, which receipt shall be carefully preserved among the records until the document or other record to which it refers shall have been returned, when such receipt shall be destroyed.

Penalty for destroying or defacing Records.

Any person destroying, defacing, or wilfully or improperly altering any books, papers, or records, shall for every such offence be liable to a penalty of not less than five pounds nor more than twenty pounds.

*Officers and Servants.**Notice to Candidates.*

No appointment to any permanent office at the disposal of the Council shall take place until public notice shall have been given as hereinafter provided, inviting applications from qualified candidates for the same. The salary or allowance attached to the office shall in every case be fixed before such advertisement is published, and shall be stated in such advertisement.

Mode of appointment.

Every such appointment shall be made by ballot, in such mode as may at the time be determined upon, whenever there is more than one candidate for such permanent office.

Exceptional cases.

Nothing herein contained shall be held to prevent the appointment by the Council, without advertisement, of any salaried officer or servant of the Corporation, to any other permanent office or employment at the disposal of such Council to which no further salary is attached; or to prevent the appointment in like manner of any such officer or servant to any office or employment of which the duties require only occasional attention, and are to be paid for by allowances proportionate to the extent of such duties; or to prevent any similar appointment by the Mayor or by any committee or officer of the Council, of any such officer or servant under the authority of any by-law; or to prevent the employment, as may be from time to time found necessary, and as may be ordered by the Council, of any workmen or labourers on the public works of the Municipal District.

Bonds for good conduct.

All bonds given by officers or servants of the Council for the faithful performance of their duties shall be deposited in such custody as the Council may order; and no member, officer, or servant of the Council shall be received as a surety for any officer or servants.

Duties of Council Clerk.

The Council Clerk shall perform all the duties which by the Municipalities Act of 1867, or of any Act amending or extending the same, or by the present or any By-laws thereunder, he may be required to perform.

He shall be the Clerk of all Revision Courts held in the Municipal District, under the provisions of the Municipalities Act. He shall also, under the direction of the Mayor, conduct all correspondence which may be necessary on the part of the Council, and shall generally assist the Mayor in carrying out the orders of the Council and the duties of such Mayor.

Duties of other officers and servants.

The duties of all officers and servants of the Corporation, in addition to the duties which by the present or any other By-laws thereunder he may be required to perform, shall be defined by such Regulations as may from time to time and in accordance with law be made.

Special powers of Mayor.

The Mayor shall exercise a general supervision over all officers and servants of the Corporation, and may order the preparation of any such return or statement, or the giving of any such explanation or information, by any such officer or servant as he may think necessary, unless such return or statement shall have been already prepared, or such return or statement, explanation or information, already given and on record, or unless the Council shall have expressly forbidden or dispensed with the preparation of such return or statement, or the giving of such explanation or information. All such returns or statements as aforesaid shall be in writing, and shall be recorded. All such explanations or information may be either rendered *vis à voce* or put into writing, as the Mayor may direct.

Complaints against officers.

All complaints against officers or servants of the Corporation must be in writing, addressed to the Mayor, and must in every case be signed by the person or persons complaining. And no notice whatever shall be taken of any complaint which is not in writing or which is anonymous. Any such complaint as aforesaid shall be laid by the Mayor before the Council at the next meeting thereof which shall be holden after the Mayor shall have received the same, and shall be duly recorded.

Miscellaneous Laws.

Leave of absence.

No leave of absence shall be granted to the Mayor or to any Alderman otherwise than by a resolution of the Council adopted after due notice.

Mode of calling for tenders.

Whenever it is decided that any work shall be executed or any material supplied by contract, tenders for the execution of such work or the supply of such material shall be called for by advertisement in some newspaper circulating in the Municipal District.

Drafts of intended By-laws.

A draft of any intended By-law shall lie in the office of the Council for at least seven days before such draft shall be taken into consideration by the Council, and shall be open to the inspection of any ratepayer who may desire to inspect the same. And public notice shall be given that such draft is so lying for inspection by posting the same on the outer door of the Council Chambers for the space of seven days, and by advertising such notice in some newspaper circulating in the Municipal District.

Motion for rescission of previous orders.

Whenever a motion, the effect of which if carried would be to rescind any order, resolution, or vote of the Council, shall have been negatived, no other motion to the same effect shall be permissible until a period of three months shall have elapsed from the time of negativing such first-mentioned motion.

Suits and prosecutions for penalties.

Suits or informations for the enforcement of penalties for or in respect of the Municipalities Act of 1867, or of any Act amending or extending the same, or of any By-law made thereunto, or of any Statute the operation of which may be extended to the Municipality, shall be commenced or laid as follows:—

When against a member of the Council or any Auditor or any officer of the Corporation, by such officer as shall be named for that purpose by the Council; when against any other person by the officer to whom the carrying out of the statutory provision or By-law imposing the penalty sought to be enforced has been entrusted; and if there shall be no such officer, then

by such officer or person as shall be appointed for that purpose by the Council or the Mayor, as the case may be, on directing such suit or information as aforesaid. And no such suit shall be brought or information laid against any member of the Council or auditor except on the order of the Council or of the Mayor. And the conduct or prosecution of any suit or information may, on the order of the Council or of the Mayor, be entrusted to an attorney.

Mode of proceeding in cases not provided for.

In all cases not herein provided for resort shall be had to the rules, forms, and usages, of the Legislative Assembly of New South Wales, so far as the same are applicable to the proceedings of the Council.

Power to suspend temporarily certain portions of these By-laws.

Any of the foregoing By-laws or any portion thereof which relate to affect the proceedings at meetings of the Council may be suspended *pro tempore* without notice in cases of emergency, if all the members of the Council then present shall deem such suspension necessary.

PART 2.

Collection and Enforcement of Rates.

Rates when due and payable.

All rates levied and imposed by the Council shall be held to be due and payable on and after such day or days as the Council shall by resolution from time to time appoint, provided that such day or days shall be not less than thirty days after notice of the making or assessing of the said rates has been given under the provisions of the Act.

Time and place of payment.

All such rates shall be paid at the Council Chambers during the hours appointed by the Council for that purpose.

Defaulters.

Every person not paying his or her rates as aforesaid upon the day or days so appointed for payment thereof shall be deemed a defaulter, and it shall be the duty of the Council Clerk to furnish the Mayor from time to time with a list of the names of all persons so in default.

Mayor to enforce payment.

It shall be the duty of the Mayor to take proceedings to enforce payment of all rates in default either by action at law or by issuing warrants of distraint upon the goods and chattels of the defaulter.

Bailiff—how appointed.

The Bailiff of the Municipal District shall be appointed by the Council, and may at any time be removed by them.

Sureties for Bailiff.

The Bailiff shall find two sureties to the satisfaction of the Council to the extent of twenty-five pounds each, for the faithful performance of his duty.

Duties of Bailiff.

It shall be the duty of the Bailiff to make levies by distraint for the recovery of rates in the manner hereinafter provided.

Warrant of distress.

All levies and distresses shall be made under warrant in the form of Schedule A hereunto appended, under the hand of the Mayor or any Alderman who may for the time being be duly authorized to perform the duties of that office.

Distress and sale, &c.

If the sum for which any such distress shall have been made shall not be paid, with costs as hereinafter provided, on or before the expiration of five days, the Bailiff shall sell the goods so distrained, or a sufficient portion thereof, by public auction either on the premises or at such other place within the said Municipal District as the said Bailiff may think proper to remove them to for such purpose, and shall pay over the surplus (if any) that may remain after deducting the amount of the sum distrained for and costs, as hereinafter provided, to the owner of the goods so sold on demand of such surplus by such owner.

Inventory.

At the time of making a distress the Bailiff shall make out a written inventory in the form of Schedule B hereto annexed, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person on his or her behalf, resident at the place where the distress shall be made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid then such inventory shall be posted on some conspicuous part of the land or premises on which the distress is made, and the Bailiff shall deliver a copy of such inventory to the Council Clerk, who shall on demand made at any time within one month after the making of such distress deliver a copy thereof to the ratepayer.

Goods may be impounded.

The Bailiff on making a distress as aforesaid may impound or otherwise secure the goods and chattels so distrained of what nature and kind soever in such part of the land or premises chargeable with the rate or in such other place as shall be most fit and convenient for that purpose, and it shall be lawful for any person whomsoever, after the expiration of five clear days hereinbefore mentioned, to come and go to and from such part of the land and premises where such goods or chattels shall be impounded and secured as aforesaid in order to view and buy and in order to carry off and remove the same on account of the purchaser thereof.

Owner to direct order of sale.

The owner of any goods or chattels so distrained on may at his or her option direct and specify the order in which they shall be successively sold, and the said goods or chattels shall in such case be put up for sale according to such directions.

Proceeds of distress.

The Bailiff shall hand over to the Treasurer all proceeds of every such distress within forty-eight hours after having received the same.

Deputy.

The Bailiff may, with the sanction of the Mayor, or in his absence, with the sanction of any two Aldermen of the Municipal District, authorize by writing under his hand any person to act temporarily as his Deputy; and the person so authorized shall have and exercise all powers of the Bailiff himself; but the Bailiff and his sureties shall in every such case be held responsible for the acts of such Deputy.

Costs.

The costs and charges for every levy and distress made under these By-laws shall be those specified in the Schedule hereunto annexed marked C.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Municipal District of Dubbo, do hereby authorize you, _____, the _____ or Deputy Bailiff of the said Municipal District, to distrain upon the goods and chattels in the dwelling-house or in or upon the land or premises of _____, situate at _____, for _____, being the amount of rates due to the said Municipality, to the _____ day of _____, for the said dwelling-house, land, or premises (as the case may be) together with the costs of this distress, and to proceed thereon for the recovery of the said rates and costs according to law.
Dated this _____ day of _____ 187 _____

Mayor.

SCHEDULE B.

Inventory.

I have this day, by virtue of the warrant under the hand of the Mayor of the Municipal District of Dubbo, dated _____ 187, of which a copy is attached hereto, distrained the following goods and chattels, in the dwelling-house (or in or upon the land or premises) of _____, situate at _____, within the said Municipal District, for _____, being the amount of rates due to the said Municipality, to the _____ day of _____, and also costs of this levy.
Dated this _____ day of _____ 187 _____

Bailiff.

[List to be appended.]

SCHEDULE C.

Costs.

For making every entry and inventory	s. d.
For man in possession for a period longer than two hours	2 6
For man in possession every other day of part of a day	5 0
	5 0

For sale and delivery of goods one shilling in the pound on the gross proceeds of the sale, in addition to the costs of advertisements, if any.

PART III.

Preventing and Extinguishing Fires.

Fire and combustible materials.

Every person who shall place or knowingly permit to be placed in any house, yard, workshop, out offices, or other premises within the said Municipal District, fire, gunpowder, or combustible or inflammable materials of any kind, in such a manner as to endanger any buildings, shall on conviction for every such offence forfeit and pay a penalty of not more than five pounds, and shall forthwith remove such fire, gunpowder, or combustible or inflammable materials; and every such person who shall suffer any such fire, gunpowder, or combustible or inflammable materials to remain as aforesaid for twenty-four hours after any such conviction, shall be deemed guilty of a further offence against this By-law.

Erecting brushwood fences, &c.

Every person who shall erect any fence of brushwood, bushes, or other inflammable material, or shall make or place any stack of hay, corn, straw, or other produce, or place as or for the covering of any such stack any inflammable materials, so as to endanger contiguous buildings or properties, or any trees, shrubs, or other produce thereof, or any chattels therein, shall forfeit on conviction for every such offence a penalty of not more than five (5) pounds, and shall remove such fence, stack, or covering within a reasonable time after conviction; and any person failing to remove such fence, stack, or covering within a reasonable time after such conviction as aforesaid, shall be deemed guilty of a further offence against this By-law.

Setting fire to matter without notice.

Every person who shall wilfully set fire to any inflammable matter whatsoever in the open air within five yards of any dwelling-house or other building or boundary or dividing fence within the said Municipal District, without having given notice in writing to the occupiers of the land adjoining to the land upon which such matter shall be, of his intention so to do, or between the hours of six in the afternoon of any day and six in the morning of the following day, shall for every such offence forfeit a sum not exceeding five (5) pounds.

Wilfully setting fire to chimneys.

Every person who wilfully sets or causes to be set on fire any chimney-flue, smoke-vent, or stove-pipe, herein called in common "chimney," shall forfeit a sum not exceeding five pounds: Provided always that nothing herein contained shall exempt the person so setting or causing to be set on fire any chimney from liability to be informed against or prosecuted before any Criminal Court for such act as for an indictable offence.

Negligently suffering chimney to be on fire.

If any chimney accidentally catch or be on fire, the person occupying or using the premises in which such chimney is situated, shall forfeit a sum not exceeding forty shillings: Provided always that such forfeiture shall not be incurred if such person prove to the satisfaction of the Justices before whom the case is heard, that such fire was in nowise owing to the omission, neglect, or carelessness, whether with respect to cleansing such chimney or otherwise, of himself or his servant.

PART IV.

Streets and public places—Public health, decency, &c.

New streets to be reported on.

Any new public road, street, way, or other place proposed to be dedicated to the public, shall be examined by the Works and Improvement Committee or other Committee appointed for this purpose, and reported upon to the Council by such Committee.

Plan of proposed new road, &c., to be reported.

Whenever any proprietor or proprietors of land within the Municipality shall open any road, street, or way, or lay out any place for public use or recreation through or upon such land, and shall be desirous that the Council shall undertake the care and management thereof, he or they shall furnish the Council with a plan or plans signed by himself or themselves, showing clearly the position and extent of such road, street, way, or other place as aforesaid.

Dedication of new roads.

The plan or plans so signed as aforesaid, shall be preserved as a record of the Council, and the proprietor or proprietors shall execute such further instrument, dedicating such road, way, or place to public use or recreation as aforesaid, as may be considered necessary by the Council, which said instrument shall be preserved as a record of the Council.

Committee for Works, &c., to fix levels.

The Works and Improvement Committee, or any officer or person acting under the supervision of such Committee, shall, subject to such orders as shall from time to time be made by the Council in that behalf, fix and lay out the levels of all public roads, streets, and ways within the Municipality, and the carriage-ways and foot-ways thereof. And it shall be the duty of such Committee, officer, or person, to place posts at the corners or intersections of any such public roads and streets, and of the carriage-ways and foot-ways of such roads and streets, wherever the same may be considered necessary or desirable by the Council. Provided that there shall be no change of level in any such public road, street, or way, until the same shall have been submitted to and adopted by the Council as hereinafter directed.

Change of street level.

Whenever it may be deemed necessary to alter the level of any such public road, street, or way as aforesaid, the Works and Improvement Committee shall cause a plan and section, showing the proposed cuttings and fillings, to be exhibited at the Council Chambers for fourteen days, for the information and inspection

of ratepayers, and shall notify by advertisement in some newspaper circulating in the Municipality that such plan is open for inspection. At a subsequent meeting of the Council, the said plan and section shall, if adopted, be signed by the Mayor or Chairman of such meeting and countersigned by the Council Clerk; and such plan and section so signed and countersigned shall be a record of the Council.

No turf, gravel, &c., to be removed from streets without permission.

Any person who shall form, dig, or open any drain or sewer, or remove or cause to be removed any turf, gravel, sand, loam, or other material, in or from any part of the carriage or footway of any street or road, or any reserve or other public place within the said Municipal District, without leave first had and obtained from the Council or from the Mayor, or who shall wantonly break up or damage any such carriage or footway, or any gate, turnstile, fence, or other enclosure, of any street, reserve, or public place, or any erection lawfully placed thereon, shall on conviction forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Temporary stopping of traffic for repairs.

The Mayor or any officer or person acting under the authority of the Council, may at any time cause the traffic of any street, lane, or thoroughfare, or any portion thereof, to be stopped for the purpose of repairing the same or for any necessary purpose; and any person or persons offending against this By-law, either by travelling on such street, lane, or thoroughfare, or by destroying or removing any obstruction that may be placed thereon for the purpose of suspending the traffic, shall forfeit a penalty not exceeding five pounds for every such offence.

Cellars or openings beneath the surface of footways prohibited.

Any person who shall make any cellar, or any opening, door, or window, in or beneath the surface of the footway of any street or public place, unless the plans thereof have been previously submitted to and approved by the Council, and the erections and openings made to the satisfaction of the Council, shall on conviction forfeit and pay the sum of five pounds, and also the expense of filling up, remedying or removing such cellar, opening, door, or window, so as the same together with the said sum of five pounds shall not exceed fifty pounds.

Holes to be enclosed.

Any person who shall dig or make or cause to be dug or made any hole, or leave or cause to be left any hole adjoining or near to any street or public place within the said Municipal District, for the purpose of making any vault or vaults, or foundation or foundations to any house or other building, or for any other purpose whatsoever, or shall erect or pull down any building, and shall not forthwith enclose the same and keep the same enclosed in a good and sufficient manner, to the satisfaction of the Works and Improvement Committee or other officer or person as aforesaid, or shall keep up or cause to be kept up or continued any such enclosure for any time longer than shall be necessary in the opinion of the Committee or other officer or person as aforesaid, and shall not place lights upon each side of the said enclosure, and keep the same constantly burning from sunset to sunrise during the continuance of such enclosure, shall forfeit and pay for every such refusal or neglect the sum of not less than forty shillings nor exceeding five pounds.

Wells to be covered over.

Every person who shall have a well situated between his or her dwelling-house or the appurtenances thereof and any road, street, or foot way, or at the side thereof, or in any yard or place open or exposed to such road, street, or footway, within the said Municipal District, shall cause such well to be securely and permanently covered over; and if any person having such well as aforesaid shall fail to cover and secure the same within twenty-four hours after notice in writing shall have been given him or her by any officer of the Council, or shall have been left for such person at his or her last known place of abode, or on the said premises, shall on conviction forfeit and pay the sum of ten shillings; and for every day after such notice that such well shall remain open or uncovered contrary to the provisions hereof, such person shall be deemed guilty of a separate offence against this By-law.

Throwing filth on roads, driving carriages and leading horses on the footpaths.

Any person who shall throw, cast, or lay, or shall cause, permit, or suffer to be thrown, cast, or laid, or remain, any dead animal, offal, dung, soot, ashes, rubbish, or any other filth or annoyance, or any matter or thing in or upon the footway or carriage-way of any street, road, lane, reserve, or other public place within the said Municipality, or shall kill, slaughter, dress, scald or cut up any beast, swine, calf, sheep, lamb, or other animal in or so near to any such road, street, reserve, or other public place, as that any blood shall run or flow upon or over or be on any such carriage or footway, or shall run, roll, drive, draw, place, or cause, permit, or suffer, to be run, rolled, driven, drawn, or placed upon the footway of any street, road, reserve, or public place any waggon, cart, dray,

sledge, or other carriage, or any wheelbarrow, wheel, or truck or any hog-head, cask, or barrel, or shall willfully lead, drive, ride, or stand any horse, ass, mule, or other beast upon any such footway, shall upon conviction forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, and every subsequent offence a sum not less than ten shillings nor more than forty shillings.

Drawing or trailing timber, &c.

Any person who shall haul or draw or cause to be hauled or drawn, upon any part of any street, road, footpath, or public place within the said Municipality, any timber, stone, or other thing, otherwise than upon wheeled vehicles or barrows, or shall suffer any timber, stone, or other thing which shall be carried principally or in part upon any wheeled vehicle or barrow, to drag or trail upon any part of such street, road, footpath, or public place, to the injury thereof, or to hang over any part of any such vehicle or barrow, so as to occupy or obstruct the street beyond the breadth of the said vehicle or barrow, shall upon conviction forfeit and pay for every such offence a sum not more than forty shillings nor less than five shillings over and above the damage occasioned thereby.

Throwing filth into watercourses.

Any person who shall cast any filth, rubbish, or any dead animal, or any animal with intent of drowning such animal, into any public watercourse, waterhole, river, creek, or canal, or shall obstruct or divert from its channel any sewer, canal, or watercourse within the said Municipal District, shall forfeit a sum not exceeding five pounds, nor less than ten shillings, and shall in addition to such penalty pay the cost of removing such filth or obstruction, or of restoring such watercourse, sewer, or canal, to its proper channel, so as the same, together with such penalty as aforesaid, shall not exceed fifty pounds.

Throwing slops on carriage-ways.

Any person who shall cast or throw, or shall cause, suffer, or permit to be cast or thrown, upon any carriage-way or foot-way, any soapsuds, slops, or refuse water, or any refuse vegetable, or any other matter or thing, or shall cause, or suffer, or permit the same to run or flow from any premises in his or her occupation, over any such foot-way or carriage-way within the said Municipal District, shall for every such offence suffer and pay a sum not exceeding two pounds nor less than five shillings.

Rain not to be carried on to footpaths.

Any person who shall, by means of pipes, gutters, or other contrivances, carry any rain-water from the roof of his or her premises or house, upon any of the foot-ways of any street or public place within the said Municipal District, and shall neglect or refuse immediately to remedy or remove any such pipes, gutters, or contrivances, when required to do so by any officer of the said Council, shall, on conviction, forfeit and pay any sum not exceeding ten shillings, and a like sum for every day or part of a day that the same shall not be remedied or removed. Provided that the owner or occupier of any house or premises may convey any such rain-water, by means of pipes laid under the surface of any such foot-ways, into the gutters adjoining the same: And provided also, that all such pipes shall be laid down to the satisfaction and under the superintendence of the Works and Improvement Committee or any other person appointed by the Council.

Not to prevent the erection of awnings or verandahs.

Nothing in these By-laws contained shall be deemed to prevent any person from placing a verandah or moveable awning in front of his or her shop or house: Provided that such verandah or awning be at least eight feet in height above the proper level of the foot-way, and that the posts be kept close up to the curb-stone or outer edge of such foot-way, and that the said posts and any framework be erected to the satisfaction of the Council and as may from time to time be directed.

Damage to public buildings, extinguishing lamps, &c.

Any person who shall damage any public building, lamp, wall, parapet, sluice, bridge, road, sewer, water-course, or other property of the Council of the said Municipal District, or improperly extinguish any lamp set up for public convenience, shall pay the cost of repairing the same; and if the same be wilfully done, shall forfeit and pay a sum not exceeding twenty pounds nor less than five pounds, in addition to the costs of repairing the same, so as the said costs of repair in addition to the said sum to be forfeited and paid as aforesaid shall not exceed fifty pounds.

Placing carriages, goods, &c., on foot-ways, &c.

Any person who shall set or place, or cause or permit to be set or placed, any stall-board, chopping-block, show-board (on linges or otherwise), basket wares, merchandise, casks, or goods of any kind whatsoever; or shall hoop, place, wash, or cleanse, or shall cause to be hooped, placed, washed, or cleansed, any pipe, barrel, cask, or vessel, in or upon or over any carriage

or foot way in any street or public place within the said Municipality; or shall set out, lay, or place, or shall cause or procure, permit or suffer, to be set out, laid, or placed, any coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, or other carriage upon any such carriage-way, except for the necessary time of loading or unloading such cart, wain, waggon, dray, sledge, truck, or other carriage, or taking up or setting down any fare, or waiting for passengers when actually hired, or harnessing or unharnessing the horses or other animals from such coach, cart, wain, waggon, dray, sledge, truck, or other carriage; or if any person shall set or place, or cause to be set or placed, in or upon or over any such carriage or foot-way, any timber, stones, bricks, lime, or other materials or things for building whatsoever (unless the same shall be enclosed as herein directed), or any other matters or things whatsoever, or shall hang out or expose, or shall cause or permit to be hung out or exposed, any meat or offal, or other thing or matter whatsoever, from any house or other building or premises, over any part of any such foot-way or carriage-way, or over any area of any house or other building or premises, or any other matter or thing from and on the outside of the front or any other part of any house or other building or premises over or next unto such street or public place, and shall not immediately remove all or any such matters or things upon being thereto required by the Inspector of Nuisances or other proper officer of the Council; or if any person who having, in pursuance of any such requisition as aforesaid, removed or caused to be removed any such stall-board, show-board, chopping-block, basket, wares, merchandise, casks, goods, coach, cart, wain, waggon, dray, wheel-barrow, hand-barrow, sledge, truck, carriage, timber, stones, bricks, lime, meat, offal, or other matters or things, shall at any time thereafter again set, lay, or place, expose, or put out, or cause, procure, permit, or suffer to be set, laid, placed, exposed, or put out, the same or any of them, or any other stall-board, show-board, chopping-block, basket, wares, merchandise, goods, timber, stones, bricks, lime, coach, cart, wain, waggon, dray, truck, wheel-barrow, hand-barrow, sledge, meat, offal, or other things or matters whatsoever (save and except as aforesaid), in, upon, or over any such carriage or foot-way of or next unto any such street or public place as aforesaid, shall upon conviction for every such offence forfeit and pay for the first offence a sum not exceeding forty shillings nor less than five shillings, for the second offence a sum not exceeding five pounds nor less than ten shillings, and for a third and every subsequent offence a sum not exceeding ten pounds nor less than one pound.

Riding on drays, careless driving, &c.

If the driver of any waggon, wain, cart, or dray of any kind, shall ride upon any such carriage in any street, road, or thoroughfare within the said Municipality, not having some person on foot to guide the same (such carts as are drawn by one horse and driven or guided with reins only excepted), or if the driver of any carriage whatsoever, shall negligently be at a distance from such carriage, or in such a situation whilst it shall be standing or passing upon such road, street, or thoroughfare, that he cannot have the direction and government of the horse or horses or cattle drawing the same; or if the driver of any waggon, cart, dray, or coach, or other carriage whatsoever, meeting any other carriage, shall not keep his or her waggon, cart, dray, or coach, or other carriage on the left or near side of the road, street, or thoroughfare; or if any person shall in any manner wilfully prevent any other person or persons from passing him or her, or any carriage under his or her care, upon such street, road, or thoroughfare, or by negligence or misbehaviour prevent, hinder, or interrupt the free passage of any carriage or person in or upon the same, every such driver or person so offending shall upon conviction forfeit and pay for every such offence a sum not exceeding forty shillings nor less than ten shillings.

Riding or driving furiously.

Any person who shall ride or drive through or upon any street, road, or public place within the said Municipal District so negligently, carelessly, or furiously that the safety of any other person shall or may be endangered, shall on conviction forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Breaking-in horses, &c.

Any person or persons who shall in any street, road, or public place within the said Municipal District drive any carriage or carriages for the purpose of breaking-in, exercising, or trying horses, or shall ride, drive, or lead any horse, mare, or gelding for the purpose of airing, exercising, trying, breaking, or showing, or exposing for sale any such horse, mare, or gelding, otherwise than by passing quietly through such streets or public places, shall forfeit and pay any sum not exceeding forty shillings; and any person who shall within the said Municipal District furiously or carelessly drive any horse, mare, or gelding to or from any public watering-place, creek, or river, or pasturage, or elsewhere, shall forfeit and pay any sum not exceeding forty shillings.

Hours for driving cattle.

Any person who shall drive or cause to be driven through any street, road, reserve, or public thoroughfare or place of the said Municipal District any live stock between the hours of eight (8) o'clock in the morning and six (6) o'clock in the evening, except calves and foals under the age of one year, quiet milch cows, horses or cattle broken to saddle or draught, and pigs, sheep (not exceeding in number one hundred), and goats, shall forfeit and pay any sum not exceeding five pounds for every such offence.

Swine, &c., not to wander about streets.

Any person who shall breed, feed, or keep any kind of swine in any house, yard, or enclosure situate and being in or within forty (40) yards of any street, reserve, or public place in the Municipality, or who shall suffer any kind of swine, or any horse, ass, cattle, mule, sheep, goat, or any other animal of like nature belonging to him or her or under his or her charge to stray or to go about or to be tethered or depastured in any street, road, reserve, or public place within the said Municipal District shall forfeit and pay for every such offence a sum not exceeding forty shillings nor less than five shillings.

Inspector may impound.

The Inspector of Nuisances, or any other person duly authorized by the Council, shall have the power to impound in the Dubbo Public Pound all animals found straying within the said Municipal District of Dubbo.

Burning shavings, &c., in streets.

Any person who shall burn any shavings, rubbish, or any other matter or thing, in any road, street, lane, or public place within the said Municipal District, or who shall within ten yards from any dwelling-house burn rags, bones, corks, or other offensive substance, shall for every such offence forfeit and pay a sum not exceeding forty shillings nor less than five shillings.

No rock to be blasted without notice to the Council Clerk.

Any person who shall be desirous of blasting any rock within fifty yards of any road, street, public place, or private dwelling, within the said Municipal District, shall give notice in writing twenty-four hours previously to the Council Clerk, who shall appoint a time when the same may take place, and give such directions as he may deem necessary for the public safety. And if any person shall blast or cause to be blasted any rock within the limits aforesaid without giving such notice, or shall not conform to the directions given to him by the Council Clerk as aforesaid, he shall, on conviction, forfeit and pay for every such offence any sum not less than one pound nor more than ten pounds.

Cleansing private avenues.

Any owner or occupier of any house or place within the said Municipal District who shall neglect to keep clean all private avenues, passages, yards, and ways, within the said premises, so as by such neglect to cause a nuisance by offensive smell or otherwise, shall forfeit and pay a sum not exceeding forty shillings nor less than five shillings for every such offence.

Placing dead animals on premises.

Any person who shall cast, or place, or who shall cause, or suffer to be cast or placed, upon any land or premises within the said Municipal District, any dead animal, blood, offal, night-soil, or any other offensive matter, so as to become a nuisance to the inhabitants thereof, shall, on conviction, suffer and pay a penalty not exceeding five pounds nor less than ten shillings for every such offence.

Allowing dead animals to remain on premises.

Any person or occupier of any land or premises within the said Municipal District who shall suffer or permit any dead animal, blood, offal, night-soil, or any other offensive matter to remain upon the said land or premises, after notice shall have been given by the Inspector of Nuisances or other proper officer of the Council to remove the same, shall be subject to a penalty not exceeding two pounds nor less than ten shillings for every day that the same shall so remain.

Hog-sties and nuisances not removed on notice, &c.

In case any privy, hog-sty, or any sink, cess-pool, yard, or enclosure, or any matter or thing which shall at any time be in any place within the said Municipal District, shall be or become a nuisance, it shall be lawful for the Council by notice in writing to order the removal of the said nuisance within seven days after such notice shall have been given to the owner or occupier of the premises wherein such nuisance exists or is situated, or shall have been left for such owner or occupier at his or her last or usual place of abode or on the said premises; and every such owner or occupier refusing or neglecting to remove or abate such nuisance pursuant to such notice, and to the satisfaction of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than forty shillings.

Hours for removing night-soil, &c.

Any person who, within the said Municipal District, shall remove any night-soil or ammoniacal liquor, bones, or other offensive matter, or shall come with carts or carriages for that purpose, between the hours of six (6) o'clock in the morning and eleven (11) o'clock at night, or shall at any time remove any such night-soil or ammoniacal liquor, otherwise than in properly covered and watertight carts or vehicles, or in such a manner as to upset, cast, spill, or strew any of the said night-soil, ammoniacal liquor, slop, urine, or filth, in or upon, or near to any of the streets, roads, public places, or foot-ways of the Municipality, or shall deposit or throw night-soil, ammoniacal liquor, bones, or other offensive matter, nearer to any street, road, or dwelling-house, than shall be from time to time be directed by the Council or by the Inspector of Nuisances, or shall allow vehicles used for this purpose to stand on any premises nearer to any road, street, or dwelling-house than shall from time to time be directed by the Council, or Inspector, or other officer of the Council, shall, upon conviction, forfeit and pay for every such offence, a sum not exceeding five (5) pounds nor less than one pound; and in case the person or persons so offending cannot be found, then the owner or owners of such carts, carriages, or other vehicles, employed in and about emptying or removing such night-soil, bones, or other offensive matter, and also the employer of the person or persons so offending, shall be liable to, and forfeit and pay such penalty as aforesaid.

Penalty for not removing offensive matter on notice. Council may abate nuisance. Right of entry for such purpose.

Any person who shall suffer any waste or stagnant water, or any muck, filth, soil, or other offensive matter, to remain in any cellar or place within any dwelling-house or premises within the said Municipal District for the space of twenty-four hours after written notice to him or her from an officer of the Council to remove the same, or shall allow the contents of any water-closet, privy, or cesspool to overflow or soak therefrom, shall for every such offence forfeit and pay a sum not exceeding (40) shillings, nor less than ten (10) shillings; and a further sum of (10) shillings for every day during which the offence shall be continued; and the Council may remove or abate, or cause to be removed or abated, every such nuisance, and do what shall be needful for preventing a continuance or recurrence thereof; and the officers of the said Council shall for such purpose have power from time to time to enter any house or premises; and the expense incurred in carrying out the provisions of this By-law shall be paid to the said Council by the occupier or owner of the premises upon which the same exists, in addition to the penalties aforesaid, so as the same together do not exceed in the whole fifty pounds.

Cleansing Butchers' Shambles, &c.

For preserving the cleanliness of the said Municipal District and the health of the inhabitants thereof, it shall be lawful for the Inspector of Nuisances, or for any other officer appointed by the Council, from time to time, and when and as often as he or either of them shall see occasion, to visit and inspect the butchers' shops, soap and candle manufactories, &c., fellmongering establishments and tanneries, within the said Municipal District, and to give such directions concerning the cleansing of the same respectively, both within and without, as to him shall seem needful. And any butcher or the owner or occupier of any such butcher's shop, tannery, manufactory, or establishment, who shall refuse or neglect to comply with such directions within a reasonable time, shall forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Inspection of premises.

Upon the reasonable complaint of any householder, that the house, premises, yard, closets, or drains of the adjoining or neighbouring premises are a nuisance or offensive, the Inspector of Nuisances or any other person appointed by the Council, shall make an inspection of the premises complained of; and the officer of the Council shall have full power, without any other authority than this By-law, to go upon such premises for the aforesaid purpose.

Damaging trees, &c.

Any person who shall wilfully and without the authority of the Council, cut, break, bark, root up, or otherwise destroy or damage the whole or any part of any tree, sapling, shrub, or underwood, growing in or upon any reserve, road, street, thoroughfare, or place under the management of the Council, shall forfeit and pay a sum not exceeding ten pounds nor less than one pound, and may be otherwise proceeded against at law by the Council.

Extirpation of noxious weeds.

Any owner or occupier of land within the said Municipal District, who shall permit or suffer to grow or remain on the said lands, the weeds known as the "Bathurst burr" and "Scotch thistle," or other noisome weeds, or weeds detrimental to good husbandry, and who shall fail to extirpate, remove, or

destroy the same within ten (10) days after the receipt of a notice in writing by post or otherwise from the Council so to do, shall for every such offence forfeit and pay a sum not exceeding five pounds nor less than ten shillings.

Newly slaughtered carcass.

Every person who within the said Municipal District shall carry or convey, or cause to be carried or conveyed, in any public street, thoroughfare, or place, the carcass or any part of the carcass of any newly slaughtered animal, without a sufficient or proper cloth or other covering to conceal the same from public view, shall be liable on conviction to a penalty of any sum not exceeding forty shillings for every such offence.

Bathing prohibited within prescribed limits.

Any person who shall bathe near to or within view from any inhabited house, or from any public bridge, street, road, or other place of public resort within the limits of the said Municipal District, between the hours of six o'clock in the morning and six o'clock in the evening, shall, on conviction, forfeit and pay for every such offence a sum not exceeding twenty (20) shillings.

Indecent exposure of person.

Any person who shall offend against decency by the exposure of his or her person in any street or public place within the said Municipal District or in the view thereof, shall, on conviction, forfeit and pay for every such offence a sum not exceeding five pounds nor less than one pound.

Houses of ill-fame.

Upon representation by any respectable ratepayer that the house or neighbouring or adjoining premises is of ill-fame, it shall be lawful for the Mayor and any Alderman to cause the residents of such house or premises to furnish to the Council a list of the names, ages, sex, birthplace, and occupation of all the inmates of the said house or premises; and upon non-compliance with such request, or if upon consideration the Mayor and any Alderman consider the house to be one of ill-fame, they shall, with the sanction of the Council, declare the same to be a nuisance, and the Mayor shall cause a notice in writing to be served upon the holder of such house or premises, or other person residing or being therein and acting as such holder, to discontinue or abate the said nuisance within forty-eight hours after the receipt of such notice, otherwise such holder or other person shall be liable to a penalty of not less than forty (40) shillings nor more than fifty pounds, and on a second conviction shall be liable to a penalty of not more than fifty pounds nor less than five pounds.

Inspector of Nuisances may take legal proceedings.

The Inspector of Nuisances or other person appointed by the Council may take legal proceedings against any person or persons committing any offence or offences against any of the By-laws of the said Municipal District.

Penalties to be paid over to Treasurer.

All penalties under any of these By-laws shall be paid over to the Treasurer of the said Municipal District, to be appropriated as the Council may direct.

Interpretation of "Mayor" and "Municipality."

Whenever in any of these By-laws the word "Mayor" is made use of, it shall, unless the context shall indicate a contrary intention, be construed also to signify and include any Alderman lawfully acting for the time-being in the place or stead of the Mayor; and whenever the words "Municipal District" is made use of in the said By-laws it shall be understood to signify the "Municipal District of Dubbo."

As to interference with officer of Council in enforcing By-laws.

Any person who shall assault, resist, obstruct, or interfere with any officer of the Council or other person doing or performing any duty or act under any of the By-laws of the said Municipal District, shall forfeit and pay a penalty not exceeding twenty pounds nor less than one pound.

THE PARK.

Powers as to number and description of stock lessee entitled to depasture.

The Council shall from time to time, as often as occasion shall arise, determine and declare the number and description of cattle and other stock any lessee or grantee shall have the right to depasture on the park or public recreation ground situate in Darling-street, within the said Municipal District.

Power to grant Common of pasture.

The Council shall, with the consent of the majority of Aldermen assembled at any meeting specially convened for that purpose, have power to grant to any person or persons or any number of different persons, for any period not exceeding twelve calendar months, the Common of pasture and right, title, advantage, and privilege of and to Common of pasture and feeding of stock of, into, and upon the said park or public recreation ground, situate in Darling-street, in the said Municipal District, and all manner of privileges, appendages, and appurtenances whatsoever in any wise thereunto belonging.

Power to distrain and impound trespassing stock.

The grantee or grantees, Inspector of Nuisances, or other proper officer of the Council shall have power to distrain and impound any cattle or other stock found trespassing upon the said park or public recreation ground, and also to claim and demand and recover such damages (not exceeding ten pounds) in respect of such cattle or other stock so distrained or impounded as could or might be claimed by the owner of private lands in respect of animals found trespassing and doing damage upon the same.

Rights of grantees.

That all and every the person or persons entitled under such grant or grants for the time being to the use of the said park or public recreation ground shall have all the same rights and remedies between themselves and against strangers as by the laws of this Colony in relation to Commons are possessed and enjoyed by Commoners.

Wilful trespass.

Every person who shall wilfully let in or knowingly suffer to enter upon the said park or public recreation ground any animals without due authority shall be deemed guilty of wilful trespass, and shall be liable for every such offence to a penalty not exceeding twenty pounds nor less than two pounds.

Penalty for destroying boundary-marks.

Any person pulling down, destroying, defacing, or injuring any marks marking the limits of the said park or public recreation ground, or any fence or other erection thereon, without the authority of the Council shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for destroying herbage, trees, &c.

All persons who shall wilfully, and without the authority of the Council, cut, break, bark, root-up, burn, or otherwise destroy, or damage, the whole or any part of any tree, sapling, shrub, or underwood, or the herbage growing in or upon the said park or public recreation ground, shall forfeit any sum not exceeding ten pounds, nor less than one pound.

Penalty for persons causing annoyance in the use of Park.

Any person who shall unlawfully cause any annoyance or inconvenience to any other person in the free use and enjoyment of the said park or public recreation ground, shall forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Persons committing offences in neighbourhood of Park.

Any person who shall be found committing any breach of any By-law affecting the said park or public recreation ground not expressly provided for in this "Part" of these By-laws, or who shall by disorderly or insulting conduct in the immediate neighbourhood of such park or public recreation ground, cause annoyance or inconvenience to persons on the said park or public recreation ground, or going to or coming from the same, may be removed by force by any ranger or other proper officer appointed by the Council, which officer shall have the power to call in the aid of the Police, and such person so offending shall also forfeit and pay any sum not exceeding ten pounds nor less than one pound.

Penalty for trespass.

Any person who shall without the authority of the Council be found occupying any portion of the said park or public recreation ground, either by residing or by erecting any tent, hut, or building thereon, or by clearing, digging-up, enclosing, or cultivating any part thereof, shall be liable on conviction to a penalty not exceeding ten pounds nor less than one pound.

Passed by the Council of the Municipal District of Dubbo,
this 19th day of March, 1877.

(L.S.) GEORGE H. TAYLOR,

Mayor.

W. E. MORGAN,
Council Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF ALBURY—BY-LAW)

Presented to Parliament, pursuant to Act 31 Vic. No. 12, sec. 153.

Colonial Secretary's Office,
Sydney, 3rd July, 1877.

BOROUGH OF ALBURY.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Albury, for regulating the rights to be enjoyed by the ratepayers of the Borough over the Commons and Reserves pertaining to that Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the "Municipalities Act of 1867."

HENRY PARKES.

BOROUGH OF ALBURY.

BY-LAWS made by the Borough Council of Albury, and passed by the aforesaid Council on the 11th of April, 1877, for regulating the rights to be enjoyed by the ratepayers of Albury over the Commons and Reserves.

1st. All horses or cattle intended to be depastured on the said Commons by every inhabitant, being a ratepayer, and every householder on the aforesaid Common shall be reported to the Council Clerk by the owners thereof by notice in writing, which written notice shall contain the brands of the said horses or cattle; and the Council Clerk shall keep an accurate register of all such animals with their brands and distinguishing marks.

2nd. Every inhabitant of the Municipality, being a ratepayer, shall for the depasturing of such horses or cattle pay half-yearly to the Council Clerk of the Municipality and previous to such depasturing, the fees and charges hereinafter mentioned per head, per annum:—

Horses, not exceeding 8 in number, 8s. each.
Cattle, " 10 " 6s. each.

Provided that no person shall be allowed to depasture at the same time under this By-law a greater number than eighteen (18) head of stock. For the purposes of this By-law a head of stock shall mean one (1) horse, one (1) head of cattle.

3rd. Any inhabitant of the Municipality or Commons, non-ratepayers, may depasture on the said Commons any horses or cattle on payment of the fees hereinafter mentioned in advance, per head, per annum:—

Horses, not exceeding 8, 12s. each.
Cattle, " 10, 8s. each.

And for the purposes of this By-law a head of stock shall mean the same as the last By-law provided.

4th. No fees shall be charged for depasturing progeny of such horses or cattle if under the age of six months.

5th. Carriers camping on the Commons for more than four days shall pay in advance the sum of 6d. per diem for each horse or head of cattle.

6th. Any person entitled to depasture stock on the said Commons shall on registration of such stock make a statutory declaration that the said stock are the *bona fide* property of the person so registering, and any person depasturing stock other than his or her own *bona fide* property shall on conviction be

liable to a fine not exceeding ten pounds nor less than two pounds, such fine to be recoverable before any two Justices of the Peace.

7th. The Mayor shall be empowered to issue instructions in all cases to any officer or servant of the Council to impound all horse or cattle stock, ass, mule, swine, sheep, goat, or other animals found straying, tethered, or depasturing on public roads, streets, reserves, cemetery, or other public places under the control of the Borough Council, or within certain defined boundaries therein, as may be agreed to by the Council, for such impounding to take place; and to drive, lead, or convey such animals so trespassing to the nearest pound, or shall deliver such stock to the owner on his paying the driving and trespass fee, and set the amount in the Schedule hereunder as a trespass and driving fee thereon: Provided always, that the terms of the Impounding Act, relating to the publicity, keep, sustenance, release, and sale of the said animals so impounded be complied with:—

Schedule of Fees.

	Driving.		Trespass.	
	s.	d.	s.	d.
Cattle, one head	1	0	1	0
Every additional head belonging to same owner	0	6	0	6
Horse, ass, or mule, one head	1	0	1	0
Every additional head, do.....	0	6	0	6
Sheep per head, for the first ten head	0	6	0	6
Every additional each head	0	1	0	1
Every subsequent trespass by sheep belonging to same owner, double the above charges.				
Goats	2	0	10	0
Swine	2	0	10	0

8th. All persons placing stock on the Commons and reserves shall deliver them in charge of the herdsman at Commons yard, to whom they shall produce the license for depasturing same, signed by the Council Clerk, which shall be thereupon countersigned by the herdsman, and copy thereof entered in the herd-book by the herdsman. The herdsman shall, on receiving 24 hours notice, deliver to the owner, if possible, any horses or cattle belonging to the same, depasturing on said Commons, at the Commons' yard. A fee of one shilling shall be paid by any Commoner requiring his horses or head of cattle oftener than every seven (7) days.

9th. The situation of herdsman to be advertised for, and before appointment he shall be required to produce satisfactory testimonials as to character and ability, and to enter into security to the satisfaction of the Council, to use due diligence for the safety of all stock committed to his charge, and for the due performance of his duties.

10th. The herdsman shall be permitted to run six head of working horses and two milking cows upon the Common free of charge; the brands and description of which shall be given to the Council Clerk, and duly entered by him in the stock book.

11th. Any person wilfully disturbing the stock running on the Common and reserves, or removing any cattle except milking cows therefrom, without the sanction of the herdsman, on conviction before any two Justices of the Peace shall forfeit and pay any sum not exceeding ten pounds nor less than two pounds.

12th. Commoners shall be permitted to remove horses, if able to catch them on foot, on leaving within 24 hours a written notice of having removed such horse or horses with

the herdsman: Provided that such notice shall not be required for any horse or horses which the owner has previously notified to the herdsman in writing is in daily use.

13th. Every person who shall wilfully hinder or interrupt or cause or procure to be interrupted the herdsman in the exercise of his duties, shall for every such offence forfeit and pay any sum not exceeding ten pounds nor less than 40s.

14th. All fines, penalties, and forfeitures incurred under these By-laws may, unless otherwise provided for, be recovered in a summary way before any two Justices in Petty Sessions, according to the provision of the Act fourteen Victoria number forty-three, and the Acts therein adopted.

15th. All fines, penalties, and forfeitures imposed and recovered as aforesaid shall be paid into the corporate fund of the Municipality.

Passed by the Borough Council of Albury this 11th day of April, A.D. 1877.

SAMUEL MUDGE,
Council Clerk.
Albury, 12th April, 1877.

W. J. JONES,
Mayor.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(BOROUGH OF GOULBURN—BY-LAWS.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 19th July, 1877.

BOROUGH OF GOULBURN.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Goulburn, for regulating their proceedings and the duties of the officers and servants of the Council, &c. ; for determining the times and modes of collecting and enforcing payment of rates ; for preventing and extinguishing fires ; for suppressing nuisances ; for regulating and licensing exhibitions held or kept for hire or profit, &c. ; for regulating and licensing public carriers and vehicles plying for hire ; for regulating sale-yards for cattle ; for the prevention of nuisances ; and for generally maintaining the good rule and government of the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

MUNICIPALITY OF GOULBURN.

BY-LAWS.

BY-LAWS for regulating the proceedings of the Council, the duties of the officers and servants and contractors with the said Council, the Municipal Cattle Sale-yards, the Municipal Fire Brigade, the prevention of nuisances under the Nuisances Prevention Act of 1875, and generally maintaining the good rule and government of the Municipality under the Municipalities Act of 1867.

SECTION I.

Meetings of Council.

1. The Council shall meet at the Council Chambers the second and fourth Wednesday in every month, at the hour of 7 p.m. ; but if such day be a public holiday, then on the day following ; and each meeting may be adjourned to such time as the Council may determine by resolution.

Chairman in Mayor's absence.

2. If the Mayor shall be absent at the expiration of fifteen minutes after the time appointed for the holding of any meeting, the Aldermen present shall choose a Chairman : Provided always that if the Mayor shall afterwards attend, such Alderman shall leave the Chair, to be taken by the Mayor.

No quorum.

3. Whenever any meeting shall lapse or be adjourned for want of a quorum, the names of the members present shall be recorded by the Town Clerk, and such record shall be read at the next meeting of the Council.

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Order of business.

4. The business of each ordinary meeting shall be transacted in the following manner, viz. :—

1. Reading and confirming of minutes of last meeting.
2. Reading correspondence, and reception of reports and petitions.
3. Questions.
4. Adjourned motions, and motions of which notice has been given.
5. Orders of the day, which shall comprise all business set down for the day by order of any previous meeting, or necessarily arising out of the proceedings of a former meeting.
6. Tenders.

Provided that the Council may by resolution take any particular matter out of the regular order on the paper.

Power to suspend By-law.

5. The Council shall have power to suspend pro tem. one or more of the By-laws : Provided that no such suspension shall be allowed for the purpose of voting money, and that two-thirds of the members present consent.

Postponement of debate or motion.

6. Any debate or order of the day, when called on, may be postponed to another time to be duly specified : Provided that no discussion shall be allowed upon such motion for postponement, and the Alderman upon whose motion any debate shall be adjourned shall be entitled to open the debate or resumption.

Motions to be in writing and seconded.

7. All resolutions proposed and all amendments shall be in writing, and no motion or amendment shall be discussed unless and until it be seconded.

Motion not to be withdrawn.

8. No motion of which notice has been given shall be withdrawn if any Alderman object; and if any Alderman who has given notice of motion fail or decline to move it, the Mayor or any other Alderman may move the same.

Questions—Twenty-four hours notice to be given.

9. No question shall be put to the Mayor, unless twenty-four hours notice in writing shall have been given thereof to the Town Clerk.

Amendments—order of.

10. When any motion of Council shall have been made and seconded, any Alderman may move an amendment thereon; and if an amendment be carried, the question, as amended thereby, becomes itself the question before the Council, whereupon any further amendment upon such question may be moved; if any amendment shall be negatived, then a further amendment may be moved to the question which such first-mentioned amendment was moved, and so on: Provided that not more than one question and one proposed amendment thereof, shall be before the Council at any one time.

Motions fixing salaries.

11. When any motion or amendment relates to the fixing of salaries or rates, or other matters of finance, the lowest sum shall be put first, then the next lowest, and so on to the highest.

Motions for adjournment.

12. Any motion for adjournment shall be put immediately without discussion. If such motion be negatived, the business then under consideration, or the next in order on the business paper, shall be discussed before any notice for adjournment may be moved.

Aldermen may call for division.

13. Any Alderman may call for a division. In such case the question shall be put first in the affirmative and then in the negative, and the Aldermen shall vote by show of hands; and the names and votes of the Aldermen present shall be recorded; and any Alderman present, when a division is called for, who shall not vote (not being disabled by law for so doing), shall be liable for every such offence to a penalty not less than 10s. nor more than 40s.

Motions which would rescind motions previously passed.

14. No motion, the effect of which, if carried, would be to rescind any resolution passed by the Council during the current municipal year, shall be entertained, unless at a special meeting of the Council called for that purpose; and no such motion, if negatived by the Council at such special meeting, shall be again entertained during the same municipal year.

Alderman not to speak twice, nor longer than ten minutes, on any motion or amendment.

15. No Alderman shall speak twice on any motion or amendment, except in Committee, or in explanation where he shall have been misrepresented or misunderstood; the mover of every question shall have the right of reply: Provided that no Alderman shall speak upon any motion or amendment for a longer period than ten minutes, without the consent of the Council.

Aldermen to stand, and address the Chair.

16. Every Alderman shall stand when speaking, and shall address the chair.

Committee.

17. The rules of the Council shall be observed in Committee of the Whole, except the rule as to standing, and that limiting the number of times of speaking.

Points of order.

18. Any Alderman may at any time call the attention of the Mayor or Chairman to any Alderman being out of order, and every point of order shall be taken into consideration immediately upon its arising, and the decision of the Mayor or Chairman thereon shall be conclusive.

Speaking.

19. Any Alderman who has moved any motion or amendment shall be considered to have spoken thereon, but an Alderman who shall have seconded any such motion or amendment without any further observation than that he seconded the same, shall be at liberty to speak on such motion or amendment.

Petitions to be examined before being presented.

20. Any Alderman presenting a petition shall satisfy himself that the wording thereof is unexceptionable. All petitions shall be received only as the petitions of the persons signing the same, and no debate shall take place upon the presentation of a petition until notice has been given in the usual manner.

Committees.

21. There shall be three Standing Committees, the Finance, Improvement, and By-law Committees, and each such Committee shall consist of at least three Aldermen—one from each ward—two to form a quorum, and shall be called together by direction of the Chairman of such Committee.

Committee meetings.

22. The Improvement Committee shall meet on the first and third Wednesdays in every month, the hour to be determined by each Committee.

Reports to lie on table three clear days.

23. All reports of Standing Committees shall lie on the table for inspection of Aldermen at least three clear days prior to the meeting at which such reports shall be received.

Probable cost of work to be ascertained before expenditure.

24. No work affecting the funds of the Borough shall be determined upon until the probable expense shall have been first ascertained by the Council, on the report of some officer nominated for the purpose or the report of the Improvement Committee.

Works to let by tender.

25. Works undertaken by the Council and estimated to cost over (£20) twenty pounds shall be let by tender, and no tender shall be entertained unless it be accompanied by an agreement, signed by one or more respectable parties, as sureties for due performance of the contract.

Members of Council or its officers not to be surety.

26. It shall not be competent for the Council where surety is required for officers, servants, or contractors, to accept as such surety any of its members or any person holding office under the Council.

Urgent works may be ordered to be done.

27. The Mayor and two Aldermen, or in the absence of the Mayor from the Municipality, any three Aldermen, may in writing order any sum not exceeding twenty pounds to be expended in repairing any public work under the control of the Council which may be suddenly damaged, and such order shall be reported at the next meeting of the Council.

Vacancies—Appointments to be advertised.

28. No appointment to any office shall be made until public notice be given inviting applications for the same, and stating the salary affixed to such office.

Appointments to be by ballot, and security to be given.

29. Every appointment shall be by ballot; and all officers shall give bonds for the faithful discharge of their duties in such sums as the Council may determine.

Cash balance.

30. The Treasurer shall produce the cash-book and Bank pass-book balanced at the regular meetings of the Council.

Payments to be certified.

31. No money shall be paid by the Council until the account for the same shall have been examined and reported upon by the Finance Committee, except in case of men employed weekly and cases of emergency.

Common Seal and sealing of documents.

32. The Mayor shall have custody of the Common Seal, and shall affix it to all documents creating obligation on the Corporation, in the presence of the Town Clerk; but for the purpose of authenticating documents the Mayor may alone fix the Seal, and charge a fee for so doing of one pound (£1), such fee or fees to form Relief Fund, to be administered by the Mayor.

33. All charters, deeds, muniments, and records of the Municipality shall be kept in the office thereof in the custody of the Town Clerk, unless the Council shall otherwise order.

Rates to be collected half-yearly.

34. The rates of the Borough shall be collected half-yearly and shall be due and payable on such days as the Council shall determine at the time of making the assessment, or in such other way as the Council may direct.

Rates to be paid to the Town Clerk.

35. All persons liable to pay rates or assessments shall pay the same to the Town Clerk, at the Municipal Council Chambers during office hours.

List of rates unpaid to be furnished.

36. It shall be the duty of the Town Clerk to furnish the Council with a list of the names of all persons whose rates are unpaid, at the expiration of thirty days from the time of notice.

Bailliff.

37. The Bailliff shall be appointed by the Council, and shall find two sureties to the extent of ten pounds each for the faithful performance of his duties.

38. The Bailliff shall make all levies and distress under warrant, in the form of the Schedule hereunto annexed and marked with the letter A, under the hand of the Mayor or any Alderman who may for the time being be duly authorised to perform the duties of that office.

39. The Bailliff shall be paid for every entry, and levy made under these By-laws according to the Schedule hereunto annexed and marked with the letter B.

40. The Bailliff, and such assistants as he may take with him, shall enter into any part of the land, building, or tenement in respect of which a warrant has been issued for the recovery of any rate or rates as aforesaid, and to distrain the goods therein or thereon, and to remain in such building, tenement, or other property in charge thereof; and if the sum for which such distress shall have been made or taken shall not be paid on or before the expiration of two days, it shall be lawful for the Bailliff to sell the goods so distrained, or a sufficient portion thereof; and if the party distrained upon shall so require, by public auction, either on the premises or at such other place within the Borough as the Bailliff may think proper to remove thereto, such party consenting in writing to pay the charges of the auctioneer, if so sold; and the surplus, if any remain after deducting the amount distrained for, together with the expenses attendant upon such distress and sale, shall be paid over to the owner of the goods so sold: Provided that nothing herein contained shall apply to the sale of any produce whatever which may be growing upon the land at the time of making the distress: Provided always, that no distress shall be made on the goods of any casual visitor, or on the goods of any lodger, in any house or apartment ordinarily let or used as a lodging-house or apartment.

41. At the time of making a distress, the Bailliff shall make out a written inventory, in the form of the Schedule hereto annexed and marked with the letter C, which inventory shall be delivered to the occupant of the land or premises, or the owner of the goods so distrained, or to some person for his or her behalf, resident at the place where the distress has been made; and in case there shall be no person at such place with whom such inventory can be left as aforesaid, then such inventory shall be posted on some conspicuous part of the land or premises on which the distress has been made.

42. The Bailliff, in making a distress as aforesaid, may impound or otherwise secure the distress so made of what nature or kind soever it may be, in such place or part of the land or premises chargeable with the rate as shall be most fit or convenient for this purpose; and it shall be lawful for any person whatsoever, after the expiration of the two days hereinbefore mentioned, to come and go to and from such place or part of the said land or premises where any distress shall be impounded, in order to view or buy, and in order to carry off and remove the same on account of the purchaser thereof.

43. The owner of any goods so distrained upon may, at his or her option, direct and specify the order in which they shall be offered for sale; and the said goods and chattels shall in such case be sold according to such direction.

44. The Bailliff shall hand over to the Council Clerk or the Treasurer all proceeds of such distress, immediately after having received the same, with the particulars of the goods distrained, and of the sale thereof.

45. The Bailliff, with the sanction of the Mayor of the Borough, may authorise any person to act temporarily as his deputy; and the person thus authorised shall have and exercise, for the time being, all the powers of the Bailliff himself, but the Bailliff and his sureties shall in every case be held responsible for the acts of his deputy.

SCHEDULE A.

Warrant of Distress.

I, _____, Mayor of the Borough of Goulburn, do hereby authorize you, _____, Bailliff of the said Borough, and your deputy or deputies duly appointed, or either of them, to distrain the goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the Borough of Goulburn, for the sum of _____, being the amount of Municipal rates due to the Borough of Goulburn, to the _____ day of _____, for the said (dwelling-house, land, or premises, as the case may be), and to proceed thereon for the recovery of the said rates, according to law.

Dated this _____ day of _____, 18____.
(Corporate Seal) _____, Mayor.
Town Clerk.

SCHEDULE B.

Borough of Goulburn—Fees of Bailiff.

Warrant.....	1 0
Levy and inventory	2 6
For each day or portion of day in possession, each man	5 0
For each sale under £5	2 6
For each sale over £5, per £	1 0

SCHEDULE C.

Borough of Goulburn—Inventory.

I have this day, in virtue of a distress warrant, under the name of the Mayor of the Borough of Goulburn, dated _____, distrained the following goods and chattels in the dwelling-house, or in and upon the land and premises of _____, situate at _____, within the Borough of Goulburn, for the sum of _____, being the amount of rates due to the said Borough, to the _____ day of _____, 18____, Bailliff.

Fires.

46. No person shall make, or knowingly permit to be made, any fires in the open air, except in properly constructed fire-places or furnaces, under a penalty not exceeding five pounds.

Stacking hay or straw.

47. No person shall stack any hay or straw otherwise than in an enclosed building, nearer than two hundred feet to any building or public way, under a penalty not exceeding ten pounds (£10).

Live coals or hot ashes.

48. Any person throwing hot ashes or live coals adjacent to any buildings or fences shall be liable to a penalty not exceeding five pounds.

Setting fire to chimneys.

49. Every person who wilfully sets or causes to be set on fire any chimney, flue, smoke vent, or stove pipe, herein called in common chimney, shall forfeit a sum not exceeding £5.

Chimney on fire.

50. If any chimney actually catch or be on fire through neglect or carelessness, the person occupying or using the premises in which such chimney is situated shall forfeit a sum not exceeding forty shillings.

Water-carts to be kept full.

51. Every owner of a cart or carts supplying water to the citizens for payment, shall in each year take out a license for each cart, at the office of the Town Clerk, such license to be signed by the Mayor, and to be in force until the 31st December in each year; a register to be kept by the Town Clerk of all licenses issued; and a fee of two shillings and sixpence per annum for each such registration to be paid upon application.

52. Every owner and driver of a licensed water-cart shall keep such cart loaded with water during all times after sunset and before sunrise, and shall if any building, premises, or property be on fire within the Borough attend at the place of such fire with such cart loaded with water, and failing to comply with the provisions of this section shall forfeit a sum not exceeding ten pounds.

Vehicles to be licensed.

53. All carriers and owners of vehicles plying or carrying passengers or goods for hire within the said Municipality shall be licensed by the Council, and the owners shall have their names painted in legible letters with the words licensed on some conspicuous part of such vehicles respectively; the license fee shall be at the rate of ten shillings per wheel, and be in force until the 31st December in each year. And every owner who shall omit or fail to comply with the provisions of this By-law shall forfeit a sum not exceeding forty shillings.

Injuring property.

54. Any person injuring or defacing any public property within the Municipality shall forfeit a sum not exceeding £5.

Weeds.

55. Any person appointed by the Council may enter upon any lands within the said Municipality, and for that purpose may break open gates, or take down or remove fences to extirpate the weed known as Bathurst burr, or Scotch thistle, or other noisome weeds. Provided always that if any gates be broken or fences removed the same shall be immediately after the work then required to be done be restored to their former condition as nearly as may be. Any person hindering or obstructing any person so appointed as aforesaid shall for every such offence be liable to a penalty of forty shillings.

Sweeping rubbish.

56. Any person sweeping or throwing refuse into the gutters or roadways in the City, or shall allow any soap-suds, dirty water, or other filth to run over the footpaths into the water tables or gutters shall be liable to a fine not exceeding two pounds.

Public exhibitions, &c., to be licensed.

57. No exhibition, otherwise than hereinafter provided for, shall be held or kept for hire or profit within the said Borough, nor shall any bowling alley or other place of public amusement other than licensed as hereinafter provided be held or kept within the Borough, unless and until the same shall be duly registered as hereinafter prescribed.

58. It shall and may be lawful for the Mayor, by writing under his hand and without charge, to permit any such exhibition, other than those required to be licensed as hereinafter provided, and which shall not be held or kept for more than one week, and in like manner to allow any land belonging to the Council to be used for public amusement, other than entertainments required to be licensed as hereinafter provided, for one week: Provided always that no such permission shall be given to the injury of any property of the Council, and that it shall be incumbent on such Mayor to inquire strictly into the nature of such exhibitions seeking the permission aforesaid before granting the same, and in case of any exhibition or amusement being held to be opposed to public decency or endangering the peace of the public, the Mayor shall have power to peremptorily order the nuisance to be abated, under a penalty of forty shillings for every day such exhibition shall be so held, and it shall be lawful for the Mayor to levy a tax of not more than one pound per diem upon any temporary exhibition which, in his opinion, should contribute to the Municipal revenue.

59. Every occupier of any building or ground in which any exhibition is held or kept, or any public amusement conducted as aforesaid, shall in each year register at the office of the Council such building or ground, together with the situation and description thereof, and of the exhibition proposed to be held or kept, or the public amusement proposed to be conducted as aforesaid in or upon such building or ground, and the name of such occupier; and every person who causes, and every occupier of any such building or land who permits, any such exhibition to be held or kept, or any public amusement to be conducted for a longer period than one week in or on any such building or land not being registered for the purpose, or without such certificate of registration as hereinafter mentioned having been obtained for the same, shall forfeit for every such offence not less than one pound nor more than twenty pounds.

Registration fee.

60. For every such registration as aforesaid the occupier of the building or land so registered shall pay to the Town Clerk for the benefit of the said Borough, a fee of one pound, and every such registration, whenever the same may be made, shall be in force until the 31st day of December then next ensuing, and no longer.

Change of occupancy.—Transfer fee.

61. The person in whose name the building or ground as aforesaid shall be registered, or the person to whom the Mayor shall grant a temporary license, shall be deemed the occupier of such building or land for all purposes of these By-laws; and any change of occupancy shall be forthwith notified to the Town Clerk, and the Council may sanction the transfer of the license to the new occupier, and shall charge for such transfer the fee of five shillings.

SECTION 2.**Municipal Fire Brigade.**

1. The Brigade shall consist of a Superintendent, two Captains, four Engineers, and sixteen Firemen, Hon. Secretary, and Hon. Surgeons; and of Honorary Members who subscribe at least one guinea annually to the funds of the Brigade.

2. The Committee may appoint any number of Supernumeraries, who shall be paid only when in attendance at fires.

3. The Superintendent shall be appointed by the Municipal Council, and all other officers and working men by the Brigade and Council jointly.

4. The business of the Brigade shall be conducted by a Committee,—consisting of the Superintendent, two Captains, two Aldermen, two Fire Insurance Agents, the Hon. Secretary, and two Honorary Members; any five to form a quorum.

5. The Committee shall be elected as follows:—The Aldermen by the Municipal Council, the Fire Insurance Agents by the local Agents of the Fire Insurance Companies subscribing, the Honorary Members by the Honorary Members. The Committee shall meet monthly.

6. All Officers and the Committee to be elected annually at the general Brigade meeting in the month of July; and if any election should fail to be made in due time, the Municipal Council may appoint an officer or committee man as the case may be.

7. The uniform of the Brigade shall be a helmet (or cap), belt, tunic, and trousers, to be supplied by the Committee, and to be deemed the property of the Brigade (as hereinafter provided). The uniform shall only be worn when the Brigade is called out for drill or service at a fire.

8. Each member on joining shall sign his name in a book kept by the Secretary for that purpose, to an undertaking in the following form:—"We, the undersigned, in consideration of being admitted as members of the Goulburn Fire Brigade, do hereby severally agree to submit to all rules and regulations of the said Brigade which may be in force for the time being; and we agree that all fines for which we respectively may become liable, may in default of payment on demand, be recovered from us respectively by action in the Small Debts' Court in the name of the Superintendent for the time being."

9. The Committee shall have power to inflict fines not exceeding 10s. in each case, to suspend or dismiss from the Brigade any member who infringes the Rules or Regulations.

10. The Committee shall have power to fill vacancies amongst the Firemen and Engineers; but a vacancy in any other office shall be filled only at a special meeting called for that purpose, of which seven days notice shall be given by advertisement in a local newspaper.

11. All property belonging to the Brigade shall be vested in the Municipal Council; and all subscriptions and fines shall be received by the Superintendent, and by him paid into the credit of the Municipal Treasurer, to be expended by the Council on recommendation of the Committee of the Brigade.

12. General Brigade meetings shall be held half-yearly in January and July, four clear days notice of which shall be given by advertisement in a local newspaper. At such meetings nine to form a quorum.

13. Special general meetings may be called at any time, by the Superintendent or Secretary, or by requisition of three members; notice thereof being given as provided for other meetings.

14. The Committee shall have power to make regulations for the working of the Brigade.

15. The following payments shall be made for attendance:—Captain, 5s. each practice; Engineer, 3s. 6d. each practice; Sub-engineer, 3s. 6d. each practice; Firemen, 3s. 6d. each practice; Supernumeraries, 2s. each for the first hour, and 1s. per hour after till dismissed. But the Committee, by any regulation, may alter such rates of payment, subject to the approval of the Municipal Council.

SECTION 3.**Municipal Cattle Sale-yards.**

1. The said Cattle Sale-yards of the Borough shall be open for the reception and delivery of cattle and other live stock on every lawful day from sunrise to sunset.

2. There shall be appointed for such Cattle Sale-yards an officer to be called the Inspector thereof, whose duties shall be as follows:—

1. To see that the By-laws or regulations be duly observed.

2. To demand and receive all fees and charges due under the said By-laws or regulations.

3. To allot the yards for the use of the parties bringing cattle thereto for sale, in such manner as in each particular case may seem to such Inspector most convenient.

4. To preserve order and cleanliness within the said Cattle Sale-yards and the precincts thereof, and to summarily eject therefrom any person creating a riot or disturbance, or cursing or swearing, or using any gross or indecent language, or being guilty of any gross, cruel, or indecent conduct therein.

3. No person or persons shall obstruct the Inspector or his assistants in the performance of his or their duty, or shall release any cattle from the said Sale-yards before the fees and charges have been duly paid (the proof of which payment shall rest with the party charged with a breach of this regulation), nor shall remove the same from the said yards, or from one part of them to another, without the authority of the Inspector, and any person committing a breach of this By-law in any respect shall be liable to a penalty not exceeding £5.

4. The owner or any person in charge of any cattle which shall break or injure the said yards or any part thereof, or any erection connected therewith, shall forthwith repair and make good such damage or injury, or in default of his so doing shall be liable to forfeit and pay a penalty not exceeding twice the cost of repairing and making good such damage or injury.

5. Any person or persons who may be found drunk or disorderly within the said Sale-yards or the precincts thereof, or cursing or swearing, or using gross, profane, or abusive language therein, or who shall cruelly beat or ill-treat any animal therein, shall forfeit and pay for every such offence any sum not exceeding £5.

6. The party or parties placing cattle in the said Cattle Sale-yards, or any other sale-yard within the said Borough, for sale, and also the auctioneer or agent to whom the same shall be brought for such sale, and the person or persons bringing any cattle to any premises in the said Borough for slaughter, and also the occupier of such premises, shall be liable for the payment of all fees and charges accruing thereon.

7. Any person or persons who may place cattle in the Cattle Sale-yards of the Borough for sale, and shall neglect for twenty-four hours to supply such cattle with sufficient food and water, shall for every such offence forfeit and pay any sum not exceeding £5, and in case of such neglect for such space of twenty-four hours at any time the Inspector shall cause such cattle to be supplied with sufficient food and water, and the person so neglecting as above shall be liable to repay the cost of the same, including a reasonable charge for labour and attendance.

8. The following fees and charges shall be paid and taken for all cattle brought to the said Cattle Sale-yards, or yarded in or brought to any other sale yards or premises within the Borough of Goulburn for sale, and also for all cattle brought to any premises within the said Borough for the purpose of being slaughtered, that is to say—For every horse, mare, gelding, foal, ass, or mule the sum of one shilling; for every bull, cow, ox, heifer, steer, or calf the sum of sixpence; and for every sheep, lamb, pig, or goat the sum of one half-penny.

9. The following charges shall be paid and taken for use of the yards for travelling cattle, or for cattle occupying the yards for any purpose other than that of being sold therein—For every horse, mare, gelding, foal, ass, or mule the sum of three pence per head for each night. For every bull, ox, cow, heifer, steer, or calf the sum of one penny per head for each night. For every sheep, lamb, pig, or goat the sum of five shillings per one thousand for each night or any less number in proportion, according to that rate.

10. The said fees and charges shall be payable by the several persons hereinbefore rendered liable to pay the same so soon as the cattle, in respect of which they are chargeable, shall be brought to the said Cattle Sale-yards of the Borough or yarded or brought to any other sale-yard or premises in the said Borough for sale or for slaughter, and the same shall be paid accordingly into the hands of the Inspector of the said Cattle Sale-yards or his assistants. Provided that such Inspector may, with the consent of the Mayor for the time being, arrange with the owner or occupier of any sale-yards other than those of the Borough, or of any premises for the slaughter of cattle, or with any auctioneer conducting sales in the Borough Sale-yards for making weekly returns or statements of all the cattle brought to their yards or premises respectively for sale or slaughter, or of all cattle sold by such auctioneer since the time up to which the next preceding return shall have been made, and for payment upon such weekly return. And if any person shall fail to make payment as herein first above provided, or shall after arranging as aforesaid, make any false or incorrect return or statement therein, or shall omit from the same any of the required particulars of cattle, or shall fail to make faithful weekly payments in accordance with such arrangement, he shall be liable to a penalty not exceeding £10 for any such offence.

11. If any person so liable as aforesaid to pay any fees or charges under these By-laws shall refuse or neglect to make payment thereof as hereinbefore provided, the same shall, without prejudice to any other remedy, be recoverable with costs in the same manner as a penalty is recoverable under the "Municipalities Act of 1867."

12. The said Inspector or the Council shall upon demand (and if he or they shall so require in writing) refund the fees and charges paid in respect of cattle intended for sale but not afterwards sold within the said Municipality; and if any person shall obtain any such refund by wilfully making any false or incorrect statement, he shall (without reference to any other liability) forfeit and pay a penalty not exceeding £5.

13. Any person who shall neglect to comply with these By-laws, or be guilty of any breach thereof, shall, in cases where no special penalty is provided, be liable to a penalty not exceeding £2.

14. In construing these and any future By-laws or Regulations made under the said Cattle Sale-yards Act the word "cattle" shall have the same meaning as expressed in "the Goulburn Cattle Sale-yards Act of 1875."

SECTION 4.

Prevention of Nuisances.

1. Every person about to erect a closet or form a cesspit shall, before he shall commence any such work, give to the Town Clerk seven days notice, in writing, of his intention, and of the proposed position of such closet or cesspit; and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding ten pounds.

2. No closet shall be erected or cesspit formed except in such position as shall be approved of by the Council, or by the Inspector of Nuisances or other officer appointed by the Council.

3. No cesspit shall be built under any dwelling-house, nor at a less distance than twelve feet therefrom, nor in such position that the same cannot be emptied without the contents thereof being carried through any dwelling-house; and no cesspit shall be less than four feet long by three feet wide, internal measurement, nor of a less depth than four feet, nor greater than five feet below the ground surface; and the walls and floor of every cesspit shall be built of brick or stone, of a thickness of not less than nine inches set in good mortar, the floor to slope at least twelve inches towards the man-hole; and the top of every cesspit shall not be less than six inches higher than the highest part of the ground immediately adjoining it.

4. Every closet shall be built with walls seven feet high, and shall not be less than three feet six inches wide and four feet six inches long, and shall be provided with a door capable of being fastened from the inside, and shall have ventilating holes four and a half inches wide.

5. When two or more closets adjoin each other, there shall be a brick or stone dividing wall of not less than four and a half inches in thickness between every two closets, and each wall shall extend from the bottom of the cesspit through the roof of the closet so as to effect a complete separation.

6. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds.

7. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, the capacity of the cesspit shall be increased by four cubic feet for every person beyond the number of twelve, or else a separate closet shall be provided for every twelve persons or fraction of twelve.

8. In schools or in factories or other places of business, where a number of persons exceeding twelve shall reside, or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than eighty cubic feet, and separate closets shall be provided for each sex.

9. If any alterations shall be requisite in the opinion of the Inspector of Nuisances or any other officer appointed by the Council in that behalf, for preserving public health or decency, in the case of any existing cesspit or closet, the owner or occupier of such premises shall receive twenty-one days notice to remove or alter the same, and if he fail to do so, and the Council shall adjudge such cesspit or closet to be either injurious to the health or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances or other officer, and the cost of such alteration shall be paid by the owner or occupier of the premises whereon the same shall be.

10. The place of deposit for night-soil shall be in such locality as may be from time to time determined upon by the Council, and no night-soil shall be deposited in any other locality within the Municipality, except as allowed by By-laws 16 and 17.

11. Until otherwise provided by the Council, all night-soil shall be removed from cesspits by the servants of, or contractors with, the Council, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

12. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

13. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and on being removed from the vehicles in which it is carried, it shall be deodorized by chemicals or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom.

14. The Inspector of Nuisances, or other officer appointed by the Council, may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act, 1875," on all days except Sundays and public holidays, between the hours of 10 o'clock in the morning and 4 o'clock in the evening.

15. Any person desirous of erecting an earth-closet shall be at liberty to do so after giving notice of his intention to the Inspector of Nuisances or other officer appointed by the Council; but all night-soil shall be removed therefrom once in four days or oftener, and buried in the earth.

16. Every person shall be at liberty to use on his own premises all night-soil collected thereon, but if any nuisance shall arise therefrom he shall be liable to a penalty not exceeding five pounds.

17. No person shall be at liberty, without the permission of the Council, or of the Inspector of Nuisances, or other officer appointed in that behalf, to use on his premises any night-soil brought from elsewhere.

18. The owner or occupier of any house, building, passage, yard, or premises within this Municipality shall cause the yard and ground adjoining, or belonging thereto to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

19. Any person allowing night-soil from any closet to fall into any street, right of way, water-channel, gutter, creek, river, or reservoir, or in any other public place, shall forfeit and pay a sum not exceeding twenty pounds nor less than two pounds.

20. If at any time the cesspit in any premises shall overflow or cease to be water-tight, the owner or occupier shall within twenty-four hours give notice to the Inspector of Nuisances, otherwise such owner or occupier shall be liable to a penalty not exceeding ten pounds.

21. The Council may recover, and the owner or occupier of the premises shall pay such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

22. The owner or occupier of any premises within the Municipality, or any other person who shall have or erect upon his premises any closet or cesspit otherwise than in accordance with these By-laws, or who shall refuse or neglect to comply with

the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding five pounds.

23. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act, 1875," shall have the like meaning assigned to them as are provided in the 4th section of the same Act.

Adopted by the Municipal Council of the Borough of Goulburn, this seventeenth day of May, 1877.

(L.S.) WILLIAM DAVIES,
Mayor.

JOHN JESSOP,
Town Clerk.

1876-7.

NEW SOUTH WALES.

MUNICIPALITIES.

(MUNICIPAL DISTRICT OF ULMARRA—BY-LAW.)

Presented to Parliament, pursuant to Act 31 Vict. No. 12, sec. 158.

Colonial Secretary's Office,
Sydney, 14th August, 1877.

MUNICIPAL DISTRICT OF ULMARRA.

BY-LAW.

THE following By-law, made by the Council of the Municipal District of Ulmarra, altering the time for holding their meetings, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the Municipalities Act of 1867.

HENRY PARKES.

BY-LAW CHANGING THE DAY AND HOUR FOR COUNCIL MEETINGS.

1. The Council shall meet for the despatch of business at the hour of four o'clock in the afternoon, on the first Wednesday in every month, unless such day shall happen to be a public holiday; in the latter case the meeting shall be held on such other day as the Mayor may appoint.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(BY-LAWS UNDER—BOROUGH OF NEWCASTLE.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 16th October, 1876.

BOROUGH OF NEWCASTLE.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Newcastle, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

JOHN ROBERTSON.

THE following By-laws made by the Council of the Borough of Newcastle for carrying out the provisions of the "Nuisances Prevention Act, 1875."

No. 1.

All closets and cesspits to be constructed within the Borough shall be built of 9-inch brickwork in cement, floor as well as walls, and rendered $\frac{1}{2}$ inch thick with cement mixed in the proportion of one of cement to three of clean sharp sand free from all earthy matter; and in no case where practicable shall any cesspit be situate within (20) twenty feet of a dwelling. In cases where there is not sufficient area to admit of this being carried out, the Council or any person they may appoint shall determine the site of such cesspit.

No. 2.

For houses containing not more than four rooms and out-offices, the cesspit shall not be less than 2 feet 6 inches by 4 feet, and 5 feet deep, inside measurement; for houses containing more than four rooms and out-offices, the cesspit shall not be less than 3 feet 6 inches by 4 feet, and 5 feet deep, inside measurement; in factories, the closet accommodation shall be as follows, viz., for every (20) adults, a cesspit of not less than 4 feet 6 inches by 3 feet 6 inches, and 5 feet deep, inside measurement.

No. 3.

Where any existing closet or cesspit shall in the opinion of Council be injurious to public health or opposed to common decency, the owner or occupier shall upon receiving seven days notice make such alterations as may be ordered by the Council or their Officer within the time prescribed by such notice. In default of any owner or occupier neglecting or refusing to comply with the terms of such notice, the Council may have the required alterations carried out at the cost and expense of the owner or occupier.

No. 4.

Where two or more closets adjoin each other, there shall be a good and sufficient dividing wall between every two closets, commencing at the floor and terminating at the ceiling or roof as the case may be.

No. 5.

A separate closet shall be provided for every tenement.

No. 6.

Owners of existing closets and soil-pits may be required to alter or improve them in such manner as may be necessary, in order to bring them into conformity with these regulations, on

notice being given by the Inspector of Nuisances to that effect. Persons failing to make such alterations or improvements within one month after the receipt of such notice shall be liable to a penalty of not less than (one pound) £1 nor exceeding (three pounds) £3, for each and every week or portion of a week during which they shall fail to comply with the terms of the said notice.

No. 7.

The Inspector of Nuisances or other officer as appointed by the Council, shall be empowered to visit and inspect any premises on all days (except Sundays and public holidays), between the hours of 10 a.m. and 6 p.m.

No. 8.

Persons desirous of using earth closets may be permitted to do so on making written application to the Council, and intimating the arrangements to be made for their construction and management, provided that such arrangements shall be approved by the Council.

No. 9.

The night-soil shall be removed by contract in properly constructed water-tight covered vehicles, between the hours of 12 p.m. and 5 a.m.

No. 10.

Written notice shall be left at the Council Chambers, Watt-street, Newcastle, by all persons intending to build closets, giving full particulars as to the proposed site, under a penalty of one pound sterling.

Made and passed by the Council of the Borough of Newcastle, this fifteenth day of May, 1876.

(L.S.) F. J. SHAW,

JNO. BURROWES, Town Clerk.

Mayor.

At a meeting of the Council of the Borough of Newcastle, held on the 17th July, 1876, the following By-law was made and passed:—

That all night-soil shall be deposited in the land now in the possession of the Council, situate on the Sand Hills, Newcastle, and that all night-soil shall be buried in accordance with the agreement between the Contractor and the Council for the removal and depositing of night-soil.

(L.S.) F. J. SHAW,

JNO. BURROWES, Town Clerk.

Mayor.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(BY-LAWS UNDER—BOROUGH OF GOULBURN.)

Presented to Parliament, pursuant to Act 39 Vict. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 9th December, 1876.

BOROUGH OF GOULBURN.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Goulburn, under the Nuisances Prevention Act, 1875, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

JOHN ROBERTSON.

MUNICIPALITY OF GOULBURN.

BY-LAWS for the Municipality of Goulburn for carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. Every person about to erect a closet or form a cesspit shall, before he shall commence any such work, give to the Town Clerk seven days notice, in writing, of his intention, and of the proposed position of such closet or cesspit; and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding ten pounds.

2. No closet shall be erected or cesspit formed except in such position as shall be approved of by the Council, or by the Inspector of Nuisances or other officer appointed by the Council.

3. No cesspit shall be built under any dwelling-house, nor at a less distance than twelve feet therefrom, nor in such position that the same cannot be emptied without the contents thereof being carried through any dwelling-house; and no cesspit shall be less than four feet long by three feet wide, internal measurement, nor of a less depth than four feet, nor greater than five feet below the ground surface; and the walls and floor of every cesspit shall be built of brick or stone, of a thickness of not less than nine inches set in good mortar, the floor to slope at least twelve inches towards the man-hole; and the top of every cesspit shall not be less than six inches higher than the highest part of the ground immediately adjoining it.

4. Every closet shall be built with walls seven feet high, and shall not be less than three feet six inches wide and four feet six inches long, and shall be provided with a door capable of being fastened from the inside, and shall have ventilating holes four and a half inches wide.

5. When two or more closets adjoin each other, there shall be a brick or stone dividing wall of not less than four and a half inches in thickness between every two closets, and each wall shall extend from the bottom of the cesspit through the roof of the closet so as to effect a complete separation.

6. A separate closet shall be provided for every tenement, and a breach of this By-law shall make the owners or occupiers of any premises upon which there shall be a joint closet liable to a penalty not exceeding five pounds.

7. In dwelling-houses where the number of persons who shall ordinarily sleep therein shall exceed twelve, the capacity of the cesspit shall be increased by four cubic feet for every person beyond the number of twelve, or else a separate closet shall be provided for every twelve persons or fraction of twelve.

8. In schools or in factories, or other places of business, where a number of persons exceeding twelve shall reside, or be occupied or employed, one closet shall be provided for every twenty persons, with a cesspit of a capacity of not less than eighty cubic feet, and separate closets shall be provided for each sex.

9. If any alterations shall be requisite in the opinion of the Inspector of Nuisances or any other officer appointed by the Council in that behalf, for preserving public health or decency, in the case of any existing cesspit or closet, the owner or occupier of such premises shall receive twenty-one days' notice to remove or alter the same, and if he fail to do so, and the Council shall adjudge such cesspit or closet to be either injurious to the health, or opposed to decency by exposure or otherwise, the same shall be altered by such Inspector of Nuisances or other officer, and the cost of such alteration shall be paid by the owner or occupier of the premises whereon the same shall be.

10. The place of deposit for night-soil shall be in such locality as may be from time to time determined upon by the Council, and no night-soil shall be deposited in any other locality within the Municipality, except as allowed by By-laws 16 and 17.

11. Until otherwise provided by the Council, all night-soil shall be removed from cesspits by the servants of or contractors with the Council, in water-tight covered vehicles, between the hours of 11 o'clock in the evening and 5 o'clock in the morning.

12. Until and unless otherwise provided by the Council, all night-soil shall be disposed of by burying it in the earth.

13. In case the Council shall sell or give away any night-soil, the same shall be removed in the same manner as above provided; and on being removed from the vehicles in which it is carried, it shall be deodorized by chemicals or in some other manner, or covered with earth, so as to prevent any offensive smell arising therefrom.

14. The Inspector of Nuisances, or other officer appointed by the Council, may visit and inspect any premises, or do any work authorized by the "Nuisances Prevention Act, 1875," on all days except Sundays and public holidays, between the hours of 10 o'clock in the morning and 4 o'clock in the evening.

15. Any person desirous of erecting an earth-closet shall be at liberty to do so after giving notice of his intention to the Inspector of Nuisances or other officer appointed by the Council, but all night-soil shall be removed therefrom once in four days or oftener and buried in the earth.

16. Every person shall be at liberty to use on his own premises all night-soil collected thereon, but if any nuisance shall arise therefrom he shall be liable to a penalty not exceeding five pounds.

17. No person shall be at liberty, without the permission of the Council, or of the Inspector of Nuisances or other officer appointed in that behalf, to use on his premises any night-soil brought from elsewhere.

18. The owner or occupier of any house, building, passage, yard, or premises within this Municipality shall cause the yard and ground adjoining or belonging thereto to be kept in a cleanly condition, and so as not to be a nuisance or injurious to health.

19. Any person allowing night-soil from any closet to fall into any street, right of way, water channel, gutter, creek, river, or reservoir, or in any other public place, shall forfeit and pay a sum not exceeding twenty pounds nor less than 20 pounds.

20. If at any time the cesspit in any premises shall overflow or cease to be water-tight, the owner or occupier shall within twenty-four hours give notice to the Inspector of Nuisances, otherwise such owner or occupier shall be liable to a penalty not exceeding ten pounds.

21. The Council may recover, and the owner or occupier of the premises shall pay such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

22. The owner or occupier of any premises within the Municipality, or any other person who shall have or erect upon his premises any closet or cesspit otherwise than in accordance with these By-laws, or who shall refuse or neglect to comply with the provisions of any of the preceding By-laws, or who shall commit any breach thereof, shall (in cases where no special penalty is provided) forfeit and pay a penalty not exceeding five pounds.

23. All words occurring in these By-laws, and which also occur in the "Nuisances Prevention Act, 1875," shall have the like meanings assigned to them as are provided in the 4th section of the same Act.

The above By-laws were adopted at a meeting of the Council of the Borough of Goulburn, held at the Council Chambers, on Thursday, the third day of June, 1876.

(L.S.) WILLIAM DAVIES,
Mayor.

JOHN JESSOP,
Town Clerk.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(BY-LAWS OF BOROUGH OF GLEBE.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 21st December, 1876.

BOROUGH OF THE GLEBE.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of the Glebe, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

JOHN ROBERTSON.

BOROUGH OF THE GLEBE.

BY-LAWS made by the Council of the Borough of the Glebe, in accordance with the provisions and directions of the "Nuisances Prevention Act of 1875," for the better prevention of nuisances and the promotion of health and cleanliness within the said Borough.

1st. Notice is to be given of erection of water-closets and proposed situation under a penalty in case of default of a sum not exceeding £1.

2nd. Closets shall be built with cesspit not less than 4 feet by 3 feet clear, internal measure, exclusive of the man-hole hereafter mentioned, and not less than 4 feet or more than 6 feet deep below the ground surface.

3rd. Each closet shall have a man-hole of the clear internal dimensions of 3 feet by 2 feet outside the walls of the closet and connected with pit as shown on the drawing exhibited at the Council Chambers, and constructed of the same material specified for the construction of the soil-pit, and covered closely with strong stone flags.

4th. The walls of every soil-pit shall be built of brick or stone of a thickness of not less than 9 inches, and shall be built in cement and rendered $\frac{1}{2}$ of an inch thick with cement inside at bottom and on the walls in such a manner as to make it perfectly watertight, to the satisfaction of the Inspector of Nuisances or of such other officer as may be appointed by the Council.

5th. Every closet is to be provided with a door and other appliances necessary for privacy, and is to be constructed in all respects to the approval of the Inspector of Nuisances or of such other officer as may be appointed by the Council.

6th. Where two or more closets adjoin each other, there shall be a good and sufficient dividing-wall between every two closets, commencing from the bottom of the pit and extending to the ceiling or roof, as the case may be, to effect a complete separation.

7th. The top of the soil-pit shall in all cases be built to a height of not less than 6 inches above the highest part of the ground surface surrounding and immediately adjoining the closet.

8th. A separate closet shall be provided for the use of every tenement.

9th. In dwelling-houses where the number of inmates and persons employed upon the premises shall exceed twenty, two closets at the least shall be provided.

10th. In factories or other places where a number of persons reside or are employed, a closet shall be provided for every twenty persons, and separate closets shall be provided for each sex.

11th. In case of schools, closets may be erected containing not more than ten seats each, and at least one seat shall be provided for every forty children attending the school; separate closets shall be provided for each sex.

12th. Owners of existing closets and soil-pits may be required to alter or amend them in such manner as may be requisite in order to bring them into conformity with the preceding regulations on notice being given by the Inspector of Nuisances to that effect; persons failing to make such alterations or amendment within one month after receipt of such notice shall be liable to a penalty of not less £1 nor exceeding £3 for each and every week or portion of a week that they shall fail to comply with the terms of the notice.

13th. The place for the deposit of night-soil shall be at Canterbury, near the old Sugar Works, on the banks of Cup and Saucer Creek, or on land at Botany, for which arrangements have been made with the proprietor, George Lord, Esq.

14th. The night-soil shall be removed by contract in properly constructed watertight covered vehicles, between the hours of 10 p.m. and 5 a.m. in summer, and between the hours of 10 p.m. and 6 a.m. in winter.

15th. The night-soil to be deposited in such place as may from time to time be appointed by the Council under By-law 13, and shall be buried in the earth and covered with soil to a depth of not less than 6 inches.

16th. The Inspector of Nuisances, or other officer appointed by the Council, shall be empowered to visit and inspect any premises on all days, except Sundays or public holidays, between the hours of 10 a.m. and 4 p.m.

17th. Persons desirous to use earth-closets may be permitted to do so on making written application to the Council and intimating the arrangements to be made for their construction and management, provided that such arrangement shall be approved by the Council.

18th. Every person offending against any of these By-laws shall, unless otherwise herein specifically provided, be liable to a penalty not exceeding £20 nor less than £2.

(L.S.) G. WIGRAM ALLEN,
Mayor.W. DE BURGH HOCTER,
Council Clerk and Surveyor.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(BY-LAWS—BOROUGH OF BALMAIN.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 23rd March, 1877.

BOROUGH OF BALMAIN.

BY-LAWS.

THE following By-laws made by the Council of the Borough of Balmain, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

HENRY PARKES.

BY-LAWS for the Borough of Balmain, for the purpose of carrying into effect the provisions of the "Nuisances Prevention Act, 1875."

1. Every person about to erect a closet or form a cesspit, shall, before he or she commence any such work, give to the Council seven days' notice in writing of his or her intention, and of the proposed position of such closet or cesspit.

2. No closet shall be erected or commenced to be erected, neither shall any excavation take place for such closet, except in such place or position as shall be approved of by the Council.

3. Every cesspit shall be at least 3 feet long by 3 feet wide, and at least 4, but not more than 6, feet deep (inside measurement in each case), and the top of such cesspit shall be at least 6 inches higher than the highest part of the surface of the ground immediately adjoining such cesspit. Every cesspit shall have walls on each side, of brick or stone, at least 4½ inches thick, built in cement, and rendered at least ½ an inch thick inside with cement, so as to make it thoroughly water-tight; such cesspits may be diminished, modified, or altered as circumstances may require in the opinion of the Council or its proper officer.

4. A separate closet shall be provided for every tenement.

5. In dwelling-houses where the number of persons who shall ordinarily sleep exceed twelve, the capacity of the cesspit shall be increased by at least 4 cubic feet for every person beyond the number of twelve, or else a separate closet shall be provided for every twelve persons or fraction of twelve.

6. In schools, factories, or other places of business, where a number of persons exceeding twelve shall reside or be occupied or employed, one closet shall be provided for every thirty persons, with a cesspit of a capacity of not less than 80 cubic feet, and separate closets shall be provided for each sex.

7. Every closet shall be built with walls 7 feet high, and not less than 3 feet 6 inches wide, and 4 feet 6 inches long, and shall be provided with a door capable of being fastened inside.

8. When two or more closets adjoin each other, there shall be sufficient dividing wall between each; such wall being 9 inches thick from the bottom of the cesspit to the floor, and from thence to the roof of the closet not less than 4½ inches thick, so as to effect a complete separation.

9. No cesspit shall be built under any dwelling-house, nor at a less distance than 10 feet from any house or street.

10. If any alteration shall be requisite in the opinion of the Inspector of Nuisances for preserving public health or decency in the case of any existing cesspit or closet, he shall report the same to the Council, and if they consider such cesspit or closet injurious to health, or opposed to decency by exposure or otherwise, the same shall be altered by the occupier or owner of such premises. Should they neglect or refuse to do so, the same shall be done by the Inspector of Nuisances or other person or persons properly authorized, and the cost of such alteration shall be paid by the owner or occupier of the premises whereon the same may be.

11. The place of deposit shall be in such locality as may be from time to time determined upon by the Council.

12. The Inspector of Nuisances or other Officer appointed by the Council, shall be empowered to visit and inspect any premises on all days (except Sundays and public holidays), between the hours of 10 a.m. and 6 p.m.

13. No person shall be at liberty, without the permission of the Council, or of the Inspector of Nuisances, or other person appointed on their behalf, to use on his or her own premises any nightsoil brought from elsewhere.

14. Any person desirous of erecting or using an earth closet, shall be at liberty to do so after giving notice of his or her intention to the Council or the Inspector of Nuisances, provided proper provision is made for carrying it out to the satisfaction of the Council or the Inspector of Nuisances, and all nightsoil shall be removed therefrom once in four days, or oftener if required, and buried in the earth.

15. Every person shall be at liberty to use on his or her own premises, by burying the same at least two feet in the earth, all refuse from dry earth closets which shall be made thereon, but he or she shall not allow any nuisance to arise therefrom. In all cases permission must be first obtained from the Council.

16. It shall be the duty of the Inspector of Nuisances to report the existence of any gutter, drain, or filthy premises that may be brought under his notice, and take such action for removing or abating the same, as may be directed by the Council.

17. Upon the discovery of any nuisance arising from dead animals of any kind or species, it shall be the duty of the Inspector of Nuisances to give notice to the owner or owners thereof to remove without delay and destroy the same within a period of six hours, and if not so removed or destroyed to cause the removal and destruction of the said nuisance without delay and at the cost and expense of the said owner or owners.

18. It shall be the duty of the Inspector of Nuisances to furnish the Council every three months with a list of persons who have been proceeded against for nuisances within the Borough, specifying the dates and giving full particulars of each case.

19. Unless otherwise provided for by the Council, all nightsoil shall be removed from cesspits by contract in water-tight covered vehicles, between the hours of ten o'clock in the evening and five o'clock in the morning.

20. The maximum penalty for a breach of any of these By-laws shall in each case be twenty pounds and the minimum penalty one pound, unless otherwise provided for by the "Nuisances Prevention Act."

Passed the Municipal Council of the Borough of Balmain, this the fourteenth day of November, one thousand eight hundred and seventy-six.

JAS. ROBY, Council Clerk. (L.S.) S. H. HYAM, Mayor.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(BY-LAWS OF BOROUGH OF GULGONG.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 16th April, 1877.

BOROUGH OF GULGONG.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Gulgong, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

HENRY PARKES.

MUNICIPALITY OF GULGONG.

BY-LAWS for the Municipality of Gulgong, for carrying into effect the provisions of the "Nuisances Prevention Act of 1875."

1. Every person about to erect a closet or form a cesspit shall, before he shall commence any such work, give to the Council Clerk seven days notice in writing of his intention, and of the proposed position of such closet or cesspit; and in default thereof, or in case of his commencing such work without such notice, he shall be liable to a penalty not exceeding one pound.

2. No closet shall be erected or cesspit formed except in such position as shall be approved of by the Council, or by the Inspector of Nuisances or other officer appointed by the Council.

3. Closets hereafter to be constructed shall be built with cesspit not less than three feet in diameter and five feet in depth, to be lined with brick, stone, or slabs, and to be built watertight, and to the satisfaction of the Inspector of Nuisances or such other officer appointed by the Council.

4. Every closet to be provided with a door and other appliances necessary for privacy, and is to be constructed to the approval of the Inspector of Nuisances or such other officer appointed by the Council.

5. All closets shall be built over one half of the cesspit, and the remaining portion outside shall be securely fastened with slabs of not less than two inches in thickness, and to be made air-tight.

6. A separate closet shall be provided for the use of every tenement.

7. That for the removal of night-soil the night-carts shall be properly constructed and made watertight. That the work of removal shall be by contract or as the Council may deem most expedient, and the hours of removal shall be between 11 p.m. and 4 a.m. each day, Sundays excepted.

8. The place of deposit shall be in such locality as may be from time to time determined by the Council.

9. The Inspector shall have power to visit and inspect any premises on all days, except Sundays, between the hours of 10 a.m. and 6 p.m.

10. Any person desirous of having their cesspits emptied shall give at least twenty-four hours notice thereof to the Inspector of Nuisances, who shall give written authority to the contractor for carrying out the same.

11. It shall be the duty of the Inspector of Nuisances to report without delay the existence of any nuisance arising from dead animals of any kind or species within the municipality, and to give notice to the owner or owners thereof to remove and destroy the same (if very offensive) within a period of six hours, and if not removed or destroyed within that period to cause the removal and destruction of the said nuisance without delay; and the owner or owners in default and on conviction thereof before any two Justices of the Peace, in each case shall forfeit and pay any sum not exceeding five pounds, in addition to all legal and other expenses incurred in the proceedings and in the removal and destruction of the said nuisance.

12. Any person allowing night-soil from any closet to fall into any street, right-of-way, water-channel, gutter, creek, river, or reservoir, or in any other public place, shall forfeit and pay a sum not exceeding five pounds nor less than one pound.

13. The Council may recover in any Court of competent jurisdiction such sums for the emptying of cesspits as may be decided upon from time to time by resolution of the Council.

Form of Notice for Removal of Nuisance.

To Mr. _____ street, Gulgong.

I, _____ Inspector of Nuisances for the Municipality of Gulgong, do hereby give you notice to remove such being a nuisance and endangering the public health, and in default of removal of said nuisance within the space of _____ proceedings will be taken against you for breach of the "Nuisances Prevention Act of 1875," and the By-laws made in accordance therewith.

Date of service, _____ Inspector of Nuisances.
187 .Passed by the Municipal Council of Gulgong, 12th
January, 1877.

(L.S.) R. N. COLLINS,
Chairman.
SAMUEL T. BISHOP,
Council Clerk.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(MUNICIPAL DISTRICT OF DENILIQUN—BY-LAWS.)

Presented to Parliament pursuant to Act 39 Vict. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 18th April, 1877.

MUNICIPAL DISTRICT OF DENILIQUN.

BY-LAWS.

THE following By-laws, made by the Council of the Municipal District of Deniliquin, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

HENRY PARKES.

MUNICIPAL DISTRICT OF DENILIQUN.

BY-LAWS made by the Town Council of Deniliquin for carrying out the provisions of the "Nuisances Prevention Act of 1875."

PART 6.

No. 1.—To regulate the construction, situation, and keeping of privies, cesspools, cesspits, and earth closets.

All water closets, earth closets, privies, cesspools, and cesspits, within the Municipal District of Deniliquin, shall be constructed and kept so as not to be a nuisance or injurious to health, and so as that there shall be no overflow or soakage or leakage therefrom; and every cesspool within the said Municipal District which shall be formed or made below the surface of the ground shall be also constructed so that the walls or sides thereof shall be watertight, and shall project on all sides at least 6 inches above the surface of the ground in which such cesspools shall be formed or made; and shall be built of nine (9) inch brick-work in cement, floor as well as walls, and rendered half-an-inch thick with cement mixed in the proportion one cement to three of clean sharp sand. Each cesspool shall be provided with a covered opening or man-hole outside and attached to the closet, sufficiently large to admit of wood ashes being deposited therein and the contents of the cesspools removed therefrom. In no case where practicable shall any cesspool or closet be situated within forty feet of a dwelling. Should there not be sufficient area to admit of this arrangement being carried out, the said Council or any person they may appoint shall determine to site of such cesspool or cesspit.

No. 2.—Closet accommodation to be supplied as well as urinals, &c.

A separate closet shall be provided for every tenement, and when two or more closets adjoin each other, there shall be a 9-inch brick dividing wall between each, commencing at the floor and terminating at the ceiling or roof, as far as may be. For houses containing not more than four rooms and out-offices, the cesspools or cesspits shall not be less than 2 feet 6 inches by 4 feet and 5 feet deep, inside measurement. For houses containing more than four rooms and out-offices the cesspools or cesspits shall not be less than 3 feet 6 inches by 4 feet and 5 feet deep, inside measurement. In workshops and factories the closet accommodation shall be, where ten or more persons are employed, not less than 4 feet 6 inches by 4 feet and 5 feet deep, inside measurement. Each hotel shall be provided with one or more public closets, built in accordance with the foregoing dimensions, and not less than one private one. The aforesaid measurements shall be exclusive of the outside opening or man-hole referred to in previous By-law. One or more

properly constructed urinals shall be erected on each hotel premises, and shall be erected in such situations as the said Council or their duly appointed officer or officers may decide upon. They shall be kept in such condition so as not to be a nuisance or injurious to health. Any person or persons wilfully violating any of the provisions of this By-law shall upon conviction be subject and liable to a penalty of not exceeding five pounds nor less than ten shillings, exclusive of professional and other costs.

No. 3.—Where existing closets are injurious.

Where any existing closet, cesspool, cesspit, or similar appliance of any kind shall in the opinion of the said Council or their duly appointed officer or officers, be injurious to public health, or be or become a nuisance or opposed to common decency, the owner or owners thereof shall upon receiving seven (7) days notice from the said Council or from their duly appointed officer for that purpose, make such alterations as may be ordered by the said Council or by such officer within the time prescribed by such notice; any owner or occupier neglecting or refusing to comply with the terms of such notice, the said Council shall and may have the required alterations carried out at the costs and expense of the said owner or occupier thereof, and in case of neglect or refusal to pay such expense after demand, the same shall and may be recovered in the manner provided by section No. 14 of the Nuisances Prevention Act of 1875.

No. 4.—Owners of existing closets shall be compelled to alter, &c.

Any owner or owners of existing closets or soil-pits may be required to alter and improve them in such manner as may be deemed necessary by the said Council, in order to bring them into conformity in all respects with these By-laws, on notice being given by the said Council or by their duly appointed officer for that purpose to that effect. Owners or occupiers failing to make such alterations or improvements within one month after the receipt of such notice shall be liable to a penalty of not less than one pound nor exceeding the sum of three pounds for each and every week or portion of a week during which they shall fail to comply with terms of the notice aforesaid, the same to be recoverable in any Court of competent jurisdiction within the Colony of New South Wales.

No. 5.—The Council to appoint depôts.

The said Council may from time to time by regulation or resolutions appoint depôts within the said Municipal District wherein the contents of closets, cesspools, cesspits, and other offensive matter shall be deposited. And disinfectants shall

on all occasions, when night-soil is deposited, be used, so that it shall not become a nuisance or injurious to health: Provided also, that nothing herein contained shall prevent the said Council from making arrangements to deposit night-soil and other manures on private lands or disposing of such by sale or otherwise, if such deposits or sales be made in accordance with the general provision of these By-laws.

No. 6.—Night-soil to be removed by contract, charges to be recovered, &c.

The contents of cesspools, cesspits, privies, earth-closets, or other receptacles for night-soil, shall be removed by contract in properly constructed water-tight carts, and the said Council is hereby empowered to enter into any contract or contracts with any person or persons for the due performance of any or all matters connected with the removal and deposit of night-soil; and may make regulations from time to time as to them may seem necessary respecting such contract or contracts; and may also by like regulations determine the price which the owner or owners or occupants of any premises shall pay or be liable to pay the said Council for emptying and cleansing, or causing to be emptied and cleansed, their cesspools, cesspits, privies, or earth-closets aforesaid; and the said Council may recover in any competent Court such charges as have been fixed by the said Council duly assembled by resolution or otherwise.

No. 7.—To prevent cesspits, earth-closets, &c., becoming a nuisance to neighbouring householders.

All privies, earth-closets, or other receptacles wherein night-soil may be deposited, shall be kept in such a state of cleanliness so as not to be a nuisance or injurious to health, and no householder or resident shall allow or permit any such premises to be a nuisance or offensive to neighbouring householders or residents, under a penalty of not less than ten pounds, to be recoverable in any Court of competent jurisdiction as aforesaid.

No. 8.—Cleansing of privy cesspools, earth closet pans, &c.

The occupier of every house, building, or tenement within the said Municipal District, shall cause every cesspool, cesspit, or privy therein, to be emptied and cleansed from time to time as soon as the portion of the contents of such shall have so accumulated therein as to be within a distance of one foot from the top of the wall, sides, or lining thereof respectively: Provided that the contents of any cesspool, cesspit, privy, or closet-pan shall not be removed or discharged therefrom except by some nightman or nightmen duly authorized or licensed as such by the aforesaid Council, and only between the hours of 11 o'clock p.m. and 5 o'clock a.m. No cesspool, cesspit, or privy shall have connected therewith or attached thereto any pipe or other appliance capable of being used for the purpose of discharging or removing the contents of such cesspool, cesspit, or privy upon or under the surface of any adjoining ground, or into any drain or sewer, or into any other place or places whatsoever. Any person or persons wilfully violating this By-law in any respect shall be liable to and forfeit and pay a penalty not exceeding ten pounds nor less than ten shillings, to be recoverable in such aforesaid Court.

No. 9.—Where cesspools not provided.

The occupier of every house, building, or other tenement on or in which the privy or closet belonging thereto shall not be provided with a cesspool constructed in accordance with the provisions of the preceding By-law No. 2, shall at all times cause to be kept in such privy or closet a supply of dry powdered earth, ashes, charcoal, lime, or some other material efficient and sufficient for deodorizing the night-soil deposited therein, and shall also cause all such night-soil which may be deposited in any box, pan, bucket, or other receptacle in such privy or closet to be immediately, on the deposit thereof, covered with a quantity of dry powdered earth or such other deodorizing material as aforesaid, sufficient to thoroughly and effectually deodorize the contents of such bucket, pan, or other receptacle.

No. 10.—Removal of night-soil, &c.

Contractors for the removal of night-soil shall, under the direction of the Inspector of Nuisances for the time being, or other officer or officers for the time being, appointed by the said Council, make a trench on the depôts fixed upon and set apart by the said Council for the purpose of depositing therein all night-soil that shall from time to time be taken thereto, and the whole of such night-soil shall as deposited be covered with earth and disinfectants so as to prevent any nuisance to arise therefrom; and the person or persons who shall be so appointed to the said duty shall be responsible for duly carrying out this By-law, and in default shall be liable to a penalty of not exceeding one pound to be recoverable as aforesaid.

No. 11.—Inspection of premises, &c.

It shall be lawful for the Inspector of Nuisances or other officer or officers for the time being duly appointed by the said Council—he or they having reasonable grounds for believing that any nuisance exists—to demand admission into and upon the premises from the owner or occupant to inspect any premises within the said Municipal District, for the purpose of carrying out the provisions of sections 25, 26, and 27 of the aforesaid Act, between the hours of 10 o'clock a.m. and 4 o'clock p.m., on any lawful working day.

No. 12.—Complaint of nuisances, &c.

Upon complaint or notice in writing by any householder to the said Council that any cesspool or cesspools, cesspits, closets, or other receptacles wherein night-soil is deposited any neighbouring or adjoining premises is or are a nuisance, the said Inspector of Nuisances or any other person or persons duly appointed as aforesaid by the said Council shall make an inspection of the premises complained of, and the said officer or officers of the said Council shall have full power, without any other authority than this By-law, to go on such premises for the aforesaid purpose, and if any such premises shall be found to be a nuisance, or otherwise offensive, notice in writing by the said officer or officers shall be given by delivering the same to such proprietor or resident, or by leaving the same at the house or dwelling of such proprietor or resident; that if within seven days after the service of such notice the said nuisance shall not be removed, the proprietor, tenant, or occupier of the aforesaid premises shall, upon such neglect or default, and upon conviction thereof before any two or more Justices of the Peace in and for the said Colony, be liable to any penalty not exceeding twenty pounds, to be recoverable as aforesaid.

No. 13.—Cesspools or cesspits to be built, &c.

Every cesspool or cesspit shall be built in such a position that the same may be emptied without the contents thereof being carried through any dwelling-house, and any person or persons having or building any cesspool or cesspit contrary to this By-law, shall be liable to a penalty of not less than one pound nor more than five pounds, to be recoverable as aforesaid.

No. 14.—Substituting earth-closets for cesspools, &c.

Any person or persons desirous of substituting any earth-closet or existing cesspools, cesspits, or privies, shall be at liberty so to do, after giving notice of his, her, or their desire to the Inspector of Nuisances, or other officer or officers duly appointed by the said Council, who shall within forty-eight (48) hours after the receipt of such notice inspect the premises mentioned, and decide as to the eligibility of the site, or otherwise, for effecting such substitution; all earth closets shall be emptied and cleansed at least once in each week by the said Council's nightman or nightmen, or other duly appointed person or persons for that purpose.

No. 15.—Intention to construct closets, &c.

Any person or persons within the said Municipal District who intend to construct any privy, cesspool, cesspit, or earth-closet shall give notice in writing to the Inspector of Nuisances for the time being of his, her, or their intention so to do, and the said Inspector shall, within forty-eight (48) hours, inspect the premises on which such is intended to be constructed, and shall report the same to the Mayor for the time being, the size, breadth, depth, and width, nature of soil, how situated, and generally upon the matter, and if such closet is of sufficient accommodation for the premises; and the said Council shall within seven (7) days of approval give a written permission through their Council Clerk for the time being, for the construction of the said closet. Any person constructing a closet, cesspool, cesspit, or other receptacle for night-soil without giving such notice and receiving such permission, shall be liable to a fine or penalty not exceeding ten pounds nor less than one pound to be recoverable as aforesaid.

No. 16.—Impeding Council or Officer, &c.

Any person or persons wilfully obstructing the said Council or their duly appointed officers or contractors, or any or either of them in the execution of their duty in any way or manner, shall be liable to a fine or penalty not exceeding five pounds, in accordance with the provisions and powers contained in the Nuisances Prevention Act of 1875.

No. 17.—Requiring cesspools, &c., to be emptied.

Any person or persons requiring their cesspools, cesspits, closets, or earth-closets emptied, shall leave a written notice at the said Council Chambers, addressed to the Inspector of Nuisances, who shall forthwith or as early as practicable apprise the night-soil contractors of the work for which such notice has been given and received. Any person or persons emptying or causing to be emptied any receptacle for the deposit of night-soil, or not delivering such notice as aforesaid, shall be liable to a fine or penalty of not exceeding twenty pounds, to be recoverable as aforesaid.

No. 18.—Breach of By-laws.

Every person guilty of breach of any of the provisions of the foregoing By-laws, shall be liable for every such offence (when not otherwise expressly mentioned) to a fine or penalty of not exceeding twenty-pounds nor less than five shillings, to be recoverable as aforesaid.

Made and passed by the Municipal Council of Deniliquin,
this third day of July, A.D. 1876.

(L.S.) ALFRED W. FINCH NOYES,

Mayor.

J. WARRING,
Council Clerk.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(BY-LAWS—BOROUGH OF TAMWORTH.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 1st June, 1877.

BOROUGH OF TAMWORTH.

BY-LAWS.

THE following By-laws made by the Council of the Borough of Tamworth, under the "Nuisances Prevention Act, 1875," having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

HENRY PARKES.

BOROUGH OF TAMWORTH.

BY-LAWS made by the Council of the Borough of Tamworth, in accordance with the provisions and directions of the Nuisances Prevention Act of 1875.

1. Notice is to be given of erection of water-closets and proposed situation, under a penalty in case of default of a sum not exceeding £1.

2. Closets shall be built with cesspit not less than 4 feet by 3 feet clear, internal measure, exclusive of the man-hole hereafter to be mentioned, and not less than 4 feet nor more than 6 feet deep below the surface of the ground.

3. Each closet shall have a man-hole of the clear internal dimensions of 3 feet by 2 feet outside the walls of the closet, constructed of the same material specified for the construction of the soil-pit, and covered closely with planking of hardwood 2½ inches thick.

4. The walls of every soil-pit shall be constructed of brick, not less than nine inches thick.

5. Every closet is to be provided with a door and other appliances necessary for privacy, and constructed to the approval of the Inspector of Nuisances or any other officer to be appointed by the Council.

6. A separate closet shall be provided for the use of every tenement.

7. In dwelling-houses where the number of inmates shall exceed twenty, two closets at the least shall be provided, and an additional closet for every additional twenty persons.

8. In case of schools closets may be erected containing not more than ten seats each, and at least one seat shall be provided for every forty children attending the school. Separate closets shall be provided for each sex.

9. Owners of existing closets and soil-pits shall alter or amend them in such manner as may be requisite to bring them into conformity with the preceding By-laws, on notice being given to that effect by the Inspector of Nuisances; persons failing to make such alterations or amendments within one month after receipt of such notice shall be liable to a penalty of not less than £1 nor exceeding £3, for each and every week or portion of a week that they shall fail to comply with the terms of such notice.

10. The night-soil shall be removed in water-tight covered vehicles, between the hours of 10 p.m. and 5 a.m.

11. The night-soil shall be deposited in the places hereafter appointed for the purpose and covered with soil 6 inches thick.

12. The Inspector of Nuisances shall be empowered to visit and inspect any closets on all days, except Sundays or public holidays, between the hours of 10 a.m. and 4 p.m.

13. Earth-closets may be used on intimating to the Council the plan and arrangements for their construction and management, and on obtaining the Council's approval thereto.

14. Every person offending against any of these By-laws shall, unless otherwise herein specially provided, be liable to a penalty not exceeding £20 nor under £2.

15. The following sites are appointed for the deposit of night-soil, viz. :—

1. On one acre in Pine Scrub, bounded by a line commencing at a peg bearing north 72 degrees east 32 chains from the intersection of Carthage-street and Murray-street, and running south 3-33 chains; thence west 3 chains; thence north 3-33 chains; thence east 3-00 chains, to the point of commencement.

2. One acre, bounded by a line commencing at a peg near the south boundary-line of the permanent common, bearing about north 35 chains from the intersection of Jewry and Marius Streets, and running south 3-33 chains; thence west 3-00 chains; thence north 3-33 chains; thence east 3-00 chains, to the point of commencement.

3. One acre bounded by a line commencing at a peg bearing south-west by south from intersection of Belmore and Gipps Streets in the township laid out by the Peel River Land and Mineral Company (Limited), and running south 3-33 chains; thence west 3-00 chains; thence north 3-33 chains; thence east 3-00 chains, to the point of commencement,—for which arrangements have been made with the said Company.

Passed by the Municipal Council of the Borough of Tamworth, on the 6th April, 1877.

(L.S.) PHILIP GIDLEY KING,
RALPH S. BAMFORD, Council Clerk. Mayor.

1876-7.

NEW SOUTH WALES.

NUISANCES PREVENTION ACT OF 1875.

(BOROUGH OF ASHFIELD—BY-LAWS.)

Presented to Parliament, pursuant to Act 39 Vic. No. 14, sec. 18.

Colonial Secretary's Office,
Sydney, 8th September, 1877.

BOROUGH OF ASHFIELD.

BY-LAWS.

THE following By-laws, made by the Council of the Borough of Ashfield, under the Nuisances Prevention Act, 1875, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of that Act.

JOHN ROBERTSON.

BY-LAWS made by the Borough Council of Ashfield in accordance with the provisions of the Nuisances Prevention Act of 1875.

1. All closets hereafter to be made shall be constructed as follows:—The cesspit of each shall not be less than four feet in depth, and not less than three feet long by three feet wide, and the top built at least six inches above the surface of the ground, and if from the nature of the ground a greater depth is required, such depth and the situation of the closet to be determined by the Council or such officer as they may appoint; every cesspit to be of brick or stone cemented. And any person refusing or neglecting to comply with this By-law shall be liable to a penalty not exceeding ten pounds nor less than one pound.

2. A separate closet shall be provided for every tenement, and in dwellings where the ordinary number of inmates exceeds twelve the capacity of the cesspit shall be increased by four cubic feet for every person beyond such number, or a separate closet provided for every twelve persons; in schools or factories, where a number of persons exceeding twelve shall reside or be employed, one closet shall be provided for every thirty persons with a cesspit of a capacity of eighty cubic feet, and separate closets shall be provided for each sex; closets to have walls not less than seven feet high to wall-plate, and not less than three feet six inches wide and four feet six inches long, and be provided with a door to fasten on the inside; where two or more closets adjoin each other there shall be a dividing wall between each, nine inches thick from the bottom of cesspit to the floor, and not less than 4½ inches from thence to roof, to effect a complete separation; and any person offending against the provisions of this By-law shall incur a penalty not exceeding ten pounds nor less than two pounds.

3. If in the opinion of the Inspector of Nuisances any alteration is required in existing cesspits or closets, he shall report the same to the Council, who shall determine what alteration is necessary for the preservation of health or decency; and such alteration shall forthwith be made by the owner of the premises on notice received, under a penalty for every week's neglect or delay in effecting such alteration, not exceeding five pounds or less than two pounds.

4. The Council shall from time to time, with the approval of the Governor, appoint a place for the deposit of night-soil.

5. The night-soil shall be removed by contract in properly constructed water-tight carts between such hours as the Council may determine; and the contractor will be held responsible for the careful conveyance of the night-soil to the appointed depot, and shall dispose of the same by burying in the earth a sufficient distance and covering with earth so as to prevent any nuisance arising therefrom, under a penalty for neglect not exceeding twenty pounds nor less than five pounds.

6. If the night-soil or any portion thereof shall be sold or given away by the Council, the person removing the same shall do so only at such times and in such manner as the Council may direct, and shall dispose of the same so as not to cause a public nuisance; and the person purchasing or obtaining it shall be held responsible for the same under a penalty not exceeding ten pounds nor less than two pounds.

7. The Inspector of Nuisances shall have power to visit and inspect on any lawful day, between the hours of ten a.m. and six p.m., and any person refusing admittance or obstructing or hindering the officer in the discharge of his duty, shall incur a penalty not exceeding five pounds nor less than one pound.

8. The Council shall from time to time fix the charges to be made for emptying and removing night-soil from closets, which shall be emptied as often as may be necessary in the opinion of the Inspector of Nuisances.

9. No person shall be permitted to connect any closet with any drain, water-course, or sewer, without the sanction of the Council, and persons so offending shall be liable to a penalty not exceeding twenty pounds, nor less than five pounds.

10. Any persons requiring their cesspits emptied shall send written notice to the Council or the Inspector of Nuisances; and persons emptying, or causing to be emptied, any closet without the sanction of the Council shall be liable to a penalty not exceeding ten pounds nor less than one pound.

11. Any persons wishing to use earth-closets in place of cesspits must give notice of such intention and make provision for emptying the same, to the satisfaction of the Inspector of Nuisances; and any person causing a nuisance from the careless use of such closet shall be liable to a penalty not exceeding five pounds nor less than one pound.

12. Written notice must be given to the Council or the Inspector of Nuisances by all persons about to construct new or alter existing closets, to enable the Inspector to visit and report on the same, under a penalty for neglect not exceeding five pounds nor less than one pound; and closets constructed without such notice being given must be removed or altered if judged necessary by the Council, under a further penalty not exceeding two pounds nor less than five shillings, for each and every day they may remain unremoved or unaltered after due notice to that effect.

Made and passed by the Borough Council of Ashfield this
30th day of July, A.D. 1877, and the Corporate Seal
affixed by order of the said Council.

(L.S.) DANIEL HOLBOROW,
Mayor.

WALTER BEAMES, Council Clerk.

1876-7.

LEGISLATIVE ASSEMBLY.

NEW SOUTH WALES.

LICENSES TO PUBLIC VEHICLES.

(PETITION—MUNICIPAL COUNCIL OF NUMBA.)

Ordered by the Legislative Assembly to be printed, 7 February, 1877.

Unto the Honorable the Speaker and Members of the Legislative Assembly of New South Wales, in Parliament assembled.

The Petition of the Municipal Council of Numba,—

HUMBLY SHOWETH:—

That by the 129th clause of the Municipalities Act of 1867, it is provided that the Council of any Municipality may, with the consent of the Governor, impose and enforce a fixed annual, half-yearly, or quarterly charge upon vehicles plying or carrying passengers or goods for hire within such Municipality, whether such vehicles shall be licensed by the Municipal Council of the City of Sydney or not.

By the statute sixth William IV, Cap. 2, Benches of Magistrates are authorized to grant licenses to stage-drivers to ply to any part of the Colony, acting upon which, Magistrates refuse to enforce the municipal by-law founded upon clause 129 of the Municipalities Act of 1867, causing a considerable loss of revenue to this Municipality.

May it therefore please your Honorable House to take the premises into your favourable consideration, and make such provision as shall prevent the statute 6th William IV, Cap. 2, from having force within Municipalities.

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

(For the Council),

DAVID BERRIE,
Mayor.

1876-7.

NEW SOUTH WALES.

PUBLIC VEHICLES REGULATION ACT OF 1873.

(BY-LAW.)

Presented to Parliament, pursuant to Act 26 Vic. No. 14, s. 15.

Colonial Secretary's Office,
Sydney, 16 October, 1876.

THE following By-law made by the Metropolitan Transit Commissioners, amending the Time-table for Omnibuses plying on the Forest Lodge Line, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the requirements of the "Public Vehicles Regulation Act of 1873."

JOHN ROBERTSON.

THE Board of Metropolitan Transit Commissioners, constituted and empowered by the "Public Vehicles Regulation Act of 1873," do, by virtue of the power and authority in them vested by the said Act, declare that so much of the Time-table as relates to the Omnibuses plying to and from Forest Lodge, Camperdown, and Wynyard Square, shall be and the same is hereby repealed, and that the following Time-table shall be adopted in lieu thereof.

Time-table for Omnibuses plying to and from Ross-street, Forest Lodge, to York-street, east side, at Erskine-street:—

Omnibuses shall start from Ross-street, Forest Lodge, for York-street, from 7:55 a.m. to 9:25 p.m., every thirty minutes; on Saturdays, from 7:55 a.m. to 9:55 p.m., except in starting at 12:55 p.m. to start at 1 p.m.

And each Omnibus shall perform the journey to and from Ross-street, Forest Lodge, to York-street, at Erskine-street, in thirty minutes, and the parts of the journey as follows:—

- From Ross-street to Newtown Road, in 11 minutes.
- „ Newtown Road to Railway Bridge, in 5 minutes.
- „ Railway Bridge to Liverpool-street, in 5 minutes.
- „ Liverpool-street to "Royal Hotel," in 5 minutes.
- „ "Royal Hotel" to Erskine-street, in 4 minutes.
- „ Erskine-street to "Royal Hotel," in 4 minutes.
- „ "Royal Hotel" to Liverpool-street, in 5 minutes.
- „ Liverpool-street to Railway Bridge, in 5 minutes.
- „ Railway Bridge to Newtown Road, in 5 minutes.
- „ Newtown Road to Ross-street, in 11 minutes.

Passed by the Board of Metropolitan Transit Commissioners, this twentieth day of September, in the year of our Lord one thousand eight hundred and seventy-six.

(L.S.)

MICHL. CHAPMAN, Chairman.
B. PALMER, Commissioner.
EDMUND FOSBERY, Commissioner.

W. J. MERRIMAN, Registrar.

1876-7.

NEW SOUTH WALES.

PUBLIC VEHICLES REGULATION ACT OF 1873.

(BY-LAWS.)

Presented to Parliament, pursuant to Act 36 Vic. No. 14, sec. 15.

Colonial Secretary's Office,
Sydney, 20th December, 1876.

THE following By-laws made by the Metropolitan Transit Commissioners, in place of the existing By-laws, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the "Public Vehicles Regulation Act of 1873."

JOHN ROBERTSON.

BY-LAWS UNDER PUBLIC VEHICLES REGULATION
ACT OF 1873.

THE Board of Metropolitan Transit Commissioners, constituted and empowered by the "Public Vehicles Regulation Act of 1873," do, by virtue of the authority vested in them by the said Act, hereby make and establish the following By-laws for the Regulation of Public Vehicles within the City and Police District of Sydney, and generally for carrying into effect the purposes and provisions of the said Act; and declare that the same shall stand in the place and instead of all By-laws heretofore in force, which By-laws heretofore made are hereby repealed.

1. In the construction of these By-laws, unless the context shall otherwise indicate, the following terms in inverted commas shall bear the meaning and include the things hereinafter severally assigned or set against them.

"Commissioners"—The Board of Metropolitan Transit Commissioners.

"Registrar"—The Registrar appointed by the said Commissioners.

"Inspector"—The Inspector or Sub-Inspectors now or hereafter to be appointed by the said Commissioners.

"Vehicle"—shall include all vehicles of any description hereafter defined in this By-law.

"Omnibus"—A vehicle used for the purpose of standing or plying for hire to be carried for hire at separate fares in any public street or place, and including the following description:—Vehicle on four wheels drawn by two or more horses.

"Carriage"—Any vehicle used for the purpose of standing or plying for hire in any public street or place, and including the following descriptions:—Hackney carriages or vehicles on four wheels drawn by one or two horses, cab or vehicle on two wheels drawn by one horse.

"Dray"—Dray, wain, waggon, cart, van, or vehicle of any construction standing or plying for hire and drawn by one or more horses.

"Owner"—Every person who alone or in partnership with any other person shall keep any vehicle for which a license shall or may be obtained by or transferred to him under these By-laws.

"Driver"—Every person engaged or employed in driving any vehicle.

"Conductor"—Every person other than the driver engaged or employed in attending upon passengers in or upon any omnibus.

"Passenger"—Every person carried in or upon any omnibus or carriage other than the driver or conductor.

"Horse"—Horse, mare, gelding.

And, in the construction of these By-laws, any word importing the singular number shall be understood to include several persons or things as well as one person or thing, and any word importing the plural number shall be applied to one person or thing, and every word importing the masculine gender shall extend and be applied to a female as well as a male.

PUBLIC VEHICLES GENERALLY.

No vehicle to ply or person to drive or conduct without a license.

2. No vehicle shall ply for hire, nor shall any person act as the driver or conductor of any such vehicle within the City and Police District of Sydney, unless licensed in the manner hereinafter mentioned; nor during the suspension or after cancellation of such license as hereinafter provided.

A requisition must be sent for licenses.

3. Before any license shall be granted to the owner, driver, or conductor of any vehicle, the person requiring such license shall obtain from the Registrar, 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 with a certificate from two respectable persons, stating that he is of good character, of the required age, and competent for the position under license applied for, to the

Inspector, at least twenty-four hours before the day for granting licenses by the Commissioners next following the date of such requisition as hereinafter provided. Meetings for the granting of licenses shall be held by the Commissioners on Wednesday in each week at two o'clock in the afternoon, or at such other time as they may notify in a daily paper twenty-four hours previously.

No license to be granted for vehicle in bad condition.

4. No license for any vehicle shall be granted or renewed unless the vehicle, horse or horses and harness, shall have been examined by the Inspector or other person appointed by the Commissioners, and reported by him in writing to be in a fit state to be licensed; and no license shall be granted in respect of any vehicle which, in the opinion of the Commissioners, shall be unsafe, in bad repair, or otherwise unfit for the accommodation and conveyance of passengers, or for the conveyance of goods or merchandise.

Form of license.

5. Licenses for owners, drivers, or conductors, shall be in form provided in Schedule B, for each such license respectively, or to the like effect.

Licenses to continue in force until 31st December.

6. Every license granted under these By-laws shall be under the common seal of the Commissioners, signed by the Chairman of the meeting at which such license shall have been granted, and countersigned by the Registrar; and shall be, unless cancelled or suspended as hereinafter provided, in force from the date of such license up to and including the 31st day of December then next ensuing; and no such license shall include more than one vehicle: Provided that if by accident any vehicle shall become unfit for use, it shall be lawful for the owner thereof, during such reasonable time as it shall be undergoing repair, to use another vehicle as a substitute; but the substitute shall in all respects except as to a license, be subject to these By-laws in the same manner as if a license had been granted for it, and the owner using it shall be liable for any non-compliance with these By-laws in respect thereof as if it had been licensed. In order to entitle an owner to the benefit of the above provision, he shall within twelve hours after commencing to use such substitute give notice of his doing so in writing to the Inspector, stating the true cause of his being compelled to use such substitute, and the period during which it will be necessary to do so; and no such substitute shall be used until it shall have been inspected and approved of by the Inspector; or for a longer period than fixed by a certificate to be signed by the Inspector and delivered to the owner.

Licenses by whom made out.

7. Licenses shall be made out in duplicate by the Registrar, or his assistant, and numbered in such order as the Commissioner shall from time to time direct.

Fee for licenses.

8. For every such license or annual renewal thereof there shall be paid to the Registrar the several rates set forth in the Schedule hereunto annexed marked C.

Renewal of licenses.

9. Licenses may be renewed at the end of every year by indorsement under the hand of the Registrar: Provided that the applicant for such renewal shall have been reported by the Inspector as having conducted his business creditably and satisfactorily.

Owner not to part with license or licensed vehicle without the approval of the Commissioners.

10. No owner shall be at liberty to part with or lend his license. Any owner transferring or selling his licensed vehicle shall immediately give notice thereof to the Registrar; and the transferee or purchaser shall thereupon apply to have the license transferred to him, and shall sign his name in the books of the Registrar and on the license; and until this By-law shall have been complied with, the transferrer or seller shall remain liable as owner for the breach of any of these By-laws, and no transferee or purchaser shall use the vehicle or allow it to be used to ply for hire.

Who deemed owner.

11. The person or persons in whose name or names a license shall appear on the books of the Registrar shall be deemed the owner of the vehicle in respect of which such license shall have been issued.

Change of residence to be notified.

12. Whenever any person named as the owner, or one of the owners, driver or conductor of a licensed vehicle, shall change his place of abode, he shall, within two days next after any such change, give notice thereof in writing signed by him to the Registrar, specifying his new place of abode, and the same shall be indorsed upon the license granted to such owner, driver, or conductor, and entered in the Registrar's book.

13. Any holder of a license, who since the license shall have been issued to him, shall have been convicted of any felony or misdemeanor, or of having been intoxicated while in charge of a licensed vehicle, or of any two breaches of these By-laws within a period of six months, shall be liable to have his license cancelled or suspended by the Commissioners; and no person shall during the suspension or cancellation of his license act as driver of any licensed vehicle.

14. The Commissioners shall have power to suspend or cancel the license of any conductor who shall have been guilty of any breach of these By-laws, notwithstanding the provisions of the next preceding By-law; and no person shall during the suspension of his license act as conductor of any licensed vehicle.

Driver and conductor not to part with license.

15. Every driver or conductor shall deliver to the owner employing him the duplicate of his license; but he shall not lend or otherwise part with his original license on any pretence whatsoever. No owner of any such vehicle shall employ an unlicensed person as the driver or conductor thereof, or without receiving from such licensed driver or conductor the duplicate of the license held by him, which duplicate the said owner shall hold during the time of such person's employment by him, and on discharging any such person he shall return to him the said duplicate.

16. The Commissioners may as often as they shall deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness and horse or horses used in drawing the same; and if any vehicle, horse or horses, or harness shall be found by them in their opinion unfit for public use, notice in the form or to the effect contained in the Schedule annexed, marked L, shall be given to the owner of such vehicle, and no owner after such notice shall use or let for hire, or suffer to be used or let for hire such vehicle, horse or horses, or harness, as the case may be, before the same shall, in the opinion of the Commissioners, be in condition fit for public use, and the Commissioners may suspend for such time as they may deem proper the license of such vehicle; and in case the owner shall neglect or refuse to attend with his licensed vehicle, horse or horses, and harness, before the Commissioners when he shall be called upon for that purpose, the Commissioners may suspend the license of such vehicle, and no owner of any such vehicle shall permit or suffer the same to ply for hire during the suspension of such license.

Lamps to be lighted.

17. Every licensed vehicle shall be provided with a lamp on each side of the same outside, and the driver of same when plying for hire between sunset and sunrise shall light and keep such lamps lighted; and the conductor of an omnibus shall also, between the hours of sunset and sunrise, light and keep lighted the lamp inside such omnibus.

No vehicle to be withdrawn without notice.

18. No owner of any licensed vehicle shall withdraw the same from hire for two consecutive days, or for any two days in one week, without leave from the Commissioners, except in case of accident: Provided that any owner may obtain such leave to withdraw his vehicle on giving five days' notice in writing to the Registrar of his desire to do so.

To ply from stands.

19. 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.

Stands in Schedule.

20. The places specified in Schedules G and H, hereunto annexed, are hereby respectively appointed public stands for licensed vehicles.

Mode of driving on stands.

21. Every vehicle on its arrival at any public stand shall be drawn to the end of and be the last of the rank of any vehicles that may be on such stand; and at every public stand all vehicles shall be arranged in single rank only, and shall draw up in succession in the order of arrival to the place vacated on such stand.

Space to be left between every fourth vehicle.

22. At every fourth vehicle on every stand there shall be left a space of at least eight feet for passengers to pass through.

Driver and conductor to be in attendance.

23. The driver and conductor of every vehicle shall be constantly attendant on the same when standing on a public stand, or whilst plying for hire; and no driver or conductor shall, when standing on a public stand, or plying for hire, be at such a distance from the horse or horses attached thereto as to prevent his having control over the same; nor shall the driver or conductor at any time stand by or remain on the footway or pavement of any of the streets, lanes, or public places, next adjoining any public stand; but every driver and conductor, when not actually employed in or about his vehicle, or in feeding or watering his horses, shall remain on the driving box or step of his vehicle, and not elsewhere.

Taking up or setting down passengers.

24. The driver of any vehicle taking up or setting down passengers at any place of public worship or public amusement, or at any public meeting within the city or police district of Sydney, or who is waiting for any of those purposes, shall obey the direction of the Inspector or other officer of the Commissioners who may be on duty at such place or places, as to the taking up or setting down or waiting for passengers, and as to the order and place in which any vehicle shall stand; and every driver shall perform his duty in a careful and quiet manner, and shall not push into or get out of the line or position fixed for the vehicles, so as to endeavour to arrive at his place of destination before any other vehicle the driver whereof from its position would have a prior right to take up or set down passengers.

Mode of feeding horses.

25. The driver of every vehicle shall place a muzzle upon the head of any vicious horse whilst on the stand, and whilst feeding his horse or horses shall use nosebags to contain the forage, and shall not remove his horse's blinkers during the time of feeding.

No loitering.

26. No driver of any vehicle shall suffer the same to stand or loiter in any street, or alongside any other vehicle in taking up or setting down any person, or wilfully, wrongfully, or forcibly prevent or endeavour to prevent the driver of any other vehicle from taking a fare.

No negligence, &c.

27. No owner, driver, or conductor shall, whilst driving, loading, or 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, or be intoxicated, or make use of any threatening, obscene, indecent, blasphemous, abusive, or insulting language, sign, or gesticulation; but shall at all times be sober and careful in the discharge of his duties. No person using a licensed vehicle shall wilfully or negligently injure the same or damage the person or property of any person, or be guilty of any breach of the peace, misconduct, or misbehaviour, or be intoxicated, or make use of any threatening, abusive, obscene, indecent, blasphemous, or insulting language, sign, or gesticulation.

Not to stand longer than necessary for loading, &c.

28. No driver shall, except whilst standing on an appointed stand, permit his vehicle, with or without a horse or horses, to stand in any part of the city longer than may be absolutely necessary for loading or unloading or for taking up or setting down passengers, nor shall he cause any obstruction in any part of the city or police district of Sydney.

Driver to keep on the near side of the road.

29. Every driver of any vehicle shall keep the same on the left or near side of the road, except in case of actual necessity, and shall permit any other vehicle to pass having the right so to do, and when about to stop shall raise his whip straight up so as to warn the driver of any vehicle that may be behind.

Driver to turn vehicle at a walk, &c.

30. The driver of every vehicle requiring to turn for the purpose of proceeding in an opposite direction on any street, road, or lane in the city or police district of Sydney, shall bring the horse or horses to a walking pace before commencing to turn, and shall also go at the same pace in turning the corner of any street.

Pace for omnibuses and carriages, &c.

31. No vehicle except a dray shall be drawn through any part of the city or police district of Sydney at a walking pace, except as before provided, or on Sunday, when all shall be so drawn when passing places of public worship during divine service or whilst in a funeral procession, nor at a pace faster than that of a trot, which shall not be at a less rate than six miles an hour, at which rate all carriages shall be drawn except when otherwise ordered by the hirer.

Condition of vehicle.

32. The owner of every vehicle shall at all times when the same is plying for hire make and keep it clean, strong and in good order in all respects, and if with windows, they shall be sound and unbroken, with the leathers or lifts suitably attached to the frames. The horse or horses shall be able and sufficient for their work, free from disease, and properly broken in to harness; the harness for each horse shall be perfect, good and sufficient for the purpose, and every driver or conductor shall be clean in his person, and wear a good hat, and other clean and respectable clothes, and conduct himself in a proper and decorous manner,

Who shall be carried.

33. No person suffering from an infectious or contagious disease shall ride in or upon any licensed vehicle, and no driver or conductor shall knowingly carry or permit to be carried any such person (or except to some police office or watchhouse) any corpse, or any person in a state of intoxication, or who is so noisily or violently conducting himself, or otherwise so misbehaving as to occasion any annoyance or to disturb the public peace; and no passenger shall carry inside any vehicle, except a dray, any animal, or any substance of an offensive character, or that might soil or damage the vehicle or the apparel of other passengers; and no driver or conductor shall sleep in or upon any licensed vehicle, or use the same for eating his meals therein.

34. No driver or conductor shall smoke tobacco or other thing whilst driving or conducting any licensed vehicle engaged on any fare, nor shall any passenger smoke on any vehicle without the consent of the driver or against the wish of any other passenger, and in no case shall any smoking be allowed inside any omnibus. No conductor shall enter any omnibus, nor mount on the top of it, whilst performing his journeys, for the purpose of collecting any fares or for any other purpose, or permit any person to stand on the steps or monkey-board whilst he shall be conducting.

No person to drive without consent of owner.

35. No person except the driver or conductor of a licensed vehicle (authorized by the owner of such vehicle) shall drive or conduct the same. No driver or conductor shall suffer or permit any other person to act as driver or conductor of such vehicle without the consent of the owner, neither shall the driver or conductor of any vehicle leave the same when plying for hire, and no person shall tout or solicit passengers for him.

Not to neglect to take a fare agreed for.

36. No owner or driver of any licensed vehicle, having agreed to take a fare from any place at any time, shall delay, neglect, or refuse to do so.

Vehicle whilst loading to be placed near side of street.

37. Every driver, whilst engaged in loading or unloading his vehicle, shall place it as near as conveniently may be to the side of the street, parallel to the footway.

By-laws to be given to licensed persons.

38. Every person obtaining a license under these By-laws shall at the time of registering his license have given to him without charge a copy of these By-laws; each such copy to be signed by the Registrar, and to have the name of the owner, driver, or conductor to whom the same shall be delivered, with the number of the license written distinctly thereupon; and such owners, drivers, and conductors respectively shall at all times have such copy By-laws ready for production, and shall upon request produce the same for any person using or hiring any vehicle; and every driver and conductor shall at all times have his original license, and produce the same when required by any person as aforesaid, or to the Inspector, or his assistants, or to any Justice of the Peace or Inspector of Police requiring the same.

The register of license.

39. Every owner, driver, and conductor, on receiving his license shall sign a copy purporting to be such, and acknowledging the receipt of the original license, which copy shall be kept by the Inspector, and the production of which, or any proceeding for breach of the By-laws, shall be sufficient evidence that the person so signing is in fact the person to whom such original license was issued.

OMNIBUS REGULATIONS.

*Construction of omnibus furnishing necessary particulars to be painted.

40. Every omnibus for which a license shall hereafter be applied for shall be of the dimensions herein directed, and shall be provided with the fittings and furniture, and have painted on it the words, figures, and notices detailed and described as follows:—

Dimensions.

From floor to roof, in line with front of each seat, not less than five feet.

From top of seat of cushion to roof, not less than three feet six inches.

Each seat shall be not less than fourteen inches wide. Space from seat to seat between the inside seats, not less than two feet.

Fittings and furniture.

The outside seats, when not of the rustic pattern, and all inside seats, shall be furnished with good cushions.

Springs shall be provided to all window-frames, of an approved pattern, effective to prevent noise.

Waterproof aprons shall be provided sufficient to cover the legs of all outside passengers, which aprons the driver shall offer for use.

A bell or check-string, to warn the driver to stop when required.

Two lamps outside, one on each side of the omnibus, of the colour prescribed for the line of road on which it shall ply; one lamp inside.

A sliding panel or flag, with the words "full inside," painted thereon on both sides, which the conductor shall hoist into position at the rear near the top of the omnibus, and keep hoisted so long and so often as the omnibus shall contain its licensed number of passengers.

Words, &c., to be painted.

The body of the omnibus shall be painted of the colour prescribed for each particular line of road, and shown in Schedule K.

The number of the license, in black, on the outside lamps.

The number of the license, four inches long, and of proportionate width, upon or near the driver's seat, and upon the panel of the door on the outer side.

The fare and name of the owner; the licensed number of passengers on the outside of the door.

The name of the stands between which it shall be licensed to ply, on each external side clear of the wheels; also

On the end panel inside, in a conspicuous place, the names of the stands between which it shall be licensed to ply, the licensed number of passengers, the time of journey, the fare, and the name of the owner, except where otherwise directed. All the above words and figures to be not less than two inches in length, free from flourishes or intricate designs, and of a colour opposite to, contrasting with the ground on which they shall be painted. No alteration shall be made in any of the above without notice to the Inspector and the approval of the Commissioners: Provided that no alteration in the colour of the body of any omnibus shall be enforced until it shall require to be painted: Provided also that it shall not be lawful for the owner, driver, or conductor of any omnibus to suffer any notice, advertisement, or printed bill, or any names, letters, or numbers to appear upon the outside or inside thereof, without the consent of the Commissioners previously obtained.

Not to carry a greater number than licensed for.

41. No driver or conductor shall admit to the inside, or allow on the outside of any omnibus, at any one time, a greater number of passengers than the number it shall be licensed to carry inside or outside, as the case may be; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit seats properly cushioned, allowing for each passenger a space of eighteen inches, measuring in a straight line lengthwise on the front of each seat, nor shall any vehicle be taken off the line of road for which it shall be licensed: Provided that no child under five years of age sitting on the lap shall be deemed to be a passenger within the meaning of these By-laws; no passenger to carry more than one child.

Omnibuses to start in rotation.

42. The time of starting shall be according to the tables in Schedule J. The first omnibus to start on one day shall be the last on the next, and the others in their order, starting earlier by the interval appointed between any two omnibuses on such stand; and each owner shall furnish an omnibus to perform the journeys in every turn that falls to him, so as to keep a continuous rotation daily: Provided that at such stands as do not appear under Schedule J there shall be an interval of ten minutes between the starting of every two omnibuses plying from any stand to the same place, except on the Railway stand, or such other special cases as the Commissioners may see fit by resolution to direct.

Line of road and time to be kept.

43. Every omnibus shall, on each line of road, start from its stand, and complete its journey and the parts thereof, to its other stand, if any, for such road in the times shown in said Schedule J, without turning round or leaving the proper line of road from one stand to the other, as shown in the license of such omnibus.

Extraordinary occasions.

44. The Inspector of Licensed Vehicles for the time being shall be at liberty to grant permission to the owner or driver of any licensed omnibus to leave the line of road for which such vehicle is licensed, and ply the same from any place, not being an appointed stand, and no owner or driver of any licensed vehicle shall permit or suffer the same to leave the line of road for which such vehicle is licensed.

No blowing of horns, &c.

45. No driver or conductor of any omnibus, whilst standing at a public stand, or plying for hire in any part of the city or police district of Sydney, shall endeavour to attract notice by ringing of bells, blowing of horns or other instruments, nor deceive any person in respect of the route or destination thereof by word or sign; nor shall the driver or conductor of any vehicle endeavour to attract notice by shouting on Sunday whilst standing at a public stand, or in any part of the city or police district of Sydney: Provided that the driver or conductor licensed by the Commissioner of Railways, and no other, shall be permitted the use of a whistle whilst such omnibus shall be performing its journey to or from the Railway Station.

Passing.

46. No omnibus shall pass any other in the city or police district of Sydney, proceeding in the same direction from or to the same stand, if the latter be proceeding on its journey at a pace faster than a walk.

Eligible passengers not to be refused.

47. No owner, driver, or conductor of any omnibus shall demand, receive, or take from any passenger a larger fare than shall be shown in large unmovable figures in some conspicuous place, both inside and outside the omnibus, as the fare for which such omnibus plies: Provided that no fare shall be increased, except between the hours of 10 o'clock at night and 5 o'clock in the morning. And no driver or conductor of an omnibus shall neglect or refuse to admit and carry any person for whom there is room, and to whom no reasonable objection can be made under these By-laws; nor, except in cases of accident or other unavoidable cause, shall any driver or conductor stop such vehicle upon any place where foot-passengers usually cross the carriage-way.

48. Any person having taken his seat in or upon an omnibus shall pay the fare when demanded after the commencement of his journey; and any person who shall refuse to pay the same shall be liable, on conviction, to forfeit and pay the same, with such amount of over damages, costs, and charges for loss of time or otherwise, as the Justices hearing the said charge may think fit.

CARRIAGE AND CAB REGULATIONS.

Carrying capacity of hackney carriages, &c.

49. No license shall be hereafter granted for any vehicle to be used as a Hansom Cab unless the said vehicle shall be of the following dimensions:—Height, inside from bottom or floor thereof to roof (in front of seat) four feet ten inches; height inside from top of seat to roof, three feet six inches; width of seat room, three feet; depth of seat, one foot two inches; space from front of seat to inside of door, eleven inches; width outside, immediately over door, not less than three feet seven inches. The number of the license granted for every hackney carriage or cab shall be painted in figures not less than two inches in height and of proportionate breadth, of a colour to contrast with the colour of the ground on which it shall be painted, outside on the panel of each door on any hackney carriage, and on the sides of the boot of any cab; and upon each lamp on any of the aforesaid vehicles the same number of the same size shall be painted black; and all the aforesaid numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire. The drivers of such vehicles respectively shall be bound to take, if required, exclusive of the driver, four persons inside, and one outside a hackney carriage, or two persons inside a Hansom cab. The driver shall not be obliged to take any luggage exceeding fifty pounds in weight, being clean and of such a description as may be placed inside or outside the vehicle without injuring the same, and the driver shall be entitled to claim one shilling for every additional fifty pounds weight or portion thereof so carried; but the person having such vehicle shall be allowed eighty-four pounds weight of luggage when the number of persons is short of the number aforesaid. Whenever the number of persons carried shall exceed that named for each vehicle respectively, the driver shall be entitled to charge by time or distance, as the hiring may be—one-third more for each adult or two children over five and under fifteen years of age. Further, the driver shall not allow any person to ride, drive, or be carried in or upon such vehicle without the consent of the hirer.

Number of carriage and table of fares to be affixed inside.

50. The number of the license of every carriage, on a card, six inches by three, printed in clear legible figures, and the table of fares to be fixed by the Commissioners, shall be affixed at the back of the panel of such carriage, or in such other place as the Commissioners may direct; and such card shall be kept so affixed, legible and undefaced, during all the time the carriage shall ply or be used for hire, and also the following notice, viz. :—"Driver is required in all cases to give the

hirer on entering the vehicle a ticket, and to produce the By-laws and table of fares on demand." The owner of every carriage shall provide, and the driver shall deliver, when demanded, to every person hiring a carriage, on entering the same, a printed ticket in following form, or such other as the Commissioners may from time to time direct; and on such ticket the table of fares fixed by the Commissioners at which the carriage plies for hire shall be printed :—

No. of Carriage (or Cab)
Owner's name and residence

Preserve this ticket, and see that number corresponds with that on vehicle. In case of complaint, apply at the Commissioner's Office. Table fares (as in Schedule F.), tolls in all cases to be paid by the hirer. No owner or driver of a licensed hackney carriage or cab shall demand, receive, or take more than the several fares set forth in the Schedule hereunto annexed marked F.

Drivers to draw to near side to put down, &c.

51. Every driver of a carriage, whilst engaged in taking up or setting down any passengers, shall, during such taking up or setting down, place his vehicle as near as conveniently may be to that side of the street, and in a line parallel with the kerbstone at which the taking up or setting down is required: Provided that he shall put down or take up on his near side.

Fares to be paid for vehicles sent for but not used.

52. Any person calling or sending for a carriage and not further employing the same shall pay as follows: For a hackney carriage, one shilling; for a cab, ninepence, or the fare from the stand or place from which the carriage was engaged, at the driver's option. And if the person calling the carriage shall detain the same more than five minutes he shall pay for any time it may be detained, not exceeding a quarter of an hour, if a hackney carriage ninepence, if a cab sixpence, and any further time in the same proportion.

53. Any person having hired a licensed carriage shall pay the legal fare when demanded; and any person refusing or neglecting to pay the same shall, on conviction before two Justices of the Peace, forfeit and pay the same, with such amount of over damages, costs, and charges, for loss of time or otherwise, as the said Justices shall think fit.

DRAY REGULATIONS.

No person to ride upon dray without reins.

54. No owner, driver, or other person having the care and charge of any dray, drawn by one or more horses or other animals, shall ride thereon, unless he shall be provided with sufficient reins, or if such dray be loaded; and no block dray shall be allowed to proceed out of a walking pace.

Property left on dray.

55. In every case of goods or merchandise being left on any licensed dray, or with the driver thereof, by any person having hired or 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 shall have been found, to the Commissioner's Office, and there deposited with the Registrar.

Not to carry more than one ton on dray.

56. No owner or driver shall at any one time carry on any licensed dray, having only two wheels and drawn by one horse, a greater weight than one ton.

Detention.

57. Whenever any dray, hired by the load or distance, having taken up a load, shall be detained with the same more than fifteen minutes, the hirer shall pay for every fifteen minutes after the first, sixpence, and so in proportion for any longer period.

How numbers placed on dray.

58. The number of the license granted for every dray shall be painted white on a ground of black, or the reverse, on the sides thereof, in a conspicuous place, in figures not less than three inches in height, and of proportionate breadth with the letters "M.T.C." of the same colour immediately above the figures; and the driver or owner of such dray shall at all times keep the same legible and undefaced.

Not to demand more than legal fare.

59. No owner or driver of any dray shall demand, receive, or take more than the several fares or amounts fixed by the Commissioners by these By-laws.

No passenger to be carried.

No owner or driver of any dray shall permit or suffer any person to be carried therein as a passenger.

Fares for sending for but not using dray.

60. Any person calling or sending for any licensed dray and not further employing the same shall pay the sum of two shillings, or the fare or hire from the stand or place where the dray was engaged, at the driver's option; he shall further pay for any time the dray 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 at the rate of sixpence for every quarter of an hour.

Distance how computed.

61. The distance shall be computed from the stand or place where the dray was hired.

To pay legal fare.

62. Any person having hired a dray shall pay the legal fare when demanded, and any person neglecting or refusing to do so shall, upon conviction before any two Justices of the Peace, forfeit and pay the same, with such amount of over damages, costs, and expenses, for loss of time or otherwise, as the said Justices shall think fit.

Commissioners appoint stands.

63. The places enumerated in the Schedule hereto, marked E, are hereby appointed public stands for drays.

Drays not to stand across street.

64. No driver of any licensed dray shall suffer the same to stand for hire across any street, except so directed by the Inspector, or alongside any other vehicle, nor obstruct the driver of any other dray in loading or unloading any goods or merchandise, or wilfully, wrongfully, or forcibly prevent or endeavour to prevent the driver of any vehicle from taking a fare or hiring.

MISCELLANEOUS REGULATIONS.

Property found in vehicles.

65. The driver of every carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare; and in every case of property having been left in any vehicle by any person having used or hired the same, such property, if found by another passenger or other person shall be delivered to the driver or conductor, who shall deliver the same, with any other property found by him, within eighteen hours after such finding, to the Registrar at the Commissioner's Office and there deposit it. And no owner shall detain any property delivered to him by any driver or conductor in his employment longer than the time before-mentioned, but shall deposit it at the Commissioner's Office with the Registrar.

Additional fare after 10 p.m. and before 5 a.m.

66. For as much of every drive by time or distance as may be performed by any vehicle not an omnibus after 10 o'clock at night and before 5 o'clock in the morning, an addition of one-half the ordinary fare shall be paid with such ordinary fare, and in case of an omnibus the charge shall be double the ordinary fare between the above-mentioned hours.

Information may be laid on behalf of complainants.

67. It shall be lawful for the Inspector, on receiving a complaint from the owner, driver, or conductor of any licensed vehicle, or from any person using or intending to use, or hiring or intending to hire any such vehicle, that any of these By-laws have been disobeyed, to cause the person against whom the said complaint shall have been made to be summoned to appear before the Justices.

Vehicles on a stand bound to take a fare.

68. Every vehicle, except an omnibus, standing or being on any public stand, shall be deemed to be plying for hire, and the driver thereof shall be bound to take immediately any fare notwithstanding any pre-engagement; provided, however, that no person shall be bound to take such fare, unless the person requiring the same shall upon demand tender and pay the legal fare for the required hiring there and then. Further, if at any other place than a public stand the owner or driver shall solicit engagement by word or sign, he shall be bound to take a fare immediately under the same conditions as before mentioned as to the hirer.

Inspector may be appointed.

69. Such person or persons as may from time to time be in that behalf appointed by the Commissioners shall be Inspector or Sub-Inspectors, during the pleasure of the Commissioners, of all licensed vehicles plying for hire in the city and police district of Sydney; and such Inspector or Sub-inspectors shall, every three months, examine all such vehicles and report to the Commissioners on the same; and shall at all times see that as far as possible the By-laws are duly observed; and any such Inspector or Sub-inspectors shall have power to order from any stand or from being driven or used for hire, any vehicle which with horse or horses and harness attached

thereto, upon examination, shall not be in a proper and cleanly state, and in all respects, in accordance with the By-laws, fit for work; and every owner, driver, or conductor shall comply with the orders and directions so given.

No person to obstruct Inspector.

70. No owner, driver, or conductor, or other person, shall obstruct or hinder any such Inspector or Sub-inspectors in the execution of his duties, or refuse to comply with any lawful order or direction to be given by him in relation to these By-laws.

71. For any offence against the provisions of these By-laws the offender shall be liable to and shall pay a penalty not exceeding £10 nor less than 5s.

Passed by the Board of Metropolitan Transit Commissioners, this fourth day of October, in the year of our Lord one thousand eight hundred and seventy-six.

B. PALMER, Chairman.
(L.S.) MICHL. CHAPMAN, Commissioner.
EDMUND FOSBERY, I.G.P., Commissioner.

W. J. MERRIMAN, Registrar.

SCHEDULE A.

A REQUISITION for license to
To the Metropolitan Transit Board of the City and Police District of Sydney.

I, _____, residing in _____ street, do hereby request that a license be granted to me to No. _____ within the said City, and within the Police District of Sydney.

SCHEDULE B.

THIS is to certify that _____ is hereby licensed to a certain No. _____ within the City and Police District of Sydney, 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 Metropolitan Transit Board of the City and Police District of Sydney, at _____ this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

Chairman.
Registrar.

Build
Colour
Lining
Name
Stand
Line of road

SCHEDULE C.

License Fees.

	On and after 1st January in each year.	On and after 1st April in each year.	On and after 1st July in each year.	On and after 1st October in each year.
Omnibuses each	£ s. d. 6 0 0	£ s. d. 4 10 0	£ s. d. 3 0 0	£ s. d. 1 10 0
Omnibus cars..... "	5 0 0	3 15 0	2 10 0	1 5 0
Cars..... "	4 0 0	3 0 0	2 0 0	1 0 0
Hackney carriages .. "	3 0 0	2 5 0	1 10 0	0 15 0
Cabs..... "	2 0 0	1 10 0	1 0 0	0 10 0
Drays, carts, and vans..... "	2 0 0	1 10 0	1 0 0	0 10 0

Drivers of cabs, carriages, and omnibuses... Yearly 10s. each.
Conductors Yearly, 5s. each.
Drivers of drays Yearly, 5s. each.

SCHEDULE D.

Dray Fares.

£ s. d.

From any wharf, stand, or place, in the City or Police District of Sydney, to a distance not exceeding half a mile 0 3 0
For every additional half-mile, or part of half mile ... 0 1 0

The above fares are for merchandise and goods delivered to the driver at his dray.

£ s. d.

The removal of household furniture shall be by the hour; for the first hour, or part thereof..... 0 2 6
For every additional half-hour or part thereof 0 1 3

SCHEDULE E.

Dray Stands.

The following places are hereby appointed Public Dray Stands:—

- Queen's Wharf, George-street, south of Government Stores, for 16 drays.
- Circular Quay, Albert-street, north side, opposite Custom House, for 16 drays.
- Charlotte-place, south side, adjoining reserve, for 15 drays.
- Bridge-street, north side, between Macquarie-place and Castlereagh-street, for 15 drays.
- Clarence-street, west side, north of Barrack-street, first dray to stand on south side of Barrack-street at York-street, for 10 drays.
- Margaret-street, north side, east of Sussex-street, first dray to stand west of Sussex-street for 14 drays.
- Sussex-street, east side, at north of Market-street, for 15 drays.
- Wharf-street, opposite Charlton-street, on the west side, for 4 drays.
- Druitt-street, south side, at York-street, for 10 drays.
- Elizabeth-street, east side, at Market-street, to rank north, for 10 drays.
- Elizabeth-street, east side, at Park-street, to rank north, for 10 drays.
- Hay-street, north side, between George and Pitt Streets, for 20 drays.
- Forbes-street, east side, from Cowper Wharf south, for 15 drays.
- Burton-street, south side, at Oxford-street, for 6 drays.

SCHEDULE F.

Rates and fares to be paid for any carriage (not an omnibus) within the limits of this By-law, in the City and Police District of Sydney:—

For a cab for any time not exceeding one quarter of an hour, to carry two passengers if required by hirer... s. d. 1 0
For every subsequent quarter of an hour or part thereof... 1 0
But if engaged for more than one hour, then to be paid at the rate of nine-pence for every additional quarter of an hour or part thereof.
For a hackney carriage, for any time not exceeding one-half hour, to carry five persons if required by hirer... 2 6
For every subsequent quarter of an hour or part thereof... 1 3
But if engaged for more than one hour, then to be paid at the rate of one shilling and three half-pence, for every additional quarter of an hour or part thereof.

If the vehicle is discharged at any place that is beyond the following boundaries, viz.,—a straight line drawn from the undermentioned places to each succeeding one in the order in which they are placed, viz. :—

- Double Bay;
- Old South Head Road, at Cowper-street;
- Randwick Road, at Denison-street;
- Bunnerong Road, at the south-west corner of Racecourse fence;
- Botany Road, at M'Evoy-street;
- Newtown Road, at Camperdown Road;
- Parramatta Road, at Camperdown Road;
- Abattoir Road, at Crescent-street,—

the driver thereof shall be entitled to his ordinary fare by time back to the City boundary, unless a special arrangement as to fare has been made at the time of hiring.

Vehicles to travel at a speed of not less than six miles an hour, except when otherwise ordered by the hirer.

Tolls to be paid by hirer.

Half-fare in addition to the ordinary fare, after 10 p.m. and before 5 a.m.

SCHEDULE G.

Showing the Omnibus Stands, with the Lines of Road to and from the same.

Stands.	Line of Road.	Stands.
Elizabeth-street, Redfern, west side, opposite Albert Ground.	Elizabeth, Devonshire, George, Wynyard, and York Streets.	York-street, east side, at Erskine-street.
Botany Road, south side, 10 yards east of east gate at "Sir Joseph Banks Hotel."	Botany Road, Regent, George, Wynyard, and York Streets.	Erskine-street, north side, at York-street.
Bondi, north side of Waverley-street, 20 yards from Donham-street.	Waverley-street, South Head Road, Oxford, Liverpool, Elizabeth, Bathurst, and Pitt Streets (every alternate Omnibus <i>via</i> Flood-street, Waverley).	Macquarie-place, east side, at Bridge-street.
Bourke-street, east side, north of Cleveland-street.	Bourke, Oxford, Liverpool, Elizabeth, Bathurst, and Pitt Streets.	Macquarie-place, east side, at Bridge-street.
Crown-street, east side, north of Cleveland-street.	Crown, Oxford, Liverpool, Elizabeth, Bathurst, and Pitt Streets.	Macquarie-place, east side, at Bridge-street.
Canterbury Road, east side, south of Proutt's Bridge.	Canterbury Road, Parramatta Road, Parramatta, George, and Barrack Streets.	Clarence-street, west side, north of King-street.
Cook's River-street and Cook's River Road, near the dam.	Cook's River and Newtown Roads, Parramatta, George, Wynyard, and York Streets.	Erskine-street, north side, at York-street.
Coogee Bay Road, north side, 30 yards from Hordern-street.	Coogee Bay Road, Randwick Road, Botany, Oxford, College, Park, Pitt, and Bridge Streets.	Gresham-street, east side, at Bridge-street.
Darlinghurst, Victoria-street, north of William-street.	Darlinghurst Road, Liverpool, Forbes, Oxford, Liverpool, Elizabeth, Bathurst, and Pitt Streets, and Circular Quay.	Circular Quay, at Phillip-street.
Darling Point Road at Darling Point	Darling Point Road, South Head Road, William, Boomerang, College, King, George, Hunter, and Pitt Streets.	Circular Quay, east side of Pitt-street.
Double Bay, William-street.....	Bay-street, South Head Road, William, Boomerang, College, King, George, Hunter, and Pitt Streets.	Circular Quay, east side of Pitt-street.
Enfield, south side of Liverpool Road, east of the Punch Bowl Road.	Liverpool and Parramatta Roads, Parramatta, George, and Barrack Streets.	Clarence-street, west side, north of King-street.
Fivedock, Burwood, south side of Parramatta Road, opposite watch-house.	Parramatta Road, Parramatta, George, and Barrack Streets.	Clarence-street, west side, north of King-street.
Forest Lodge, north side of Ross-street, at Pymont Bridge Road.	Ross, Catherine, Derwent, Parramatta, George, and Lower Fort Streets, and Argyle Place; to return without stopping.	Nil.
Glebe Point Road, north side, 100 yards from the Bay.	Glebe Point Road, Parramatta Road, Parramatta, George, and Lower Fort Streets, and Argyle Place; to return without stopping.	Nil.
Koggera, west side of Rocky Point Road, 10 yards south of Gannon's Forest Road.	Rocky Point Road, Cook's River Road, Newtown Road, and Parramatta-street, and George and Wynyard Streets.	York-street, east side.
Marrickville, Illawarra Road, at Marrickville Road.	Illawarra, Addison, Enmore, and Newtown Roads, and Parramatta, George, Wynyard, and York Streets.	Erskine-street, north side, at York-street.
Milson's Point, south of entrance to Steamers' Wharf.	Milson's Point Road, Mount, Miller, and Ridge Streets, and Lane Cove Road.	Lane Cove Road, at Berry's Gate.
Milson's Point, south of entrance to Steamers' Wharf.	Milson's Point Road, Mount and Miller Streets...	Miller-street, at Ridge-street.
Petersham, west side of Crystal-street, opposite Council Chambers.	Crystal-street, Parramatta Road, Parramatta, George, and Barrack Streets.	Clarence-street, west side, north of King-street.
Park Road, north side at Regent-street.	Park Road, Botany, Oxford, College, Park, and Pitt Streets.	Macquarie-place, at Bridge-street.
Randwick	Randwick Road, Botany, Oxford, College, Park, and Pitt Streets.	Gresham-street, east side, at Bridge-street.
Redfern, south side of Wellington-street, west of Elizabeth-street.	Wellington, Pitt, Cleveland, Regent, George, and Margaret Streets, and Wynyard Square east; to return without stopping.	Nil.
Riley-street, west side, at Devonshire-street.	Riley, Oxford, Liverpool, Elizabeth, Bathurst, and Pitt Streets.	Macquarie-place, at Bridge-street.
Stanmore Road, south side, 20 yards from Council Chamber.	Stanmore, Enmore, and Newtown Roads, and Parramatta, George, Wynyard, and York Streets.	Erskine-street, north side, at York-street.
Waterloo, Botany Road, east side, 20 yards south of old Toll-bar.	Botany Road, Regent, George, and Margaret Streets, and Wynyard Square east; to return without stopping.	Nil.
Waverley, Victoria-street, north side, east side of Vickery-street.	Cowper-street, South Head Road, Oxford, Liverpool, Elizabeth, Bathurst, and Pitt Streets.	Macquarie-place, east side, at Bridge-street.
Woollahra, Point Piper Road, from Council Chamber gate to Tre-lawney-street.	Point Piper Road, Ocean and Piper Streets, South Head Road, Oxford, College, Park, and Pitt Streets.	Macquarie-place, east side, at Bridge-street.
Woolloomooloo, Victoria-street, at William-street.	William, Boomerang, College, and King Streets.	Clarence-street, west side, north of King-street.
Woolloomooloo Bay, foot of Dowling-street, at Cowper Wharf.	Stephen, Forbes, and Woolloomooloo Streets, St. Mary's Road, and King-street.	Clarence-street, west side, north of King-street.
Railway Station	George-street	George-street, east side, at Bridge-street.
Railway Station	Pitt-street	Circular Quay, east side of Pitt-street.

SCHEDULE H.

The following places are appointed Stands for Carriages, and no more than the following number of Carriages shall be allowed at one time on any of the Stands, that is to say:—

Stands.	No. of Carriages allowed at each.
In Elizabeth-street, east side, between Market and King Streets; first cab at north-west corner of Pitt and King Streets; second cab at Waugenheim's Café, south side of King-street	12
Elizabeth-street, east side, at Market-street, to rank south; first cab to stand on the south side of Market-street, at east side of Pitt-street	20
Elizabeth-street, east side, at Ballhurst-street	16
Elizabeth-street (Redfern), east side, 10 feet north of north entrance to Albert Ground, to rank thence north	20
Castlereagh-street North, west side, at Bridge-street; first cab in Bent-street, north side, at Bligh-street; second cab in Castlereagh-street, west side, at Bent-street	10
Castlereagh-street North, west side, at Albert-street	10
Castlereagh-street South, east side, 10 yards north of Bedford-street	20
College-street, west side, north of Stanley-street; first cab at Liverpool-street	10
Forbes-street, Darlinghurst, east side, north of entrance to Court-house	8
Victoria-street, west side, at Upper William-street; first four carriages to stand on the east side of Victoria-street, at William-street	20
Spring-street, west side, at Pitt-street; first cab to stand in George-street, at the Café Français; second cab to stand in Hunter-street, south side at George-street; third cab to stand in Hunter-street, north side, at west of Pitt-street	11
Pitt-street, west side, from Bridge-street south	10
Bridge-street, centre of street, 20 yards from George-street, ranking eastward	12
Commissariat Stores, from Queen's Wharf to George-street	10
Market-street, south side, from George-street to Pitt-street; first carriage to stand in George-street, north of entrance to Royal Hotel; second carriage to stand in George-street, east side, north of Market-street	8
Sussex-street, west side, south of Margaret-street	8
Sussex-street, west side, south of Erskine-street	6
Wharf-street, east side, south of Charlton-street, first and second cabs to stand 6 yards from New Hunter River Company's Wharf entrance	12
York-street, east side, at Markets, for night only	6
Fort-street, east side, near Trinity Church	4
Princes-street, east side, opposite Public School	4
Argyle-street, north side, at George-street	6
Phillip-street, west side, at Albert-street	12
Erskine-street, north side, at Balmain steamers wharf, to rank east	10
Bathurst-street, north-west corner, at George-street	8
Druitt-street, south side, at George-street	10
Pitt-street, east side, at Devonshire-street	15
Haymarket, south side, at Pitt-street	6
Dowling-street, at Woolloomooloo-street	6
New South Head Road, south side, 20 yards east of the Episcopalian Denominational School enclosure, to rank east	5
Randwick Road, north side, at Racecourse gate, to rank thence east	20
Macquarie-street, east side, south of Bent-street	10
Bettington-street, Miller's Point, south side, west of Munn-street	4
King-street, south side, 50 yards from entrance to Parramatta River Steamers Wharf, ranking eastward	10
Palmer-street, west side, at Barrett-lane, to rank south; first cab to stand at William-street	9
Lime-street, west side, to rank south from entrance to wharf	12
York-street, east side, 50 feet from Erskine-street; first cabs to stand, one in Wynyard-street, at Wynyard-lane, the other in York-street, east side, at Margaret-street	15

SCHEDULE J.

TIME-TABLE of Omnibuses plying to and from Albert Ground, Elizabeth-street, Redfern, and Wynyard Square, York-street.

Omnibuses shall start from the west side of Elizabeth-street opposite Albert Ground for Wynyard Square at 8:30 a.m. and 35 minutes past every hour till 7:35 p.m., but on Saturdays till 8:35 p.m. Leaves Wynyard Square at 9:5 a.m. and 5 minutes past every hour till 8:5 p.m., but on Saturdays till 9:5 p.m.

And each omnibus shall perform the journey to and from Elizabeth-street, Redfern, to Wynyard Square in 25 minutes, and the parts of the journey as follows:—

From Albert Ground to Railway at George-street in 10 minutes.
 „ Railway to Liverpool-street in 5 minutes.
 „ Liverpool-street to Royal Hotel in 5 minutes.
 „ Royal Hotel to Wynyard Square in 5 minutes.
 „ Wynyard Square to Royal Hotel in 5 minutes.
 „ Royal Hotel to Liverpool-street in 5 minutes.
 „ Liverpool-street to Railway in 5 minutes.
 „ Railway at George-street to Albert Ground in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Bondi and Macquarie-place.

Omnibuses shall start from Bondi for Macquarie-place at 8:40 a.m., 10 a.m., and every hour till 7 p.m. And from Macquarie-place for Bondi at 9 a.m., and every hour till 8 p.m.

And each omnibus shall perform the journey to and from Bondi and Macquarie-place in 56 minutes, and the parts of the journey as follows:—

From Bondi to Tea Gardens in 14 minutes.
 „ Tea Gardens to Piper-street in 12 minutes.
 „ Piper-street to Bourke-street in 13 minutes.
 „ Bourke-street to Market-street in 9 minutes.
 „ Market-street to Macquarie-place in 8 minutes.
 „ Macquarie-place to Market-street in 8 minutes.
 „ Market-street to Bourke-street in 9 minutes.
 „ Bourke-street to Piper-street in 13 minutes.
 „ Piper-street to Tea Gardens in 12 minutes.
 „ Tea Gardens to Bondi in 14 minutes.

TIME-TABLE for Omnibuses plying to and from Botany and Erskine Streets.

Omnibuses shall start from Botany Road, south side, 10 yards east of east gate at Sir Joseph Banks Hotel, for Erskine-street, Sydney, at 8 a.m., then every hour till 6 p.m., and then at 8 p.m.; and leaving Erskine-street at 9:15 a.m., 10:30 a.m., and every hour till 7:30 p.m., and then at 9:15 p.m.

Extras for Botany on Saturdays at 10 p.m., and from the Theatre after the close of the performance.

And each omnibus shall perform the journey to and from Botany to Erskine-street in 60 minutes, and the parts of the journey as follows:—

From Gate at Sir Joseph Banks Hotel to Raglan-street, Waterloo in 33 minutes.
 „ Raglan-street to Cleveland-street in 8 minutes.
 „ Cleveland-street to George-street in 4 minutes.
 „ George-street at Regent-street to Liverpool-street in 5 minutes.
 „ Liverpool-street to Royal Hotel in 5 minutes.
 „ Royal Hotel to Erskine-street in 5 minutes.
 „ Erskine-street to Royal Hotel in 5 minutes.
 „ Royal Hotel to Liverpool-street in 5 minutes.
 „ Liverpool-street to George-street at Regent-street in 5 minutes.
 „ George-street to Cleveland-street in 4 minutes.
 „ Cleveland-street to Raglan-street in 8 minutes.
 „ Raglan-street to Gate at Sir Joseph Banks Hotel in 33 minutes.

TIME-TABLE for Omnibuses plying to and from Bourke-street and Macquarie-place.

Omnibuses shall start from Bourke-street at Cleveland-street for Macquarie-place at 8:25 a.m. and every 7 minutes till 8:7 p.m., but on Saturdays till 8:45 p.m. And from Macquarie-place for Bourke-street at 8:50 a.m. and every 7 minutes till 8:30 p.m., but on Saturdays till 9:10 p.m.

And each omnibus shall perform the journey to and from Bourke-street and Macquarie-place in 26 minutes, and the parts of the journey as follows:—

From Bourke-street at Cleveland-street to Oxford-street in 9 minutes.
 „ Oxford-street (at Bourke-street) to Market-street in 9 minutes.
 „ Market-street to Macquarie-place in 8 minutes.
 „ Macquarie-place to Market-street in 8 minutes.
 „ Market-street to Bourke-street in 9 minutes.
 „ Bourke-street (at Oxford-street) to Cleveland-street in 9 minutes.

TIME-TABLE for Omnibuses plying to and from Crown-street and Macquarie-place.

Omnibuses shall start from Crown-street at Cleveland-street for Macquarie-place at 8:30 a.m. and every 7 minutes to 8 p.m., but on Saturdays to 8:30 p.m. And from Macquarie-place for Crown-street at 9 a.m. and every 7 minutes to 8:30 p.m., but on Saturdays to 9 a.m.

And each omnibus shall perform the journey to and from Crown-street to Macquarie-place in 26 minutes, and the parts of the journey as follows:—

- From Crown-street at Cleveland-street to Oxford-street in 9 minutes.
- „ Oxford-street at Crown-street to Market-street in 9 minutes.
 - „ Market-street to Macquarie-place in 8 minutes.
 - „ Macquarie-place to Market-street in 8 minutes.
 - „ Market-street to Crown-street in 9 minutes.
 - „ Crown-street (at Oxford-street) to Cleveland-street in 9 minutes.

TIME-TABLE for Omnibuses plying to and from Canterbury and Clarence-street.

Omnibuses shall start from Canterbury for Clarence-street at 8 a.m. and 3.30 p.m., and from Clarence-street at 10.30 a.m. and 5 p.m.; but on Saturdays at 8 a.m. and 12.30 a.m., and from Clarence-street at 10.30 a.m. and 1.45 p.m.

And each omnibus shall perform the journey to and from Canterbury and Clarence-street in 70 minutes, and the parts of the journey as follows:—

- From Canterbury to Dog-trap Road in 14 minutes.
- „ Dog-trap Road to Parramatta Road in 12 minutes.
- „ Parramatta Road to Bald-faced Stag in 8 minutes.
- „ Bald-faced Stag to Camperdown Toll-gate in 6 minutes.
- „ Camperdown Toll-gate to Newtown Road in 10 minutes.
- „ Newtown Road to Railway in 5 minutes.
- „ Railway to Liverpool-street in 5 minutes.
- „ Liverpool-street to Royal Hotel in 5 minutes.
- „ Royal Hotel to Clarence-street in 5 minutes.
- „ Clarence-street to Royal Hotel in 5 minutes.
- „ Royal Hotel to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway in 5 minutes.
- „ Railway to Newtown Road in 5 minutes.
- „ Newtown Road to Camperdown Toll-gate in 10 minutes.
- „ Camperdown Toll-gate to Bald-faced Stag in 6 minutes.
- „ Bald-faced Stag to Parramatta Road in 8 minutes.
- „ Parramatta Road to Dogtrap Road in 12 minutes.
- „ Dogtrap Road to Canterbury in 14 minutes.

TIME-TABLE for Omnibuses plying to and from Coogee Bay and Gresham-street, Sydney.

Omnibuses shall start from Coogee Bay for Gresham-street at 8.10 a.m., and every hour (except at 1.10 p.m.) till 5.10 p.m.; but on Saturdays extras at 8.10 p.m. and 9.10 p.m.

And from Gresham-street for Coogee Bay at 9.10 a.m., and every hour (except at 1.10 p.m.) till 6.10 p.m.; but on Saturdays extras at 9.10 p.m. and 10.10 p.m.

And each omnibus shall perform the journey to and from Coogee Bay and Gresham-street in 55 minutes, and the parts of the journey as follows:—

- From Coogee Bay to St. Jude's Well in 12 minutes.
- „ St. Jude's Well to Park Road in 17 minutes.
- „ Park Road to Oxford-street in 9 minutes.
- „ Oxford-street, at Botany-street, to Market-street in 9 minutes.
- „ Market-street to Gresham-street in 8 minutes.
- „ Gresham-street to Market-street in 8 minutes.
- „ Market-street to Oxford-street, at Botany-street, in 9 minutes.
- „ Oxford-street, at Botany-street, to Park Road in 9 minutes.
- „ Park Road to St. Jude's Well in 17 minutes.
- „ St. Jude's Well to Coogee Bay in 12 minutes.

TIME-TABLE for Omnibuses plying to and from Cook's River and Erskine-street, Sydney.

Omnibuses shall start from Cook's River for Erskine-street at 7.30 a.m., and every twenty minutes till 9.30 p.m. And shall start from Erskine-street for Cook's River at 8.40 a.m., and every twenty minutes till 10.40 p.m.

An extra journey shall be run on Wednesdays and Saturdays—from Cook's River at 9.50 p.m., and from Erskine-street at 11 p.m. And each omnibus shall perform the journey to and from Cook's River and Erskine-street in 60 minutes, and the parts of the journey as follows:—

- From Cook's River to St. Peter's Church in 15 minutes.
- „ St. Peter's Church to Newtown Bridge in 15 minutes.
- „ Newtown Bridge to Newtown Toll-bar in 6 minutes.
- „ Newtown Toll-bar to Parramatta-street in 5 minutes.
- „ Newtown Road to Railway in 5 minutes.
- „ Railway to Liverpool-street in 5 minutes.
- „ Liverpool-street to Royal Hotel in 5 minutes.
- „ Royal Hotel to Erskine-street in 4 minutes.
- „ Erskine-street to Royal Hotel in 4 minutes.
- „ Royal Hotel to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway in 5 minutes.
- „ Railway to Newtown Road in 5 minutes.
- „ Parramatta-street to Newtown Toll-bar in 5 minutes.
- „ Newtown Toll-bar to Newtown Bridge in 5 minutes.
- „ Newtown Bridge to St. Peter's Church in 15 minutes.
- „ St. Peter's Church to Cook's River in 15 minutes.

TIME-TABLE for Omnibuses plying to and from Darlinghurst and Circular Quay.

Omnibuses shall start from Darlinghurst, Victoria-street, north of William-street, for Circular Quay at 8.30 a.m., and every half-hour till 9 p.m. And from Circular Quay for Darlinghurst at 9 a.m., and every half-hour till 9.30 p.m. And each omnibus shall perform the journey to and from Victoria-street and Circular Quay in 20 minutes, and the parts of the journey as follows:—

- From Victoria-street, at William-street, to Oxford-street in 5 minutes.
- „ Oxford-street, at Forbes-street, to Bathurst-street in 5 minutes.
- „ Bathurst-street, at Elizabeth-street, to King-street in 5 minutes.
- „ King-street to Circular Quay in 5 minutes.
- „ Circular Quay to King-street in 5 minutes.
- „ King-street to Bathurst-street, at Elizabeth-street, in 5 minutes.
- „ Bathurst-street to Forbes-street in 5 minutes.
- „ Forbes-street, at Oxford-street, to Victoria-street, at William-street, in 5 minutes.

TIME-TABLE for Omnibuses plying to and from Darling Point and Circular Quay.

Omnibuses shall start from Darling Point for Circular Quay at 8.30 a.m., and every hour till 8 p.m. And from Circular Quay for Darling Point at 9 a.m., and every hour till 8 p.m.

And each omnibus shall perform the journey to and from Darling Point and Circular Quay in thirty-five minutes, and the parts of the journey as follows:—

- From Darling Point to South Head Road in 7 minutes.
- „ South Head Road, at Darling Road, to Victoria-street in 10 minutes.
- „ Victoria-street to Yurong-street in 5 minutes.
- „ Yurong-street to Elizabeth-street in 5 minutes.
- „ Elizabeth-street to Circular Quay in 8 minutes.
- „ Circular Quay to Elizabeth-street in 8 minutes.
- „ Elizabeth-street to Yurong-street in 5 minutes.
- „ Yurong-street to Victoria-street in 5 minutes.
- „ Victoria-street to South Head Road, at Darling Point Road, in 10 minutes.
- „ South Head Road to Darling Point in 7 minutes.

TIME-TABLE for Omnibuses plying to and from Double Bay and Circular Quay.

Omnibuses shall start from Double Bay for Circular Quay at 8.30 a.m. and every hour till 8.30 p.m.

And from Circular Quay for Double Bay at 9.20 a.m. and every hour till 8.30 p.m. And each omnibus shall perform the journey to and from Double Bay to Circular Quay in 35 minutes, and the parts of the journey as follows:—

- From Double Bay to Darling Point Road in 7 minutes.
- „ Darling Point Road to Victoria-street in 10 minutes.
- „ Victoria-street to Yurong-street in 5 minutes.
- „ Yurong-street to Elizabeth-street in 5 minutes.
- „ Elizabeth-street to Circular Quay in 8 minutes.
- „ Circular Quay to Elizabeth-street in 8 minutes.
- „ Elizabeth-street to Yurong-street in 5 minutes.
- „ Yurong-street to Victoria-street in 5 minutes.
- „ Victoria-street to Darling Point Road in 10 minutes.
- „ Darling Point Road to Double Bay in 7 minutes.

TIME-TABLE for Omnibuses plying to and from Enfield (Burwood) and Clarence-street.

Omnibuses shall start from the Liverpool Road, at the Punch Bowl Road, for Clarence-street, at 8.45 a.m., and from Clarence-street at 4.15 p.m. And each omnibus shall perform the journey to and from Enfield and Clarence-street in 70 minutes, and the parts of the journey as follows:—

- From Punch Bowl Road to Ashfield in 12 minutes.
- „ Ashfield to Cross Roads in 7 minutes.
- „ Cross Roads to Bald-faced Stag in 15 minutes.
- „ Bald-faced Stag to Camperdown Toll-gate in 6 minutes.
- „ Camperdown Toll-gate to Newtown Road in 10 minutes.
- „ Newtown Road to Railway in 5 minutes.
- „ Railway to Liverpool-street in 5 minutes.
- „ Liverpool-street to Royal Hotel in 5 minutes.
- „ Royal Hotel to Clarence-street in 5 minutes.
- „ Clarence-street to Royal Hotel in 5 minutes.
- „ Royal Hotel to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway in 5 minutes.
- „ Railway to Newtown Road in 5 minutes.
- „ Newtown Road to Camperdown Toll-gate in 10 minutes.
- „ Camperdown Toll-gate to Bald-faced Stag in 6 minutes.
- „ Bald-faced Stag to Cross Roads in 15 minutes.
- „ Cross Roads to Ashfield in 7 minutes.
- „ Ashfield to Punch Bowl Road in 12 minutes.

TIME-TABLE of Omnibuses plying to and from Five Dock (Burwood) and Clarence-street.

At 8 a.m., 11 a.m., and 4.15 p.m.; and from Clarence-street at 9.45 a.m., 1.15 p.m., and 6 p.m.

On Saturdays at 6 p.m. instead of 4.15 p.m., returning after the close of the Theatre.

And each omnibus shall perform the journey to and from Five Dock to Clarence-street in 70 minutes, and the parts of the journey as follows:—

- From Concord Road to Five Dock Road in 10 minutes.
- Five Dock Road to Cross Roads in 10 minutes.
- Cross Roads to Baldfaced Stag in 14 minutes.
- Baldfaced Stag to Camperdown Toll-gate in 6 minutes.
- Camperdown Toll-gate to Newtown Road in 10 minutes.
- Newtown Road to Railway in 5 minutes.
- Railway to Liverpool-street in 5 minutes.
- Liverpool-street to Royal Hotel in 5 minutes.
- Royal Hotel to Clarence-street in 5 minutes.
- Clarence-street to Royal Hotel in 5 minutes.
- Royal Hotel to Liverpool-street in 5 minutes.
- Liverpool-street to Railway in 5 minutes.
- Railway to Newtown Road in 5 minutes.
- Newtown Road to Camperdown Toll-gate in 10 minutes.
- Camperdown Toll-gate to Baldfaced Stag in 6 minutes.
- Baldfaced Stag to Cross Roads in 14 minutes.
- Cross Roads to Five Dock Road in 10 minutes.
- Five Dock Road to Concord Road in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Ross-street, Forest Lodge, and Miller's Point.

Omnibuses shall start from Ross-street, Forest Lodge, for Miller's Point at Kent-street, from 7.44 a.m. to 10.24 p.m. every eight minutes, and from Miller's Point to Ross-street, Forest Lodge, from 8.25 a.m. to 10.57 p.m. every eight minutes. And each omnibus shall perform the journey to and from Ross-street, Forest Lodge, and Miller's Point in 41 minutes, and the parts of the journey as follows:—

- From Ross-street to Parramatta Road in 11 minutes.
- Parramatta Road to Railway in 5 minutes.
- Railway to Liverpool-street in 5 minutes.
- Liverpool-street to Royal Hotel in 5 minutes.
- Royal Hotel to Essex-street in 5 minutes.
- Essex-street to Fort-street in 5 minutes.
- Lower George-street to Kent-street in 5 minutes.
- Kent-street to Lower George-street in 5 minutes.
- Fort-street to Essex-street in 5 minutes.
- Essex-street to Royal Hotel in 5 minutes.
- Royal Hotel to Liverpool-street in 5 minutes.
- Liverpool-street to Railway in 5 minutes.
- Railway to Parramatta Road in 5 minutes.
- Parramatta Road to Ross-street in 5 minutes.

TIME-TABLE for Omnibuses plying to and from Glebe Point and Miller's Point.

Omnibuses shall start from Glebe Point, 100 yards from the Bay, for Miller's Point at Kent-street, from 7.40 a.m. to 10.20 p.m. every eight minutes, and from Miller's Point to Glebe Point from 8.21 a.m. to 10.53 p.m. every eight minutes. And each omnibus shall perform the journey to and from Glebe Point and Miller's Point in 41 minutes, and the parts of the journey as follows:—

- From Glebe Point to Parramatta Road in 11 minutes.
- Parramatta Road to Railway in 5 minutes.
- Railway to Liverpool-street in 5 minutes.
- Liverpool-street to Royal Hotel in 5 minutes.
- Royal Hotel to Essex-street in 5 minutes.
- Essex-street to Fort-street in 5 minutes.
- Lower George-street to Kent-street in 5 minutes.
- Kent-street to Lower George-street in 5 minutes.
- Fort-street to Essex-street in 5 minutes.
- Essex-street to Royal Hotel in 5 minutes.
- Royal Hotel to Liverpool-street in 5 minutes.
- Liverpool-street to Railway in 5 minutes.
- Railway to Parramatta Road in 5 minutes.
- Parramatta Road to Glebe Point in 11 minutes.

TIME-TABLE for Omnibuses plying to and from Marrickville and Erskine-street, Sydney.

Omnibuses shall start from Marrickville for Erskine-street at 7.50 a.m., 8.32 a.m., 8.58 a.m., 9.32 a.m., 10.8 a.m., 10.56 a.m., 11.36 a.m., 12.16 p.m., 1.8 p.m., 1.48 p.m., 2.28 p.m., 3.8 p.m., 3.48 p.m., 4.28 p.m., 5.8 p.m., 5.48 p.m., 6.28 p.m., 7.8 p.m., 7.50 p.m., 8.50 p.m.; and shall start from Erskine-street for Marrickville at 8.45 a.m., 9.30 a.m., 9.50 a.m., 10.28 a.m., 11.8 a.m., 11.56 a.m., 12.36 p.m., 1.16 p.m., 2.8 p.m., 2.48 p.m., 3.28 p.m., 4.8 p.m., 4.48 p.m., 5.26 p.m., 6.6 p.m., 6.48 p.m., 7.28 p.m., 8.8 p.m., 8.50 p.m., 9.50 p.m. An extra journey shall be run on Wednesdays and Saturdays from Marrickville

at 10 p.m., and from Erskine-street at 11.10 p.m.; and each omnibus shall perform the journey to and from Marrickville and Erskine-street in 50 minutes, and the parts of the journey as follows:—

- From Marrickville to Stanmore Road in 15 minutes.
- Stanmore Road to Railway Bridge in 5 minutes.
- Railway Bridge to Newtown Toll-bar in 6 minutes.
- Newtown Toll-bar to Parramatta-street in 5 minutes.
- Parramatta-street to Railway in 5 minutes.
- Railway to Liverpool-street in 5 minutes.
- Liverpool-street to Royal Hotel in 5 minutes.
- Royal Hotel to Erskine-street in 4 minutes.
- Erskine-street to Royal Hotel in 4 minutes.
- Royal Hotel to Liverpool-street in 5 minutes.
- Liverpool-street to Railway in 5 minutes.
- Railway to Newtown Road in 5 minutes.
- Parramatta-street to Newtown Toll-bar in 5 minutes.
- Newtown Toll-bar to Railway Bridge in 6 minutes.
- Railway Bridge to Stanmore Road in 5 minutes.
- Stanmore Road to Marrickville in 15 minutes.

TIME-TABLE for Omnibuses plying to and from Milson's Point to Lane Cove Road, at Berry's Gate.

Omnibuses shall start from Milson's Point for Lane Cove Road at 8 a.m., and every half-hour till 8.30 p.m., and from Lane Cove Road for Milson's Point at 8.15 a.m., and every half-hour till 9 p.m. And each omnibus shall perform the journey to and from Milson's Point and Lane Cove Road, at Berry's Gate, in 10 minutes; and the parts of the journey as follows:—

- From Milson's Point to Mount-street, at Miller-street, in 5 minutes.
- Mount-street at Miller-street to Lane Cove Road, at Berry's Gate, in 5 minutes.
- Lane Cove Road at Berry's Gate, to Mount-street, at Miller-street, in 5 minutes.
- Mount-street at Miller-street, to Milson's Point in 5 minutes.

TIME-TABLE for Omnibuses plying to and from Park Road, Moore Park, and Macquarie Place.

Omnibuses shall start from Park Road for Macquarie Place at 8.40 a.m., 9 a.m., 9.40 a.m., 10.15 a.m., 11 a.m., 11.30 a.m., 12.15 p.m., 12.55 p.m., 1.40 p.m., 2 p.m., 2.30 p.m., 3 p.m., 3.30 p.m., 4 p.m., 4.30 p.m., 5 p.m., 5.30 p.m., 6 p.m., 6.45 p.m., and 7.15 p.m.

From Macquarie Place to Park Road at 9.10 a.m., 9.30 a.m., 10.30 a.m., 11 a.m., 11.30 a.m., 12.15 p.m., 12.55 p.m., 1.30 p.m., 2 p.m., 2.30 p.m., 3 p.m., 3.30 p.m., 4 p.m., 4.30 p.m., 5 p.m., 5.30 p.m., 6 p.m., 6.30 p.m., 7.20 p.m., and 7.45 p.m.

And each omnibus shall perform the journey to and from Park Road and Macquarie Place in 26 minutes, and the parts of the journey as follows:—

- From Park Road to Oxford-street in 9 minutes.
- Oxford-street, at Botany-street, to Market-street, in 9 minutes.
- Market-street to Macquarie Place in 8 minutes.
- Macquarie Place to Market-street in 8 minutes.
- Market-street to Botany-street in 9 minutes.
- Botany-street, at Oxford-street, to Park Road, in 9 minutes.

TIME-TABLE for Omnibuses plying to and from Petersham, west side of Crystal-street, opposite Council Chambers, and Clarence-street.

Omnibuses shall start from the west side of Crystal-street, opposite Council Chambers, for Clarence-street at 7.40 a.m., 8 a.m., and every 30 minutes till 9.30 p.m., but on Saturdays till 10 p.m.; and from Clarence-street for Petersham at 8.30 a.m., and every 30 minutes till 10 p.m., but on Saturdays till 10.30 p.m.

And each omnibus shall perform the journey to and from Petersham and Clarence-street in 40 minutes, and the parts of the journey as follows:—

- From Council Chambers to Camperdown Toll-gate in 10 minutes.
- Camperdown Toll-gate to Newtown Road, in 10 minutes.
- Newtown Road to Railway in 5 minutes.
- Railway to Liverpool-street in 5 minutes.
- Liverpool-street to Royal Hotel in 5 minutes.
- Royal Hotel to Clarence-street in 5 minutes.
- Clarence-street to Royal Hotel in 5 minutes.
- Royal Hotel to Liverpool-street in 5 minutes.
- Liverpool-street to Railway in 5 minutes.
- Railway to Newtown Road in 5 minutes.
- Newtown Road to Camperdown Toll-gate in 10 minutes.
- Camperdown Toll-gate to Council Chambers, Petersham, in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Randwick and Gresham-street.

Omnibuses shall start from Randwick for Gresham-street at 8:45 a.m., 10:40 a.m., 1:40 p.m., 3:40 p.m., 7 p.m., and 9:30 p.m.; and from Gresham-street for Randwick at 9:40 a.m., 11:40 a.m., 2:40 p.m., 4:40 p.m., 8 p.m., and 10:45 p.m.

And each omnibus shall perform the journey to and from Randwick and Coogee Bay in 45 minutes, and the parts of the journey as follows:—

- From Randwick to Park Road in 19 minutes.
- „ Park Road to Oxford-street in 9 minutes.
- „ Oxford-street, at Botany-street, to Market-street in 9 minutes.
- „ Market-street to Gresham-street in 8 minutes.
- „ Gresham-street to Market-street in 8 minutes.
- „ Market-street to Botany-street in 9 minutes.
- „ Botany-street, at Oxford-street, to Park Road in 9 minutes.
- „ Park Road to Randwick in 19 minutes.

TIME-TABLE for Omnibuses plying to and from Redfern and Wynyard Square East.

Omnibuses shall start from Wellington-street, south side, west of Elizabeth-street, Redfern, for Wynyard-square East, at 8:5 a.m. and every 10 minutes till 8:45 p.m., and then every 20 minutes till 10:5 p.m.; and from Wynyard-square for Waterloo at 8:40 a.m., and every 10 minutes till 9:20 p.m., and then every 20 minutes till 10:30 p.m.

And each omnibus shall perform the journey to and from Redfern and Wynyard-square in 30 minutes, and the parts of the journey as follows:—

- From Redfern to Regent-street, at Cleveland-street, in 10 minutes.
- „ Cleveland-street to Railway, George-street, in 5 minutes.
- „ Railway to Liverpool-street, in 5 minutes.
- „ Liverpool-street to Royal Hotel in 5 minutes.
- „ Royal Hotel to Wynyard-square in 5 minutes.
- „ Wynyard-square to Royal Hotel in 5 minutes.
- „ Royal Hotel to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway in 5 minutes.
- „ Railway to Regent-street, at Cleveland-street, in 5 minutes.
- „ Regent-street to Redfern in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Riley-street and Macquarie-place.

Omnibuses shall start from the west side of Riley-street, at Devonshire-street, for Macquarie-place, at 8:30 a.m., 8:40 a.m., 9 a.m., and every half-hour to 8 p.m.; and from Macquarie-place for Riley-street at 9 a.m. and every half-hour to 8:30 p.m. And each omnibus shall perform the journey to and from Riley-street to Macquarie-place in 25 minutes; and the parts of the journey as follows:—

- From Riley-street, at Devonshire-street, to Oxford-street in 8 minutes.
- „ Oxford-street, at Riley-street, to Market-street, in 9 minutes.
- „ Market-street to Macquarie-place in 8 minutes.
- „ Macquarie-place to Market-street in 8 minutes.
- „ Market-street to Riley-street in 9 minutes.
- „ Riley-street, at Oxford-street, to Devonshire-street in 8 minutes.

TIME-TABLE for Omnibuses plying to and from Stanmore and Erskine-street, Sydney.

Omnibuses shall start from Stanmore for Erskine-street at—7:30 a.m., 8:15 a.m., 8:21 a.m., 8:31 a.m., 8:43 a.m., 8:51 a.m., 8:57 a.m., 9:11 a.m., 9:17 a.m., 9:31 a.m., 9:53 a.m., 10:1 a.m., 10:21 a.m., 10:33 a.m., 10:41 a.m., 10:53 a.m., 11:13 a.m., 11:21 a.m., 11:33 a.m., 11:53 a.m., 12:1 p.m., 12:13 p.m., 12:33 p.m., 12:41 p.m., 12:53 p.m., 1:1 p.m., 1:21 p.m., 1:33 p.m., 1:41 p.m., 2:1 p.m., 2:13 p.m., 2:21 p.m., 2:41 p.m., 2:53 p.m., 3:1 p.m., 3:21 p.m., 3:33 p.m., 3:41 p.m., 4:1 p.m., 4:13 p.m., 4:21 p.m., 4:41 p.m., 4:53 p.m., 5:1 p.m., 5:21 p.m., 5:33 p.m., 5:41 p.m., 6:1 p.m., 6:13 p.m., 6:21 p.m., 6:41 p.m., 6:53 p.m., 7:1 p.m., 7:21 p.m., 7:33 p.m., 7:41 p.m., 8:15 p.m., 8:35 p.m., 9:15 p.m., 9:35 p.m., and 9:55 p.m.

And shall start from Erskine-street for Stanmore at—8:15 a.m., 8:50 a.m., 9:10 a.m., 9:36 a.m., 9:56 a.m., 10:8 a.m., 10:16 a.m., 10:36 a.m., 10:48 a.m., 10:56 a.m., 11:16 a.m., 11:28 a.m., 11:36 a.m., 11:48 a.m., 12:8 p.m., 12:16 p.m., 12:28 p.m., 12:48 p.m., 12:56 p.m., 1:8 p.m., 1:28 p.m., 1:36 p.m., 1:48 p.m., 1:56 p.m., 2:8 p.m., 2:16 p.m., 2:28 p.m., 2:36 p.m., 2:48 p.m., 2:56 p.m., 3:8 p.m., 3:16 p.m., 3:36 p.m., 3:48 p.m., 3:56 p.m., 4:16 p.m., 4:28 p.m., 4:36 p.m., 4:56 p.m., 5:6 p.m., 5:12 p.m., 5:32 p.m., 5:36 p.m., 5:46 p.m., 5:52 p.m., 5:56 p.m., 6:12 p.m., 6:16 p.m., 6:26 p.m., 6:32 p.m., 6:56 p.m., 7:8 p.m., 7:16 p.m., 7:36 p.m., 7:48 p.m., 7:56 p.m., 8:16 p.m., 8:30 p.m., 9:10 p.m., 9:30 p.m., 10:10 p.m., 10:30 p.m., and 11:0 p.m.

And each omnibus shall perform the journey to and from Stanmore and Erskine-street in 45 minutes; and the parts of the journey as follows:—

- From Stanmore to Enmore Road in 10 minutes.
- „ Stanmore Road to Railway Bridge in 5 minutes.
- „ Railway Bridge to Newtown Toll-bar in 6 minutes.
- „ Newtown Toll-bar to Parramatta-street in 5 minutes.
- „ Newtown Road to Railway in 5 minutes.
- „ Railway to Liverpool-street in 5 minutes.
- „ Liverpool-street to “Royal Hotel” in 5 minutes.
- „ “Royal Hotel” to Erskine-street in 4 minutes.
- „ Erskine-street to “Royal Hotel” in 4 minutes.
- „ “Royal Hotel” to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway in 5 minutes.
- „ Railway to Newtown Road in 5 minutes.
- „ Parramatta-street to Newtown Toll-bar in 5 minutes.
- „ Newtown Toll-bar to Railway Bridge in 6 minutes.
- „ Railway Bridge to Stanmore Road in 5 minutes.
- „ Enmore Road to Stanmore in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Victoria-street, Woolloomooloo, and Clarence-street.

Omnibuses shall start from Victoria-street for Clarence-street at 8:20 a.m., and every four minutes till 9:30 p.m.; and from Clarence-street for Victoria-street at 8:40 a.m., and every 4 minutes till 9:45 p.m. And each omnibus shall perform the journey to and from Victoria-street and Clarence-street in 15 minutes; and the parts of the journey as follows:—

- From Victoria-street to Yurong-street in 5 minutes.
- „ Yurong-street to Elizabeth-street in 5 minutes.
- „ Elizabeth-street to Clarence-street in 5 minutes.
- „ Clarence-street to Elizabeth-street in 5 minutes.
- „ Elizabeth-street to Yurong-street in 5 minutes.
- „ Yurong-street to Victoria-street in 5 minutes.

TIME-TABLE for Omnibuses plying to and from Waterloo and Wynyard-square East.

Omnibuses shall start from the east side of Botany Road, 20 yards north of Toll-gate, Waterloo, for Wynyard-square East, at 8 a.m., and every 10 minutes to 8:40 p.m., and then every 20 minutes till 10 p.m.; and from Wynyard-square for Waterloo at 8:30 a.m., and every 10 minutes till 9:10 p.m., and then every 20 minutes till 10:30 p.m. And each omnibus shall perform the journey to and from Waterloo and Wynyard-square in 30 minutes; and the parts of the journey as follows:—

- From Waterloo to Cleveland-street in 10 minutes.
- „ Cleveland-street to Railway, George-street, in 5 minutes.
- „ Railway to Liverpool-street in 5 minutes.
- „ Liverpool-street to “Royal Hotel” in 5 minutes.
- „ “Royal Hotel” to Wynyard-square in 5 minutes.
- „ Wynyard-square to “Royal Hotel” in 5 minutes.
- „ “Royal Hotel” to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway in 5 minutes.
- „ Railway to Cleveland-street in 5 minutes.
- „ Cleveland-street to Waterloo in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Waverley and Macquarie-place.

Omnibuses shall start from Waverley for Macquarie-place at 8 a.m. and every ten minutes till 9 p.m.; and from Macquarie-place for Waverley at 8:50 a.m., and every ten minutes till 8:30 p.m., and then every fifteen minutes till 10 p.m. And each omnibus shall perform the journey to and from Waverley and Macquarie-place in 50 minutes, and the parts of the journey as follows:—

- From Victoria-street to Tea Gardens in 8 minutes.
- „ Tea Gardens to Piper-street in 12 minutes.
- „ Piper-street to Bourke-street in 13 minutes.
- „ Bourke-street to Market-street in 9 minutes.
- „ Market-street to Macquarie-place in 8 minutes.
- „ Macquarie-place to Market-street in 8 minutes.
- „ Market-street to Bourke-street in 9 minutes.
- „ Bourke-street to Piper-street in 13 minutes.
- „ Piper-street to Tea Gardens in 12 minutes.
- „ Tea Gardens to Victoria-street in 8 minutes.

TIME-TABLE for Omnibuses plying to and from Woollahra and Macquarie-place.

Omnibuses shall start from Woollahra for Macquarie-place at 8 a.m., and every ten minutes till 7 p.m., then every fifteen minutes till 9.30 p.m.; and from Macquarie-place for Woollahra at 8.40 a.m., and every ten minutes till 7.30 p.m., and then every fifteen minutes till 10 p.m. And each omnibus shall perform the journey to and from Woollahra and Macquarie-place in 40 minutes, and the parts of the journey as follows:—

From Woollahra stand to South Head Road in 10 minutes.

- „ South Head Road at Piper-street to Bourke-street in 13 minutes.
- „ Bourke-street to Market-street in 9 minutes.
- „ Market-street to Macquarie-place in 8 minutes.
- „ Macquarie-place to Market-street in 8 minutes.
- „ Market-street to Bourke-street in 9 minutes.
- „ Bourke-street to Piper-street in 13 minutes.
- „ Piper-street at South Head Road to Woollahra in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Woolloomooloo Bay and Clarence-street.

Omnibuses shall start from Woolloomooloo Bay, foot of Dowling-street for Clarence-street at 8.40 a.m., and every hour till 8.40 p.m. And from Clarence-street for Victoria-street at 9 a.m., and every hour till 9 p.m. And each omnibus shall perform the journey to and from Dowling-street and Clarence-street in 15 minutes, and the parts of the journey as follows:—

- From Dowling-street to Palmer-street in 5 minutes.
- „ Palmer-street to Elizabeth-street in 5 minutes.
- „ Elizabeth-street to Clarence-street in 5 minutes.
- „ Clarence-street to Elizabeth-street in 5 minutes.
- „ Elizabeth-street to Palmer-street in 5 minutes.
- „ Palmer-street to Dowling-street in 5 minutes.

SCHEDULE K.*Omnibuses plying through Pitt-street.*

Line of road.	Colour of Omnibus-body and lamps.
Bondi	White.
Coogee Bay	Brown.
Darlinghurst	Green.
Riley-street	Green and white.
Surry Hills (Crown-st. & Bourke-st.)	Blue.
Waverley	Red and white.
Woollahra	Red.
Randwick	Brown and white.

Omnibuses plying through George-street.

Cook's River	Blue.
Canterbury	Red and blue.
Enfield, Burwood	Red.
Five Dock, Burwood	Red and white.
Forest Lodge	Green and white.
Glebe Point	Green.
Marrickville	Brown.
Petersham	White.
Redfern	Light-blue.
Waterloo	Light-blue and white.
Botany	Light-blue and red.
Railway	White.
Strawberry Hills, Albert Ground ...	Green and black.
Koggera	Red and black.
Stanmore	Brown and white.

Omnibuses plying through King-street.

Double Bay and Darling Point	Red.
Woolloomooloo	Blue.
Woolloomooloo Bay	Red and white.

SCHEDULE L.

I hereby give you notice that you are required to produce your licensed No. at the Metropolitan Transit Commissioners' Office, 164, Phillip-street, Sydney, on next, the day of at the hour of o'clock in the for the purpose of having the same inspected by the Commissioners.

Registrar.

SCHEDULE M.

I hereby certify that the No. now used and let to hire, and known by the marks or description hereunder set forth, 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 is hereby suspended for the period of from this date.—Dated this day of one thousand eight hundred and seventy-

Registrar.

1876-7.

NEW SOUTH WALES.

PUBLIC VEHICLES REGULATION ACT OF 1873.

(BY-LAWS.)

Presented to Parliament, pursuant to Act 36 Vic. No. 14, sec. 15.

Colonial Secretary's Office,
Sydney, 22nd May, 1877.

THE following By-laws, made by the Metropolitan Transit Commissioners, amending the Time-tables for Omnibuses plying on certain lines of road, and respecting the Cab-stand in Market-street, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the "Public Vehicles Regulation Act of 1873."

HENRY PARKES.

THE Board of Metropolitan Transit Commissioners, constituted and empowered by the Public Vehicles Regulation Act of 1873, do, by virtue of the power and authority in them vested by the said Act, declare that the following Omnibus Time-tables of Schedule J under the By-laws now in force for regulating licensed vehicles, shall be and the same are hereby repealed, viz. :—

- From and to Erskine-street and Cook's River.
- „ Erskine-street and Marrickville.
- „ Erskine-street and Stanmore.
- „ Miller's Point and Forest Lodge.
- „ Miller's Point and Glebe Point.
- „ Gresham-street and Randwick.

And that the following Time-tables shall be adopted in lieu thereof :—

TIME-TABLE for Omnibuses plying to and from Erskine-street, Sydney, and Cook's River Street, Cook's River Road.

Omnibuses shall start from Cook's River Street at 8 a.m. and 8.30 a.m.; and shall start from Erskine-street at 4.30 p.m. and 5.30 p.m. And each Omnibus shall perform the journey to and from Erskine-street and Cook's River Street in 60 minutes, and the parts of the journey as follows :—

- From Cook's River Street to St. Peter's Church in 15 minutes.
- „ St. Peter's Church to Newtown Bridge in 15 minutes.
- „ Newtown Bridge to Newtown Toll-bar in 6 minutes.
- „ Newtown Toll-bar to Parramatta-street in 5 minutes.
- „ Newtown Road to Railway in 5 minutes.
- „ Railway to Liverpool-street in 5 minutes.
- „ Liverpool-street to "Royal Hotel" in 5 minutes.
- „ "Royal Hotel" to Erskine-street in 4 minutes.
- „ Erskine-street to "Royal Hotel" in 4 minutes.
- „ "Royal Hotel" to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway in 5 minutes.
- „ Railway to Newtown Road in 5 minutes.

From Parramatta-street to Newtown Toll-bar in 5 minutes.

- „ Newtown Toll-bar to Newtown Bridge in 5 minutes.
- „ Newtown Bridge to St. Peter's Church in 15 minutes.
- „ St. Peter's Church to Cook's River Street in 15 minutes.

TIME-TABLE for Omnibuses plying to and from Cook's River Street and Crescent-street, Enmore.

Omnibuses shall start from the west side of Cook's River Road, south of Cook's River Street, for Crescent-street, Enmore :—

- From 7.30 a.m. to 9.30 a.m. every twenty minutes.
- „ 9.30 a.m. to 5 p.m. every thirty minutes.
- „ 5 p.m. to 7.30 p.m. every twenty minutes.
- „ 7.30 p.m. to 9.30 p.m. every thirty minutes.

And shall start from Crescent-street for Cook's River Street :—

- From 8 a.m. to 10 a.m. every twenty minutes.
- „ 10 a.m. to 5 p.m. every thirty minutes.
- „ 5 p.m. to 7.30 p.m. every twenty minutes.
- „ 7.30 p.m. to 10 p.m. every thirty minutes.

And each Omnibus shall perform the journey to and from Cook's River Street to Crescent-street in 30 minutes, and the parts of the journey as follows :—

- From Crescent-street to St. Peter's Church in 15 minutes.
- „ St. Peter's Church to Cook's River Street in 15 minutes.
- „ Cook's River Street to St. Peter's Church in 15 minutes.
- „ St. Peter's Church to Crescent-street in 15 minutes.

TIME-TABLE for Omnibuses plying to and from Erskine-street, Sydney, and Marrickville.

Omnibuses shall start from Marrickville for Erskine-street at 8.10 a.m. and 9.10 a.m.

And shall start from Erskine-street for Marrickville at 5 p.m. and 6 p.m.

And each Omnibus shall perform the journey to and from Erskine-street and Marrickville in 50 minutes, and the parts of the journey as follows:—

From Marrickville, Warren Road, to Stanmore Road in 15 minutes.
 „ Stanmore Road to Railway Bridge in 5 minutes.
 „ Railway Bridge to Toll-bar in 6 minutes.
 „ Toll-bar to Parramatta-street in 5 minutes.
 „ Parramatta-street at Newtown Road to Railway Bridge in 5 minutes.
 „ Railway Bridge to Liverpool-street in 5 minutes.
 „ Liverpool-street to "Royal Hotel" in 5 minutes.
 „ "Royal Hotel" to Erskine-street in 4 minutes.
 „ Erskine-street to "Royal Hotel" in 4 minutes.
 „ "Royal Hotel" to Liverpool-street in 5 minutes.
 „ Liverpool-street to Railway Bridge in 5 minutes.
 „ Railway Bridge to Parramatta-street, at Newtown Road, in 5 minutes.
 „ Parramatta-street to Toll-bar in 5 minutes.
 „ Toll-bar to Railway Bridge in 6 minutes.
 „ Railway Bridge to Stanmore Road in 5 minutes.
 „ Stanmore Road to Warren Road, Marrickville, in 15 minutes.

TIME-TABLE for Omnibuses plying to and from Marrickville and Crescent-street, Enmore.

Omnibuses shall start from Marrickville for Crescent-street, from 8 a.m. to 9 p.m. every hour, and shall start from Crescent-street for Marrickville from 8:30 a.m. to 9:30 p.m. every hour, and each Omnibus shall perform the journey to and from Marrickville and Crescent-street, Enmore, in 20 minutes.

TIME-TABLE for Omnibuses plying to and from Erskine-street, Sydney, and Stanmore.

Omnibuses shall start from Stanmore for Erskine-street at 8 a.m. and 8:30 a.m.

And shall start from Erskine-street for Stanmore at 4:30 p.m. and 5:30 p.m.

And each Omnibus shall perform the journey to and from Erskine-street and Stanmore in 45 minutes, and the parts of the journey as follows:—

From Stanmore Road, at Council Chamber, to Enmore Road, in 10 minutes.
 „ Enmore Road, at Stanmore Road, to Railway Bridge, in 5 minutes.
 „ Railway Bridge to Toll-bar in 6 minutes.
 „ Toll-bar to Parramatta-street in 5 minutes.
 „ Parramatta-street, at Newtown Road, to Railway Bridge, in 5 minutes.
 „ Railway Bridge to Liverpool-street in 5 minutes.
 „ Liverpool-street to "Royal Hotel" in 5 minutes.
 „ "Royal Hotel" to Erskine-street in 4 minutes.
 „ Erskine-street to "Royal Hotel" in 4 minutes.
 „ "Royal Hotel" to Liverpool-street in 5 minutes.
 „ Liverpool-street to Railway Bridge in 5 minutes.
 „ Railway Bridge to Parramatta-street, at Newtown Road, in 5 minutes.
 „ Parramatta-street to Toll-bar in 5 minutes.
 „ Toll-bar to Railway Bridge in 6 minutes.
 „ Railway Bridge to Enmore Road, at Stanmore Road, in 5 minutes.
 „ Enmore Road to Stanmore Road, at Council Chamber, in 10 minutes.

TIME-TABLE for Omnibuses plying to and from Stanmore and Crescent-street, Enmore.

Omnibuses shall start from Stanmore for Crescent-street from 8 a.m. to 10 p.m. every thirty minutes; and shall start from Crescent-street for Stanmore from 8:30 a.m. to 9:30 p.m. every thirty minutes. And each omnibus shall perform the journey to and from Stanmore and Crescent-street, Enmore, in 15 minutes.

TIME-TABLE for Omnibuses plying to and from Erskine-street, Sydney, and Crescent-street, Enmore.

Omnibuses shall start from the north side of Crescent-street, Enmore, for Erskine-street, Sydney—

From 7:30 a.m. to 8 a.m. every ten minutes.
 „ 8 a.m. to 11 a.m. every five minutes.
 „ 11 a.m. to 4 p.m. every seven minutes.
 „ 4 p.m. to 8 p.m. every five minutes.
 „ 8 p.m. to 10:30 p.m. every ten minutes.

And shall start from Erskine-street for Crescent-street, Enmore—

From 8 a.m. to 8:30 a.m. every ten minutes.
 „ 8:30 a.m. to 11:30 a.m. every five minutes.
 „ 11:30 a.m. to 4:30 p.m. every seven minutes.
 „ 4:30 p.m. to 8:30 p.m. every five minutes.
 „ 8:30 p.m. to 11 p.m. every ten minutes.

And each Omnibus shall perform the journey to and from Crescent-street, Enmore, and Erskine-street, Sydney, in 30 minutes, and the parts of the journey as follows:—

From Crescent-street to Newtown Toll-bar in 6 minutes.
 „ Newtown Toll-bar to Parramatta-street in 5 minutes.
 „ Newtown Road to Railway Bridge in 5 minutes.
 „ Railway Bridge to Liverpool-street in 5 minutes.
 „ Liverpool-street to "Royal Hotel" in 5 minutes.
 „ "Royal Hotel" to Erskine-street in 4 minutes.
 „ Erskine-street to "Royal Hotel" in 4 minutes.
 „ "Royal Hotel" to Liverpool-street in 5 minutes.
 „ Liverpool-street to Railway Bridge in 5 minutes.
 „ Railway Bridge to Newtown Road in 5 minutes.
 „ Parramatta-street to Newtown Toll-bar in 5 minutes.
 „ Newtown Toll-bar to Crescent-street, Enmore in 6 minutes.
 „ Crescent-street to Stanmore Road, at Enmore Road, in 5 minutes.

Special omnibus accommodation from Newtown Road, south side, at the Missenden Road, to Erskine-street, Sydney, shall be provided to start at 8:35 a.m., 8:45 a.m., and 9 a.m., and perform the parts of the journey as shown in the above Table, to Erskine-street.

TIME-TABLE for Omnibuses plying to and from Glebe and Miller's Point.

Omnibuses shall start from Glebe for Miller's Point:—

From 8 a.m. to 8:42 a.m., every 6 minutes.
 „ 8:42 a.m. to 9:52 a.m., every 5 minutes.
 „ 9:52 a.m. to 4:3 p.m., every 7 minutes.
 „ 4:3 p.m. to 6:21 p.m., every 6 minutes.
 „ 6:21 p.m. to 7:1 p.m., every 8 minutes.
 „ 7:1 p.m. to 10:31 p.m., every 10 minutes.

And shall start from Miller's Point for Glebe:—

From 8:32 a.m. to 9:14 a.m., every 6 minutes.
 „ 9:14 a.m. to 10:24 a.m., every 5 minutes.
 „ 10:24 a.m. to 4:35 p.m., every 7 minutes.
 „ 4:35 p.m. to 6:53 p.m., every 6 minutes.
 „ 6:53 p.m. to 7:33 p.m., every 8 minutes.
 „ 7:33 p.m. to 11:3 p.m., every 10 minutes.

And each Omnibus shall perform the journey to and from Miller's Point and Glebe in 30 minutes, and the parts of the journey as follows:—

From Parramatta Road at Glebe Point Road to Railway Bridge in 5 minutes.
 „ Railway Bridge to Liverpool-street in 5 minutes.
 „ Liverpool-street to "Royal Hotel" in 5 minutes.
 „ "Royal Hotel" to Essex-street in 5 minutes.
 „ Essex-street to Fort-street in 5 minutes.
 „ Fort-street at George-street to Kent-street at Argyle-street in 5 minutes.
 „ Argyle-street at Kent-street to George-street in 5 minutes.
 „ Fort-street to Essex-street in 5 minutes.
 „ Essex-street to "Royal Hotel" in 5 minutes.
 „ "Royal Hotel" to Liverpool-street in 5 minutes.
 „ Liverpool-street to Railway Bridge in 5 minutes.
 „ Railway Bridge to Parramatta Road at Glebe Road in 5 minutes.

TIME-TABLE for Omnibuses plying to and from Parramatta Road, Camperdown, and Wynyard-square.

Omnibuses shall start from Parramatta Road, Camperdown, for Wynyard Square, from 8 a.m. till 8:30 p.m. every 30 minutes, the second and every alternate Omnibus to run via Pyrmont Bridge Road and Glebe Point Road to Parramatta Road. And shall start from Wynyard-square for Parramatta Road, Camperdown, from 8:35 a.m. till 9:5 p.m. every 30 minutes, the second and every alternate Omnibus to run via Glebe Point Road and Pyrmont Bridge Road to Parramatta Road. And each Omnibus shall perform the journey to and from Parramatta Road, Camperdown, and Wynyard-square, in 34 minutes, and the parts of the journey as follows:—

From Parramatta Road, at Pyrmont Bridge Road, to Newtown Road in 14 minutes.
 „ Newtown Road to Railway Bridge in 5 minutes.
 „ Railway Bridge to Liverpool-street in 5 minutes.
 „ Liverpool-street to "Royal Hotel" in 5 minutes.
 „ "Royal Hotel" to Wynyard-square in 4 minutes.
 „ Wynyard-square to "Royal Hotel" in 4 minutes.
 „ "Royal Hotel" to Liverpool-street in 5 minutes.
 „ Liverpool-street to Railway Bridge in 5 minutes.
 „ Railway Bridge to Newtown Road in 5 minutes.
 „ Newtown Road to Parramatta Road at Pyrmont Bridge Road in 14 minutes.

SCHEDULE G—continued.

Showing the Omnibus Stand, with the Line of Road to and from the same.

Stand.	Line of Road.	Stand.
Parramatta Road, north side, at Pyrmont Bridge Road.	Parramatta Road, Parramatta, George, Wynyard, York, King, George, and Parramatta Streets, and Parramatta Road; every alternate Omnibus to and from Wynyard-square to run via Pyrmont Bridge Road and Glebe Point Road.	York-street, east side, at Erskine-street.

TIME-TABLE for Omnibuses plying to and from Glebe Point and Wynyard-square.

Omnibuses shall start from Glebe Point for Wynyard-square, at 7.40 a.m., 8.5 a.m., and

- From 8.5 a.m. to 8.29 a.m., every 12 minutes.
- „ 8.29 a.m. to 9.39 a.m., every 10 minutes.
- „ 9.39 a.m. to 3.57 p.m., every 14 minutes.
- „ 3.57 p.m. to 6.17 p.m., every 10 minutes.
- „ 6.17 p.m. to 9.37 p.m., every 20 minutes.

And shall start from Wynyard-square for Glebe Point at 8.25 a.m., 8.50 a.m., and

- From 8.50 a.m. to 9.14 a.m., every 12 minutes.
- „ 9.14 a.m. to 10.24 a.m., every 10 minutes.
- „ 10.24 a.m. to 4.42 p.m., every 14 minutes.
- „ 4.42 p.m. to 7.2 p.m., every 10 minutes.
- „ 7.2 p.m. to 10.2 p.m., every 20 minutes.

And each Omnibus shall perform the journey to and from Glebe Point and Wynyard-square in 41 minutes, and the parts of the journey as follows:—

- From Glebe Point to Parramatta-street in 12 minutes.
- „ Parramatta-street at Newtown Road to Railway Bridge in 5 minutes.
- „ Railway Bridge to Liverpool-street in 5 minutes.
- „ Liverpool-street to "Royal Hotel" in 5 minutes.
- „ "Royal Hotel" to Wynyard-square in 4 minutes.
- „ Wynyard-square to "Royal Hotel" in 4 minutes.
- „ "Royal Hotel" to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway Bridge in 5 minutes.
- „ Railway Bridge to Parramatta-street at Newtown Road in 5 minutes.
- „ Parramatta-street, at Newtown Road, to Glebe Point, in 12 minutes.

TIME-TABLE for Omnibuses plying to and from Ross-street, Forest Lodge, and Wynyard-square.

Omnibuses shall start from Ross-street, Forest Lodge, for Wynyard-square,—

- From 8 a.m. to 9.30 a.m., every 10 minutes.
- „ 9.30 a.m. to 4.16 p.m., every 14 minutes.
- „ 4.16 p.m. to 6.46 p.m., every 10 minutes.
- „ 6.46 p.m. to 9.26 p.m., every 20 minutes.

And shall start from Wynyard-square for Ross-street, Forest Lodge,—

- From 8.45 a.m. to 10.15 a.m., every 10 minutes.
- „ 10.15 a.m. to 5.1 p.m., every 14 minutes.
- „ 5.1 p.m. to 7.31 p.m., every 10 minutes.
- „ 7.31 p.m. to 10.11 p.m., every 20 minutes.

And each Omnibus shall perform the journey to and from Ross-street, Forest Lodge, and Wynyard-square, in 41 minutes, and the parts of the journey as follows:—

- From Ross-street to Parramatta-street, at Newtown Road, in 12 minutes.
- „ Parramatta-street, at Newtown Road, to Railway Bridge, in 5 minutes.

From Railway Bridge to Liverpool-street in 5 minutes.

- „ Liverpool-street to "Royal Hotel" in 5 minutes.
- „ "Royal Hotel" to Wynyard-square in 4 minutes.
- „ Wynyard-square to "Royal Hotel" in 4 minutes.
- „ "Royal Hotel" to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway Bridge in 5 minutes.
- „ Railway Bridge to Parramatta-street, at Newtown Road, in 5 minutes.
- „ Parramatta-street, at Newtown Road, to Ross-street, in 12 minutes.

TIME-TABLE for Omnibuses plying to and from Old Newtown Road, Darlington, and Miller's Point.

Omnibuses shall start from the Old Newtown Road at Alma-lane for Miller's Point, at 8 a.m. and every 15 minutes till 9.30 p.m., and shall start from Miller's Point for Old Newtown Road at Alma-lane at 8.30 a.m. and every 15 minutes till 10 p.m.

And each Omnibus shall perform the journey to and from Old Newtown Road and Miller's Point in 30 minutes, and the parts of the journey as follows:—

- From Old Newtown Road, at Alma-lane, to Railway Bridge in 8 minutes.
- „ Railway Bridge to Liverpool-street in 5 minutes.
- „ Liverpool-street to "Royal Hotel" in 5 minutes.
- „ "Royal Hotel" to Essex-street in 5 minutes.
- „ Essex-street to Miller's Point, at Kent-street, in 7 minutes.
- „ Miller's Point, at Kent-street, to Essex-street in 7 minutes.
- „ Essex-street to "Royal Hotel" in 5 minutes.
- „ "Royal Hotel" to Liverpool-street in 5 minutes.
- „ Liverpool-street to Railway Bridge in 5 minutes.
- „ Railway Bridge to Old Newtown Road, at Alma-lane, in 8 minutes.

TIME-TABLE for Omnibuses plying to and from Randwick at High Cross and Gresham-street, Sydney.

Omnibuses shall start from Randwick at High Cross for Gresham-street at 8.20 a.m., 8.30 a.m., 9 a.m., 9.30 a.m., 10 a.m., 10.30 a.m., 11 a.m., 11.30 a.m., 12 noon, 1 p.m., 2 p.m., 2.30 p.m., 3 p.m., 3.30 p.m., 4 p.m., 4.30 p.m., 5 p.m., 5.30 p.m., 6 p.m., 7 p.m., and 8 p.m.; and shall start from Gresham-street for Randwick at High Cross, at 9.10 a.m., 9.40 a.m., 10.10 a.m., 10.40 a.m., 11.10 a.m., 11.40 a.m., 12.10 p.m., 12.40 p.m., 1 p.m., 2 p.m., 2.40 p.m., 3.10 p.m., 3.40 p.m., 4.10 p.m., 4.40 p.m., 5.10 p.m., 5.40 p.m., 6.10 p.m., 7 p.m., 8 p.m., and 9.30 p.m.

And each Omnibus shall perform the journey to and from Randwick at High Cross and Gresham-street in 45 minutes, and the parts of the journey as follows:—

- From Randwick at High Cross to Park Road in 19 minutes.
- „ Park Road to Oxford-street in 9 minutes.
- „ Oxford-street at Botany-street to Market-street in 9 minutes.
- „ Market-street to Gresham-street in 8 minutes.
- „ Gresham-street to Market-street in 8 minutes.
- „ Market-street to Botany-street in 9 minutes.
- „ Botany-street at Oxford-street to Park Road in 9 minutes.
- „ Park Road to Randwick at High Cross in 19 minutes.

THE Omnibus Stands with the Lines of Road to and from the same shall be as follows, viz. :—

Stands.	Line of Road.	Stands.
Enmore, Crescent-street, north side, at the Bridge.	Newtown Road, Parramatta, George, Wynyard, York, King, George, Parramatta Streets, Newtown and Enmore Roads, Station and Crescent Streets.	Erskine-street, north side, at York-street.
Ditto	Enmore and Stanmore Roads	Stanmore Road, 20 yards from Council Chamber.
Ditto	Enmore, Addison, and Illawarra Roads	Marrickville, east side of Illawarra Road, at Warren Road.
Ditto	Cook's River Road, Short, Union, Station, and Crescent Streets.	Cook's River Road, west side, south of Cook's River Street.
Stanmore Road, 20 yards from Council Chambers.	Stanmore, Enmore, and Newtown Roads, Parramatta, George, Wynyard and York Streets.	Erskine-street, north side, at York-street.
Marrickville, east side of Illawarra Road, at Warren Road.	Illawarra, Addison, Enmore, and Newtown Roads, Parramatta, George, Wynyard, and York Streets.	Ditto.
Cook's River Road, west side, south of Cook's River street.	Cook's River and Newtown Roads, Parramatta, George, Wynyard, and York Streets.	Ditto.
Forest Lodge, north side of Ross-street, at Pymont Bridge Road.	Ross, Catherine, Derwent, Parramatta, George, Wynyard, and York Streets.	York-street, east side, at Wynyard-street.
Glebe Point Road, south side, 300 yards from the Bay.	Glebe Point and Parramatta Roads, George, Wynyard, and York Streets.	York-street, east side, at Wynyard-street.
Glebe, Parramatta Road, opposite the Sydney U. O. Co. works.	Parramatta Road, Parramatta, George, and Fort Streets, and Argyle-place; and return via Fort-street, without stopping.	Nil.
Darlington, Old Newtown Road, west side, south of Alma-lane.	Old Newtown Road, Cleveland, Abercrombie, Parramatta, George, and Argyle Streets.	Kent-street, east side, south of Argyle-street.

And that on the public Cab Stand in Market-street, there shall not be more than three hackney carriages at one time.

Passed by the Board of Metropolitan Transit Commissioners this ninth day of May, in the year of Our Lord, one thousand eight hundred and seventy-seven.

W. J. MERRIMAN,
Registrar.

(L.S.)

JAMES MERRIMAN, Chairman.
MICHL. CHAPMAN, Commissioner.
EDMUND FOSEBURY, I.G.P., Commissioner.

1876-7.

NEW SOUTH WALES.

PUBLIC VEHICLES REGULATION ACT OF 1873.

(BY-LAW.)

Presented to Parliament, pursuant to Act 36 Vic. No. 14, sec. 15.

Colonial Secretary's Office,
Sydney, 25th July, 1877.

METROPOLITAN TRANSIT COMMISSIONERS' BY-LAW.

THE following By-law, made by the Metropolitan Transit Commissioners, establishing Public Stands with Time-tables and Lines of Road for Omnibuses, &c., plying to and from Missenden Road, Potts' Point, and Buckland-street, Redfern, respectively, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, is published in accordance with the provisions of the "Public Vehicles Regulation Act of 1873."

HENRY PARKES.

WHEREAS it is desirable to amend the By-laws now in force for the regulating of Public Vehicles within the City and Police District of Sydney, passed by the Board of Metropolitan Transit Commissioners on the fourth of October, A.D. 1876. The Board of Metropolitan Transit Commissioners, constituted and empowered by the Public Vehicles Regulation Act of 1873, do, by virtue of the authority vested in them by the said Act, hereby make and establish the following By-law, for the regulating of Licensed Vehicles within the City and Police District of Sydney, and declare that in the construction of the said By-laws so passed and in force as aforesaid, unless the context shall otherwise indicate, the following terms in inverted commas shall bear the meaning and include the things hereinafter severally assigned or set against them, and further hereby make and establish the following Public Stands with the Lines of Road and Time-tables, as required in Schedules G and J for regulating licensed vehicles.

"Omnibus."—A vehicle used for the purpose of standing or plying for hire for passengers to be carried at separate fares in any public street or place, and including the following description:—Vehicle on four wheels, drawn by two or more horses; also, omnibus-cars or wagonettes on four wheels, drawn by one horse and of dimensions approved of by the Commissioners.

SCHEDULE G—continued.

SHOWING the Omnibus Stands, with the Lines of Road to and from the same.

Stands.	Line of Road.	Stands.
Missenden Road, west side, opposite north end of Presbyterian College.	Missenden Road, Parramatta Road, Parramatta and George Streets.	George-street, east side, at Queen's Wharf.
Potts' Point, Macleay-street at Albert-street.	Albert, Victoria, William, Park, Pitt, Park, William, and Macleay Streets.	Pitt-street, east side, north of Bridge-street.
Buckland-street, north side, at west side of George-street, Redfern.	George, Cleveland, Regent, George, and Margaret Streets, and Wynyard Square; to return without stopping.	

SCHEDULE J—continued.

TIME-TABLE for Omnibuses plying to and from Missenden Road, Camperdown, and Queen's Wharf.

Omnibuses shall start from Missenden Road, west side, opposite north end of Presbyterian College, for Queen's Wharf, at 7.30 a.m. and every 30 minutes to 9 p.m.; and shall start from Queen's Wharf for Missenden Road at 8 a.m. and every 30 minutes to 9.30 p.m. And each omnibus shall perform the journey to and from Queen's Wharf and Missenden Road in 23 minutes, and the parts of the journey as follows:—

- From Missenden Road, opposite north end of Presbyterian College, to Glebe Point Road, in 6 minutes.
- „ Glebe Point Road to Railway Bridge, in 4 minutes.
- „ Railway Bridge to Liverpool-street, in 4 minutes.
- „ Liverpool-street to "Royal Hotel," in 4 minutes.
- „ "Royal Hotel" to Queen's Wharf, in 5 minutes.
- „ Queen's Wharf to "Royal Hotel," in 5 minutes.
- „ "Royal Hotel" to Liverpool-street, in 4 minutes.
- „ Liverpool-street to Railway Bridge, in 4 minutes.
- „ Railway Bridge to Glebe Point Road, in 4 minutes.
- „ Glebe Point Road to Missenden Road, opposite north end of Presbyterian College, in 6 minutes.

TIME TABLE for Omnibuses plying to and from Potts' Point and Pitt-street.

Omnibuses shall start from Macleay-street for Pitt-street at 8.15 a.m. and every five minutes to 9.15 a.m., and from 9.15 a.m. and every ten minutes to 8.5 p.m.; and shall start from Pitt-street for Macleay-street at 8.30 a.m. and every five minutes to 9.30 a.m., and from 9.30 a.m. and every ten minutes to 8.20 p.m. And each Omnibus shall perform the journey to and from Macleay-street and Pitt-street in 15 minutes, and the parts of the journey as follows:—

- From Macleay-street, at Albert-street, to Forbes-street, in 5 minutes.
- „ Forbes-street to Pitt-street, in 5 minutes.
- „ Pitt-street, at Park-street, to Bridge-street, in 5 minutes.
- „ Bridge-street to Park-street, in 5 minutes.
- „ Park-street, at Pitt-street, to Forbes-street, in 5 minutes.
- „ Forbes-street to Macleay-street, at Albert-street, in 5 minutes.

TIME-TABLE for Omnibuses plying to and from Buckland-street, Redfern, and Wynyard-square.

Omnibuses shall start from Buckland-street, at George-street, Redfern, for Wynyard-square at 8 a.m., and every 10 minutes to 9.40 p.m.; and shall start from Wynyard-square for Buckland-street, Redfern, from 8.20 a.m. to 10 p.m. every ten minutes. And each omnibus shall perform the journey to and from Buckland-street and Wynyard-square in 20 minutes, and the parts of the journey as follows:—

From Buckland-street to Regent-street at Cleveland-street, in 6 minutes.
 „ Cleveland-street to Railway Bridge, George-street, in 3 minutes.
 „ Railway Bridge to Liverpool-street, in 4 minutes.
 „ Liverpool-street to “Royal Hotel,” in 4 minutes.
 „ “Royal Hotel” to Wynyard-square, in 3 minutes.

From Wynyard-square to “Royal Hotel,” in 3 minutes.
 „ “Royal Hotel” to Liverpool-street, in 4 minutes.
 „ Liverpool-street to Railway Bridge, in 4 minutes.
 „ Railway Bridge, George-street, to Cleveland-street, in 3 minutes.
 „ Cleveland-street at Regent-street, to Buckland-street, in 6 minutes.

Passed by the Board of Metropolitan Transit Commissioners, this twenty-seventh day of June, in the year of our Lord one thousand eight hundred and seventy-seven.

JAMES MERRIMAN, Chairman.

(L.S.) MICHL. CHAPMAN, Commissioner.

EDMUND FOSBERY, Commissioner.

W. J. MERRIMAN, Registrar.

1876-7.

NEW SOUTH WALES.

NEWCASTLE PAVING AND PUBLIC VEHICLES
REGULATION ACT.

(BY-LAWS UNDER FOR LICENSING PUBLIC VEHICLES.)

Presented to Parliament, pursuant to Act 39 Vict. No. 36, sec. 9.

Colonial Secretary's Office.
Sydney, 22nd February, 1877.

BOROUGH OF NEWCASTLE.

BY-LAWS.

The following By-laws made by the Council of the Borough of Newcastle for the regulation of public vehicles within the Municipality, having been confirmed by His Excellency the Governor, with the advice of the Executive Council, are published in accordance with the requirements of the "Newcastle Paving and Public Vehicles Regulation Act," 39 Victoria No. 36.

JOHN ROBERTSON.

PART II.

As to the Regulation of Public Vehicles.

Who requires to be licensed.

1. Every proprietor, driver, or conductor, of every omnibus, coach, cab, or other public vehicle carrying passengers, or plying for hire, within the city of Newcastle, shall pay to the Council thereof the charge or sum noted in the Schedule hereunto annexed and marked C.

A requisition must be sent for Licenses.

2. Before any license shall be granted to the owner, driver, or conductor of any vehicle, the person requiring such license shall obtain from the Council Clerk, free of charge, a requisition in the form of the Schedule hereunto annexed and marked A, or to the like effect, and shall duly fill up and sign the same and deliver it, with a certificate from two respectable persons, stating that the applicant for a license is of good character, of the required age, and competent for the position under the license applied for, to the Council Clerk at least forty-eight hours before the time appointed for the granting of such licenses by such Borough Council aforesaid.

No license to be granted or renewed for vehicle in bad condition.

3. No license for any vehicle shall be granted or renewed unless the vehicle, horse or horses, and harness shall have been examined by the Inspector or other person appointed by the Council, and reported by him in writing to be in a fit state to be licensed; and no license shall be granted in respect of any vehicle which, in the opinion of the said Council, shall be unsafe, in bad repair, or otherwise unfit for the accommodation and conveyance of passengers, or for the conveyance of goods or merchandise.

License only gives authority to ply for hire.

4. Every person holding an authority or license from the Council as such proprietor, driver, or conductor, according to the form hereunto annexed and marked B, shall be permitted to ply for hire and carry passengers within the said city and vicinity of Newcastle for the term therein specified, but it shall

not be lawful for any person to ply for hire or carry passengers as aforesaid until having obtained the said authority or license to do so.

As to payment.

5. The charge or fee hereinafter specified in the Schedule hereunto annexed and marked C shall be paid in advance, commencing on the first day of January, and ending on the thirty-first day of December in each and every year, or ratably, according to the date of the said authority or license, as in terms of Schedule C aforesaid; and the production of such authority or license shall free the vehicle numbered therein, or its owner, driver, or conductor, as such authority or license produced shall represent, from all other charges by this Council, except fines, or in the case of vehicles, tolls, which may hereafter be imposed during the current year or the period therein specified.

Pre-payment of license or penalty.

6. The driver of every omnibus, coach, cab, or other public vehicle plying for hire or carrying passengers within or through any part of the city of Newcastle, shall previous to doing so pay unto the said Council Clerk the charge or fee therein provided; and any person found plying for hire or carrying passengers in the city of Newcastle (except in conveyances hired by any person or persons for an especial occasion, and who shall not take up or set down passengers other than the said hirers during their journey or route), shall forfeit and pay for every such offence any sum not more than one pound nor less than ten shillings; and in case of a second conviction within six months the full penalty imposed by the 62nd By-law hereinafter expressed.

Public vehicle.

7. Every public vehicle driven to or from any public stand which may be appointed by the Council, or shall be employed in carrying passengers to or through the city, shall be deemed and taken to be a public vehicle plying for hire; and its owner or owners and driver and conductor must comply with all the conditions imposed by these By-laws.

License to continue in force until 31st December in each year.

8. Every license granted under these By-laws shall be in force from the date of such license up to and including the thirty-first day of December then next ensuing, and no such license shall include more than one vehicle: Provided if by accident any vehicle shall become unfit for use, it shall be lawful for the owner thereof during such reasonable time as it shall be undergoing repair, to use another vehicle as a substitute; but the substitute shall in all respects, except as to a license, be subject to these By-laws in the same manner as if a license had been granted for it, and the owner using it shall be liable for any non-compliance with these By-laws in respect thereof, as if it had been licensed. In order to entitle an owner to the benefit of the above provision, he shall before using such substitute give notice of his intention to do so in writing to the Inspector, stating the true cause of his being compelled to use such substitute and the period during which it will be necessary to do so; and no such substitute shall be used until it shall have been inspected and approved of by the Inspector, or for a longer period than fixed by a certificate, to be signed by the Inspector and delivered to the owner.

Licenses and renewals.

9. Licenses shall be made out in duplicate by the Council Clerk and numbered in such order as the Council shall from time to time direct; and all such licenses may be renewed at the end of every year by endorsement under the hand of the Council Clerk: Provided that the applicant for such renewal shall have been reported by the Inspector as having conducted his business creditably and satisfactorily.

Who deemed owner.

10. The person or persons in whose name a license shall appear on the books of the Council Clerk shall be deemed the owner of the vehicle in respect of which such license shall have been issued.

Change of residence to be notified.

11. Whenever any person named as the owner or one of the owners, driver, or conductor of a licensed vehicle, shall change his place of abode, he shall within two days next after any such change, give notice thereof in writing signed by him to the Council Clerk, specifying his new place of abode, and the same shall be endorsed upon the license granted to such owner, driver, or conductor, and entered in the Council Clerk's book.

Driver or conductor not to part with license.

12. Every driver or conductor shall deliver to the owner employing him the duplicate of his license, but he shall not lend or otherwise part with his original license on any pretence whatsoever. No owner of any such vehicle shall employ an unlicensed person as the driver or conductor thereof or without receiving from such licensed driver or conductor the duplicate of the license held by him, which duplicate the said owner shall hold during the term of such person's employment by him, and on discharging any such person he shall return to him the said duplicate.

Council may order inspection.

13. The Council may as often as they shall deem it necessary, cause an inspection to be made of all or any licensed vehicles, and of the harness, and horse or horses used in drawing the same; and if any such vehicle, horse or horses, or harness shall be found by them in their opinion unfit for public use, notice in the form or to the effect contained in the Schedule hereunto annexed marked L shall be given to the owner of such vehicle; and if after such notice he shall use or let for hire, or suffer to be used or let for hire, such vehicle, horse, horses, or harness, as the case may be, before the same shall be in their opinion in condition fit for public use, the Council may suspend for such time as they may deem proper the license of such vehicle, and in case the owner shall neglect or refuse to attend with his licensed vehicle, horse or horses, and harness before the Council, or any duly appointed person acting on their behalf, when he shall be called upon for that purpose, the Council may suspend the license of such vehicle.

Lamps to be lighted.

14. Every licensed vehicle shall be provided with a lamp on each side of the same, outside, and the driver of the same when plying for hire between sunset and sunrise shall light and keep such lamps lighted; and the conductor of an omnibus shall also, between the hours of sunset and sunrise, light and keep lighted the lamp inside such omnibus.

Stands as in Schedule.

15. The places specified in Schedules E, H, and I hereunto annexed, and such other places as from time to time the Council may proclaim and publish, are and shall be considered as duly appointed public stands for licensed vehicles.

Space to be left between every fourth vehicle.

16. At every fourth vehicle on every stand there shall be left a space of at least eight feet for passengers to pass through.

Taking up or setting down of passengers.

17. The driver of any vehicle taking up or setting down passengers at any place of public worship or public amusement or at any public meeting within the city and vicinity of Newcastle, or who is waiting for any of those purposes, shall obey the direction of the Inspector or other officer of the Council who may be appointed for such purpose, as to the taking up or setting down or waiting for any passengers, and as to the order and place in which any vehicle shall stand; and every driver shall perform his part in a careful and quiet manner, and shall not push into or get out of the line or position fixed for the vehicles so as to endeavour to arrive at his place of destination before any other vehicle, the driver thereof from its position would have a prior right to take up or set down passengers.

Mode of feeding horses.

18. The driver of every licensed vehicle shall place a muzzle upon the head of any vicious horse while on the stand; and whilst feeding his horse or horses shall use nose-bags to contain the forage, and shall not remove his horses' blinkers during the time of feeding.

Loitering not allowed.

19. No driver of any vehicle shall suffer the same to stand or loiter alongside any other vehicle in taking up or setting down any person, or wilfully, wrongfully, or forcibly prevent or endeavour to prevent the driver of any other vehicle from taking a fare.

No negligence permitted, or abusive language from driver or passenger.

20. No driver or conductor shall, while 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 behaviour, or shall be intoxicated, or make use of any threatening, obscene, blasphemous, abusive, or insulting language, sign, or gesticulation, but shall at all times be sober and careful in the discharge of his duties. No person using a licensed vehicle shall wilfully injure the same or damage the person or property of any person or be guilty of any breach of the peace, misconduct, or behaviour, or shall be intoxicated, or make use of any blasphemous, abusive, or insulting language, sign, or gesticulation.

Not to stand longer than necessary.

21. No driver shall, except whilst standing on an appointed stand, permit his vehicle, with or without horses, to stand in any part of the city longer than may be absolutely necessary for loading or unloading, or for taking up or setting down any passengers, nor shall he cause any obstruction in any part of the city and vicinity of Newcastle.

Driver to keep near side of road.

22. Every driver of any vehicle shall keep the same on the left or near side of the road, except in case of actual necessity, and shall permit any other vehicle to pass having the right so do, and when about to stop shall raise his whip straight up, so as to warn the driver of any vehicle that may be behind.

Driver to turn vehicle at walk.

23. The driver of every vehicle requiring to turn for the purpose of proceeding in an opposite direction on any street, road, or lane in the city and vicinity of Newcastle, shall bring the horse or horses to a walking pace before commencing to turn, and shall also go at the same pace in turning the corner of any street.

Condition of vehicle.

24. The owner of every vehicle shall at all times when the same is plying for hire, make and keep it clean, strong, and in good order in all respects, and if with windows they shall be sound and unbroken, with the leathers or lifts suitably attached to the frames. The horse or horses shall be able and sufficient for their work, free from disease, and properly broken into harness; the harness for each horse must be perfect, good and sufficient for the purpose; and every driver or conductor shall be clean in his person, and wear a good hat and other clean and respectable clothes, and conduct himself in a proper and decorous manner.

Smoking not allowed.

25. No driver or conductor shall smoke tobacco or other thing whilst driving or conducting any licensed vehicle engaged on any fare, nor shall any passenger smoke on any vehicle without the consent of the driver or against the wish of any other passenger, and in no case shall any smoking be allowed inside of any omnibus. No conductor shall enter any omnibus nor mount on the top of it whilst performing his journey, for the purpose of collecting any fares, or for any other purpose, or permit any person to stand on the steps or monkey-board whilst he shall be conducting.

No person to drive without consent of owner.

26. No person except the driver or conductor of a licensed vehicle (authorized by the owner of such vehicle) shall drive or conduct the same. No driver or conductor shall suffer or permit any other person to act as driver or conductor of such

vehicle without the consent of the owner; neither shall the driver or conductor of any vehicle leave the same when plying for hire without sufficient cause shown; and no person shall tout or solicit passengers for him.

Not to neglect to take fare agreed on.

27. No owner or driver of any licensed vehicle having agreed to take a fare from any place at any time shall delay, neglect, or refuse to do so.

By-laws to be given to licensed persons.

28. Every person obtaining a license under these By-laws shall at the time of receiving his license have given to him, without charge, a copy of these By-laws, each such copy to be signed by the Council Clerk, and to have the name of the owner, driver, or conductor, to whom the same shall be delivered, with the number of the license written distinctly thereon, and such owners, drivers, or conductors respectively shall at all times have such copy of By-laws ready for production, and shall upon request produce the same for any person using or hiring any vehicle; and every driver or conductor shall at all times have his original license and produce the same when required by any person as aforesaid, or to the Inspector of the Council, or to any Justice of the Peace, or Inspector of Police requiring the same.

The register of licenses.

29. Every owner, driver, and conductor on receiving his license shall sign a copy purporting to be such, and acknowledging the receipt of the original license, which copy shall be kept by the Council Clerk, and the production of which on any proceeding for breach of these By-laws shall be sufficient evidence that the person so signing it is in fact the person to whom such original license was issued.

OMNIBUS REGULATIONS.

Omnibus.

30. Every omnibus for which a license shall hereafter be granted shall be of such dimensions as may be sanctioned by the Council, and shall be provided with the fittings and furniture and have painted on it the words, figures, and notices detailed and described as follows:—

Fittings and furniture.

The outside seats when not of the rustic pattern, and all inside seats, shall be furnished with good cushions.

Springs shall be provided to all window frames of an approved pattern effective to prevent noise.

Waterproof aprons shall be provided, sufficient to cover the legs of all outside passengers.

A bell or check-string to warn the driver to stop when required.

Two lamps outside, one on each side of the omnibus, of the colour prescribed for the line of road on which it shall ply; one lamp inside.

A sliding panel or flag with the words "Full inside" painted thereon on both sides, which the conductor shall hoist into position at the rear, near the top of the omnibus, and keep hoisted so long and so often as the omnibus shall contain its licensed number of passengers.

The number of the license in black figures on the outside lamps.

The number of the license four inches long and of proportionate width upon or near the driver's seat, and upon the panel of the door on the outer side.

The fare and name of the owner on the outside of the door.

The name of the stands between which it shall be licensed to ply on each external side, clear of the wheels also.

There shall be painted also on each omnibus on the end panel inside, in a conspicuous place, the names of the stands between which it shall be licensed to ply, the licensed number of passengers, the time of journey, the fare and name of the owner, except where otherwise directed. All the above words and figures to be not less than two inches in length, free from flourishes or intricate designs, and of a colour opposite to and contrasting with the ground on which they shall be painted. No alteration shall be made in any of the above without notice to the Inspector and the approval of the Council: Provided that no alteration in the colour of the body of the omnibus shall be enforced until it shall require to be painted: Provided also that it shall not be lawful for the owner, driver, or conductor of any omnibus to suffer any notice, advertisement, or printed bill, or any names, letters, or numbers to appear upon the outside or inside thereof, without the consent of the Council previously obtained.

Not to carry a greater number than licensed for.

31. No driver or conductor shall admit to the inside or allow on the outside of any omnibus at any time a greater number of passengers than the number it shall be licensed to carry inside or outside, as the case may be; and no omnibus shall be licensed for more passengers than the same will accommodate upon fit

seats properly cushioned, allowing for each passenger a space of eighteen inches, measuring in a straight line lengthwise on the front of each seat, nor shall any vehicle be taken off the line for which it shall be licensed: Provided that no child under five years of age, sitting on the lap, shall be deemed to be a passenger within the meaning of these By-laws; no passenger to carry more than one child.

Omnibuses to start in rotation.

32. The time of starting shall be according to the tables in Schedule K. The first omnibus to start on one day shall be the last on the next, and the others in their order starting earlier by the interval appointed between any two omnibuses on such stand; and each owner shall furnish an omnibus to perform the journeys in every turn that falls to him, so as to keep a continuous rotation daily.

Line of road and time to be kept.

33. Every omnibus shall on each line of road start from its stand, and complete its journey and the parts thereof to its other stand, if any, for such road in the times shown in said Schedule K without turning round or leaving the proper line of road from one stand to the other, as shown in the license for such omnibus.

Alterations to be allowed by the Mayor.

34. The Mayor for the time being shall be at liberty to grant permission to the owner or driver of any licensed omnibus to leave the line of road for which such vehicle is licensed, and ply the same from any place not being the appointed road, and may also grant permission for any alteration of the timetable for such period as he may deem necessary and advisable to be made. All such permissions so granted to be revocable at the will of the Mayor for the time being.

Blowing of horns, &c., prohibited.

35. No driver or conductor of any omnibus whilst standing at a public stand, or in any part of the city and vicinity of Newcastle, shall endeavour to attract notice by ringing of bells, blowing of horns, or other instruments, nor deceive any person in respect of the route or destination thereof by word or sign, nor shall the driver or conductor of any vehicle endeavour to attract notice by shouting on Sunday whilst standing on a public stand or in any part of the city and vicinity of Newcastle.

Passing.

36. No omnibus shall pass any other in the city and vicinity of Newcastle, proceeding in the same direction from or to the same stand, if the latter be proceeding on its journey at a pace faster than a walk.

Fare to be paid on demand.

37. Any person having taken his seat in or upon an omnibus shall pay the fare when demanded after the commencement of his journey. The owner of every omnibus plying for hire shall provide the same with a licensed driver and a licensed conductor.

CARRIAGE REGULATIONS.

Carrying capacities of carriages and cabs.

38. The number of the license granted for every hackney carriage or cab shall be painted in figures not less than two inches in height and of proportionate breadth, of a colour to contrast with the colour of the ground on which it shall be painted, outside on the panels of the door on any hackney carriage, and on the sides or the boot of any cab, and upon each lamp upon any of the aforesaid vehicles the same number of the same size shall be painted black, and all the aforesaid numbers shall be kept legible and undefaced during all the time such vehicle shall ply or be used for hire. The drivers of such vehicles respectively shall be bound to take if required, exclusive of the driver, four persons inside and one outside a hackney carriage, or two persons inside a hansom cab. The driver shall not be obliged to take any luggage, except carpet-bags, parcels, or packages, to be carried in the hand or between the feet of the passengers, such luggage not to exceed fifty pounds in weight, being clean and of such a description as might be placed inside or outside the vehicle without injuring the same; and the driver shall be entitled to claim one shilling for every additional fifty pounds weight or portion thereof as carried; but the person hiring such vehicle shall be allowed to have a reasonable quantity of luggage, not exceeding eighty-four pounds in weight, for each person short of the aforesaid number. Whenever the number of persons carried shall exceed that named for such vehicles respectively, the driver shall be entitled to charge by time or distance, as the hiring may be, one-third more of fare for each adult or two children over five and under fifteen years of age. Further, the driver shall not allow any person to ride, drive, or be carried in or upon such vehicle without the consent of the hirer.

Number of carriage and fare to be fixed inside.

39. The number of the license of every carriage, on a card six inches by three, printed in clear, plain, legible figures, and the tables of fares to be fixed by the Council, shall be affixed at the back part of the panel inside of such carriages, or in such other place as the Council may direct, and such card shall be kept so affixed legible and undefaced during all the time the carriage shall ply or be used for hire. No owner or driver of a licensed hackney carriage or cab shall demand, receive, or take, more than the several fares set forth in the Schedule hereunto annexed and marked F.

Driver to draw to near side to put down.

40. Every driver of a carriage while engaged in taking up or setting 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 in a line parallel with the kerbstone at which the taking up or setting down is required: Provided that he shall put down or take up on his near side.

Detention.

41. If the driver of any carriage hired by distance be kept waiting in the course of the drive or journey above fifteen minutes for the purpose of returning, he shall receive for every fifteen minutes of such detention after the first, if driving a carriage one shilling, if a cab eightpence.

Fares to be paid for vehicle sent for but not used.

42. Any person calling or sending for a carriage and not further employing the same shall pay as follows:—For a hackney carriage, one shilling; for a cab, ninepence, or the fare from the stand or place from which the carriage was engaged, at the driver's option. And if the person calling the carriage shall detain the same more than five minutes he shall pay for any time it may be detained not exceeding a quarter of an hour—if a hackney carriage ninepence, if a cab sixpence, and any further time in the same proportion.

Distance, how computed.

43. 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. In case of disputes as to the fare to be calculated by distance, any table or book signed by the Council Clerk shall on proof of such signature be deemed and taken to be conclusive evidence as to all the distances therein stated to have been measured by authority of the Council or Council Clerk.

Fares to be paid when demanded.

44. Any person having hired a licensed carriage shall pay the legal fare when demanded.

DRAY REGULATIONS.

Persons not to ride on dray without rein.

45. No owner, driver, or any person having the care or charge of any dray drawn by one or more horses or other animals, shall ride thereon unless he shall be provided with sufficient reins or if such dray shall be loaded; and no block dray shall be allowed to proceed out of a walking pace.

Property left on dray.

46. In every case of goods or merchandise being left on any licensed dray or with the owner thereof, by any person having hired or 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 shall have been found to the office of Council Clerk, and there deposited.

Not to carry more than one ton.

47. No owner or driver shall at any one time carry on any licensed dray, having only two wheels and drawn by one horse, a greater weight than twenty-five hundred weight.

Detention.

48. Whenever any dray hired by the load or distance shall be detained with the same more than fifteen minutes, the hirer shall pay for every fifteen minutes after the first sixpence extra, and so on in proportion for any longer period.

How number to be placed on dray.

49. The number of the license granted for every dray shall be painted white on a ground of black, or the reverse, on the sides thereof in a conspicuous place, in figures not less than three inches in height and of proportionate breadth, with the letters N.B.C. of the same colour immediately above the figures, and the driver or owner of such dray shall at all times keep the same legible and undefaced.

Not to demand more than legal fare.

50. No owner or driver of any dray shall demand, receive, or take more than the several fares or amounts fixed by the Council by these By-laws.

Fares for sending for, but not employing dray.

51. Any person calling or sending for any licensed dray, and not further employing the same, shall pay the sum of one shilling or the fare or hire from the stand where the dray was engaged, at the driver's option; he shall further pay for any time that the dray 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 at the rate of sixpence for every quarter of an hour.

Distance, how computed.

52. The distance shall be computed from the stand or place where the dray was hired.

To pay legal fare when demanded.

53. Any person having hired a dray shall pay the legal fare when demanded.

Stands.

54. The places enumerated in the Schedules hereunto annexed and marked E, are hereby appointed public stands for drays.

Drays not to stand across streets.

55. No driver of any licensed dray shall suffer the same to stand for hire across any street except as directed by the Inspector, or alongside any other vehicle, or refuse to give way if he can conveniently to any other vehicle, nor obstruct the driver of any other dray in loading or unloading any goods or merchandise, or wilfully, wrongfully, or forcibly prevent or endeavour to prevent the driver of any vehicle from taking a fare or hiring.

MISCELLANEOUS REGULATIONS.

Property found in vehicles.

56. The driver of any carriage and conductor of every omnibus shall carefully examine his vehicle immediately after setting down his fare, and in every case of property having been left in any vehicle by any person having used or hired the same, such property, if found by another passenger or other person, shall be delivered to the driver, or conductor, who shall deliver the same, with any other such property found by him, within eighteen hours after such finding, to the Council Clerk, at the office of the Council, and there deposit it.

Additional fare after 9 p.m. and before 5 a.m.

57. For so much of every drive by time or distance, as may be performed by any vehicle not an omnibus, after nine o'clock at night and before five o'clock in the morning, an addition of one-half the ordinary fare shall be paid with such ordinary fare; and in case of an omnibus the charge shall be double the ordinary fare between the abovementioned hours.

Information may be laid on behalf of complainants.

58. It shall be lawful for the Inspector, on receiving a communication from the owner, driver, or conductor of any licensed vehicle, or from any person using or intending to use, or hiring or intending to hire any such vehicle, that any of these By-laws have been disobeyed, to cause the person against whom the said complaint shall have been made, to be summoned before the Justices.

Vehicle on a stand bound to take fare.

59. Every owner or driver of any vehicle, except an omnibus, plying for hire at any public stand appointed by the authority of the Council, or at any other place, when soliciting engagement by word or sign, shall be deemed to be disengaged, and bound accordingly to take immediately any fare, notwithstanding any pre-engagement: Provided however that no person shall be bound to take such fare unless the person requiring the same shall upon demand tender and pay the legal fare for the required hiring there and then.

Inspectors may be appointed.

60. Such person or persons as may from time to time be in that behalf appointed by the Council, shall be Inspector or Inspectors, during the pleasure of the Council, of all licensed vehicles plying for hire in the city and vicinity of Newcastle, and such Inspector or Inspectors shall every three months examine all such vehicles and report to the Council on the same; and shall at all times see that as far as possible the By-laws are duly observed; and any such Inspector or Inspectors shall have power to order from any stand, or from being driven or used or hire any vehicle which, with horse or horses or harness attached thereto, upon examination, shall not be in a proper and cleanly state, and in all respects in accordance with the By-laws fit for work; and every owner, driver, or conductor shall comply with the orders and directions so given.

Obstruction of Inspectors prohibited.

61. No owner, driver, or conductor, or other person shall obstruct or hinder any such Inspector in the execution of his duties, or refuse to comply with any lawful order or direction to be given by him in relation to these By-laws.

Penalty.

62. For any offences against the provisions of these By-laws the offender shall be liable to and shall pay a penalty of not exceeding ten pounds nor less than five shillings.

SCHEDULE A.

PART II.

A Requisition for license to the Borough Council of the City of Newcastle.

I _____ residing _____ do hereby request that a License be granted to me to _____ No. _____ within the said city and vicinity of Newcastle.

B.

This is to certify that _____ is hereby licensed to a certain _____ No. _____ within the city and vicinity of Newcastle, from the date hereof to the thirty-first day of December next ensuing, subject nevertheless to all and every the By-laws, Rules, and Regulations in force relating thereto.

Build	} Council Clerk of the Borough of Newcastle.
Colour	
Lining	
Name	
Stand	
Road	

C.

License Fees.

	On and after 1st Jan. in each year.	On and after 1st April.	On and after 1st July.	On and after 1st Oct.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Omnibuses	6 0 0	4 10 0	3 0 0	1 10 0
Omnibus 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	2 0 0	1 10 0	1 0 0	0 10 0
Drays	2 0 0	1 10 0	1 0 0	0 10 0

Drivers of cabs, carriages, and omnibuses... Yearly, 10s. each.
 Conductors

D.

DRAY FARES.

From any wharf, stand, or place in the city and vicinity of Newcastle, to a distance not exceeding half a mile 2 0
 For every additional half-mile 1 0
 The above fares are for merchandise and goods delivered to the driver at his dray, and not to exceed in weight twenty-five hundred.

The removal of household furniture shall be by the hour.
 For the first hour or part thereof 2 6
 For every additional half-hour or part thereof 1 3

E.

DRAY STANDS DULY APPOINTED.

In Scott-street, on the north side, between Watt and Bolton Streets.

F.

RATES AND FARES TO BE PAID FOR EVERY HACKNEY CARRIAGE (NOT AN OMNIBUS) WITHIN THE LIMITS OF THIS BY-LAW.

Fares by Time.
 Carriage—For any time not exceeding half-hour 2 3
 And for every additional half-hour or part thereof 2 3
 Cab—For any time not exceeding half-hour 1 6
 And for every additional half-hour 1 6

Fares by Distance.
 From any public stand to any distance not exceeding one mile:—
 Hackney carriage 1 6
 Cab 1 0

All fares beyond a distance of two miles from any stand to be paid by distance.

G.

OMNIBUS FARES.

From the stand or any place along the line of road between Newcastle and Junction, or returning from the same place Fare 6d.
 Newcastle to St. John's 3d.
 " to Wickham 3d.
 " to Hamilton 6d.
 " to Tighe's Hill 9d.

COLOUR OF LAMPS OF OMNIBUSES.

Junction and St. John's, White | Hamilton Blue
 Wickham Yellow | Tighe's Hill Red

H.

CARRIAGE AND CAB STANDS.

On the north side of Hunter-street, between Watt and Bolton Streets, in front of the Post Office, at the corner of Perkins and Hunter Streets.

I.

OMNIBUS STANDS.

On the north side of King-street, between Watt and Pacific Streets.

J.

SHOWING THE LINE OF ROADS TO AND FROM THE SAME.

From King-street (either by Watt or Bolton Streets, through Hunter-street, Blane, and Darby Streets), to Burwood Junction.

From King-street through Hunter and Blane Streets, to Wickham.

From King-street through Hunter, Blane, and Charlton Streets, to Hamilton.

From King-street through Hunter, Blane, and Charlton Streets, to Tighe's Hill.

K.

TIME.

From King-street to Burwood Junction at 9½ a.m., 10, 10½, 11, 11½, 12, 12½, 1 p.m., 2, 2½, 3, 3½, 4, 4½, 5, 5½, 6, 6½, 7, 7½, 8, 8½, 9, 9½.

From King-street to Wickham, Hamilton, and Tighe's Hill, the same.

But it shall be within the power of the Inspector to grant unto the owner of any vehicle permission to run journeys on Saturday nights and on any special occasions up to 11½ p.m., such permission to be revocable at the will of the Inspector and not to any way interfere with the conditions of the license otherwise than the observing of all By-laws and Regulations respecting the due conduct and condition of all owners, drivers, conductors, or vehicles.

L.

To Mr. _____ owner of the _____ numbered _____ Take notice that I, the duly appointed Inspector of Public Vehicles for the city of Newcastle, have this day examined your _____ and find it defective, it being _____ and I therefore prohibit the same from again being used or hired until the repairs above noted are made and approved of by me.

Newcastle 187 Inspector.

Made and passed by the Council of the Borough of Newcastle this thirteenth day of November, in the year of our Lord one thousand eight hundred and seventy-six.

(L.S.) F. J. SHAW, Mayor.

THO. H. RAWLING, Town Clerk, pro tem.